

REFERENCE TITLE: **early voting; weekend hours**

State of Arizona  
House of Representatives  
Fifty-sixth Legislature  
First Regular Session  
2023

## **HB 2120**

Introduced by  
Representatives Salman: Aguilar, De Los Santos, Gutierrez, Ortiz,  
Sandoval, Terech

**AN ACT**

**AMENDING SECTION 16-542, ARIZONA REVISED STATUTES; RELATING TO CONDUCT OF ELECTIONS.**

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 16-542, Arizona Revised Statutes, is amended to  
3 read:

4 16-542. Request for ballot; civil penalties; violation;  
5 classification

6 A. Within ninety-three days before any election called pursuant to  
7 the laws of this state, an elector may make a verbal or signed request to  
8 the county recorder, or other officer in charge of elections for the  
9 applicable political subdivision of this state in whose jurisdiction the  
10 elector is registered to vote, for an official early ballot. In addition  
11 to name and address, the requesting elector shall provide the date of  
12 birth and state or country of birth or other information that if compared  
13 to the voter registration information on file would confirm the identity  
14 of the elector. If the request indicates that the elector needs a primary  
15 election ballot and a general election ballot, the county recorder or  
16 other officer in charge of elections shall honor the request. For any  
17 partisan primary election, if the elector is not registered as a member of  
18 a political party that is entitled to continued representation on the  
19 ballot pursuant to section 16-804, the elector shall designate the ballot  
20 of only one of the political parties that is entitled to continued  
21 representation on the ballot and the elector may receive and vote the  
22 ballot of only that one political party, which also shall include any  
23 nonpartisan offices and ballot questions, or the elector shall designate  
24 the ballot for nonpartisan offices and ballot questions only and the  
25 elector may receive and vote the ballot that contains only nonpartisan  
26 offices and ballot questions. The county recorder or other officer in  
27 charge of elections shall process any request for an early ballot for a  
28 municipal election pursuant to this subsection. The county recorder ~~may~~  
29 **SHALL** establish on-site early voting locations at the recorder's office,  
30 which shall be open and available for use beginning the same day that a  
31 county begins to send out the early ballots. The county recorder may also  
32 establish any other early voting locations in the county the recorder  
33 deems necessary. **THE EARLY VOTING LOCATIONS, INCLUDING THE LOCATIONS AT**  
34 **THE RECORDER'S OFFICES, SHALL BE OPEN UNTIL 7:00 P.M. ON THE SATURDAY,**  
35 **SUNDAY AND MONDAY IMMEDIATELY PRECEDING ELECTION DAY.** Any on-site early  
36 voting location or other early voting location shall require each elector  
37 to present identification as prescribed in section 16-579 before receiving  
38 a ballot. Notwithstanding section 16-579, subsection A, paragraph 2, at  
39 any on-site early voting location or other early voting location the  
40 county recorder or other officer in charge of elections may provide for a  
41 qualified elector to update the elector's voter registration information  
42 as provided for in the secretary of state's instructions and procedures  
43 manual adopted pursuant to section 16-452.

1 B. Notwithstanding subsection A of this section, a request for an  
 2 official early ballot from an absent uniformed services voter or overseas  
 3 voter as defined in the uniformed and overseas citizens absentee voting  
 4 act ~~of 1986~~ (P.L. 99-410; 52 United States Code section 20310) or a voter  
 5 whose information is protected pursuant to section 16-153 that is received  
 6 by the county recorder or other officer in charge of elections more than  
 7 ninety-three days before the election is valid. If requested by the  
 8 absent uniformed services or overseas voter, or a voter whose information  
 9 is protected pursuant to section 16-153, the county recorder or other  
 10 officer in charge of elections shall provide to the requesting voter early  
 11 ballot materials through the next regularly scheduled general election for  
 12 federal office immediately following receipt of the request unless a  
 13 different period of time, which does not exceed the next two regularly  
 14 scheduled general elections for federal office, is designated by the  
 15 voter.

16 C. The county recorder or other officer in charge of elections  
 17 shall mail the early ballot and the envelope for its return postage  
 18 prepaid to the address provided by the requesting elector within five days  
 19 after receipt of the official early ballots from the officer charged by  
 20 law with the duty of preparing ballots pursuant to section 16-545, except  
 21 that early ballot distribution shall not begin more than twenty-seven days  
 22 before the election. If an early ballot request is received on or before  
 23 the thirty-first day before the election, the early ballot shall be  
 24 distributed not earlier than the twenty-seventh day before the election  
 25 and not later than the twenty-fourth day before the election.

26 D. Only the elector may be in possession of that elector's unvoted  
 27 early ballot. If a complete and correct request is made by the elector  
 28 within twenty-seven days before the election, the mailing must be made  
 29 within forty-eight hours after receipt of the request. Saturdays, Sundays  
 30 and other legal holidays are excluded from the computation of the  
 31 ~~forty-eight hour~~ FORTY-EIGHT-HOUR period prescribed by this subsection.  
 32 If a complete and correct request is made by an absent uniformed services  
 33 voter or an overseas voter before the election, the regular early ballot  
 34 shall be transmitted by mail, by fax or by other electronic format  
 35 approved by the secretary of state within twenty-four hours after the  
 36 early ballots are delivered pursuant to section 16-545, subsection B,  
 37 excluding Sundays.

38 E. In order to be complete and correct and to receive an early  
 39 ballot by mail, an elector's request that an early ballot be mailed to the  
 40 elector's residence or temporary address must include all of the  
 41 information prescribed by subsection A of this section and must be  
 42 received by the county recorder or other officer in charge of elections ~~π~~  
 43 NOT later than 5:00 p.m. on the eleventh day preceding the election. An  
 44 elector who appears personally ~~π~~ NOT later than 5:00 p.m. on the Friday  
 45 preceding the election at an on-site early voting location that is

1 established by the county recorder or other officer in charge of elections  
 2 shall be given a ballot after presenting identification as prescribed in  
 3 section 16-579 and shall be ~~permitted~~ ALLOWED to vote at the on-site  
 4 location. Notwithstanding section 16-579, subsection A, paragraph 2, at  
 5 any on-site early voting location the county recorder or other officer in  
 6 charge of elections may provide for a qualified elector to update the  
 7 elector's voter registration information as provided for in the secretary  
 8 of state's instructions and procedures manual adopted pursuant to section  
 9 16-452. If an elector's request to receive an early ballot is not  
 10 complete and correct but complies with all other requirements of this  
 11 section, the county recorder or other officer in charge of elections shall  
 12 attempt to notify the elector of the deficiency of the request.

13 F. Unless an elector specifies that the address to which an early  
 14 ballot is to be sent is a temporary address, the recorder may use the  
 15 information from an early ballot request form to update voter registration  
 16 records.

17 G. The county recorder or other officer in charge of early  
 18 balloting shall provide an alphabetized list of all voters in the precinct  
 19 who have requested and have been sent an early ballot to the election  
 20 board of the precinct in which the voter is registered not later than the  
 21 day before the election.

22 H. As a result of experiencing an emergency between 5:00 p.m. on  
 23 the Friday preceding the election and 5:00 p.m. on the Monday preceding  
 24 the election, qualified electors may request to vote in the manner  
 25 prescribed by the board of supervisors of their respective county. Before  
 26 voting pursuant to this subsection, an elector who experiences an  
 27 emergency shall provide identification as prescribed in section 16-579 and  
 28 shall sign a statement under penalty of perjury that states that the  
 29 person is experiencing or experienced an emergency after 5:00 p.m. on the  
 30 Friday immediately preceding the election and before 5:00 p.m. on the  
 31 Monday immediately preceding the election that would prevent the person  
 32 from voting at the polls. Signed statements received pursuant to this  
 33 subsection are not subject to inspection pursuant to title 39, chapter 1,  
 34 article 2. For the purposes of this subsection, "emergency" means any  
 35 unforeseen circumstances that would prevent the elector from voting at the  
 36 polls.

37 I. Notwithstanding section 16-579, subsection A, paragraph 2, for  
 38 any voting pursuant to subsection H of this section, the county recorder  
 39 or other officer in charge of elections may allow a qualified elector to  
 40 update the elector's voter registration information as provided for in the  
 41 secretary of state's instructions and procedures manual adopted pursuant  
 42 to section 16-452.

43 J. A candidate, political committee or other organization may  
 44 distribute early ballot request forms to voters. If the early ballot  
 45 request forms include a printed address for return, the addressee shall be

1 the political subdivision that will conduct the election. Failure to use  
2 the political subdivision as the return addressee is punishable by a civil  
3 penalty of up to three times the cost of the production and distribution  
4 of the request.

5 K. All original and completed early ballot request forms that are  
6 received by a candidate, political committee or other organization shall  
7 be submitted within six business days after receipt by a candidate,  
8 political committee or other organization or eleven days before the  
9 election day, whichever is earlier, to the political subdivision that will  
10 conduct the election. Any person, political committee or other  
11 organization that fails to submit a completed early ballot request form  
12 within the prescribed time is subject to a civil penalty of up to \$25 per  
13 day for each completed form withheld from submittal. Any person who  
14 knowingly fails to submit a completed early ballot request form before the  
15 submission deadline for the election immediately following the completion  
16 of the form is guilty of a class 6 felony.

17 L. Except for a voter who is on the active early voting list  
18 prescribed by section 16-544, a voter who requests a onetime early ballot  
19 pursuant to ~~THIS~~ section ~~16-542~~ or for an election conducted pursuant to  
20 section 16-409 or article 8.1 of this chapter, a county recorder, city or  
21 town clerk or other election officer may not deliver or mail an early  
22 ballot to a person who has not requested an early ballot for that  
23 election. An election officer who knowingly violates this subsection is  
24 guilty of a class 5 felony.