

\*Sponsorship has changed since the bill was introduced

CORRECTED Jan 30 2023

REFERENCE TITLE: active early voting lists; removal

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

## HB 2415

\*Introduced by  
Representatives Biasiucci: Bliss, Carbone, Carter, Chaplik, Cook, Diaz,  
Gillette, Heap, Jones, Livingston, Marshall, McGarr, Nguyen, Parker J,  
Smith, Wilmeth, Senators Borrelli, Carroll

AN ACT

AMENDING SECTION 16-544, ARIZONA REVISED STATUTES; RELATING TO EARLY  
VOTING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 16-544, Arizona Revised Statutes, is amended to  
3 read:

4 16-544. Active early voting list; civil penalty; violation;  
5 classification; definition

6 A. Any voter may request to be included on a list of voters to  
7 receive an early ballot by mail for any election for which the county  
8 voter registration roll is used to prepare the election register. The  
9 county recorder of each county shall maintain the active early voting list  
10 as part of the voter registration roll.

11 B. In order to be included on the active early voting list, the  
12 voter shall make a written request specifically requesting that the  
13 voter's name be added to the active early voting list for all elections in  
14 which the applicant is eligible to vote. An early voter request form  
15 shall conform to requirements prescribed in the instructions and  
16 procedures manual issued pursuant to section 16-452. The application  
17 shall allow for the voter to provide the voter's name, residence address,  
18 mailing address in the voter's county of residence, date of birth and  
19 signature and shall state that the voter is attesting that the voter is a  
20 registered voter who is eligible to vote in the county of residence. The  
21 voter shall not list a mailing address that is outside of this state for  
22 the purpose of the active early voting list unless the voter is an absent  
23 uniformed services voter or overseas voter as defined in the uniformed and  
24 overseas citizens absentee voting act (P.L. 99-410; 52 United States Code  
25 section 20310). In lieu of the application, the applicant may submit a  
26 written request that contains the required information.

27 C. On receipt of a request to be included on the active early  
28 voting list, the county recorder or other officer in charge of elections  
29 shall compare the signature on the request form with the voter's signature  
30 on the voter's registration form and, if the request is from the voter,  
31 shall mark the voter's registration file as an active early ballot  
32 request.

33 D. Not less than ninety days before any polling place election  
34 scheduled in March or August, the county recorder or other officer in  
35 charge of elections shall mail to all voters who are eligible for the  
36 election and who are included on the active early voting list an election  
37 notice by nonforwardable mail that is marked with the statement required  
38 by the postmaster to receive an address correction notification. If an  
39 election is not formally called by a jurisdiction by the one hundred  
40 eightieth day before the election, the recorder or other officer in charge  
41 of elections is not required to send the election notice. The notice  
42 shall include the dates of the elections that are the subject of the  
43 notice, the dates that the voter's ballot is expected to be mailed and the  
44 address where the ballot will be mailed. If the upcoming election is a  
45 partisan open primary election and the voter is not registered as a member

1 of one of the political parties that is recognized for purposes of that  
2 primary, the notice shall include information on the procedure for the  
3 voter to designate a political party ballot. The notice shall be  
4 delivered with return postage prepaid and shall also include a means for  
5 the voter to do any of the following:

6 1. Change the mailing address for the voter's ballot to another  
7 location in the voter's county of residence.

8 2. Update the voter's residence address in the voter's county of  
9 residence.

10 3. Request that the voter not be sent a ballot for the upcoming  
11 election or elections indicated on the notice.

12 E. If the notice that is mailed to the voter is returned  
13 undeliverable by the postal service, the county recorder or other officer  
14 in charge of elections shall take the necessary steps to contact the voter  
15 at the voter's new residence address in order to update that voter's  
16 address or to move the voter to inactive status as prescribed in section  
17 16-166, subsection A. If a voter is moved to inactive status, the voter  
18 shall be removed from the active early voting list. If the voter is  
19 removed from the active early voting list, the voter shall only be added  
20 to the active early voting list again if the voter submits a new request  
21 pursuant to this section.

22 F. Not later than the first day of early voting, the county  
23 recorder or other officer in charge of elections shall mail an early  
24 ballot to all eligible voters included on the active early voting list in  
25 the same manner prescribed in section 16-542, subsection C. If the voter  
26 has not returned the notice or otherwise notified the election officer  
27 within forty-five days before the election that the voter does not wish to  
28 receive an early ballot by mail for the election or elections indicated,  
29 the ballot shall automatically be scheduled for mailing.

30 G. If a voter who is on the active early voting list is not  
31 registered as a member of a recognized political party and fails to notify  
32 the county recorder of the voter's choice for political party ballot  
33 within forty-five days before a partisan open primary election, the  
34 following apply:

35 1. The voter shall not automatically be sent a ballot for that  
36 partisan open primary election only and the voter's name shall remain on  
37 the active early voting list for future elections.

38 2. To receive an early ballot for the primary election, the voter  
39 shall submit the voter's choice for political party ballot to the county  
40 recorder.

41 H. After a voter has requested to be included on the active early  
42 voting list, the voter shall be sent an early ballot by mail automatically  
43 for any election at which a voter at that residence address is eligible to  
44 vote until any of the following occurs:

1           1. The voter requests in writing to be removed from the active  
2 early voting list.

3           2. The voter's registration or eligibility for registration is  
4 moved to inactive status or canceled as otherwise provided by law.

5           3. The notice sent by the county recorder or other officer in  
6 charge of elections is returned undeliverable and the county recorder or  
7 officer in charge of elections is unable to contact the voter to determine  
8 the voter's continued desire to remain on the list.

9           4. The voter fails to vote an early ballot in all elections for ~~two~~  
10 ~~consecutive~~ AN election ~~cycles~~ CYCLE. For the purposes of this paragraph,  
11 "election" means any regular primary or regular general election for which  
12 there was a federal race on the ballot or for which a city or town  
13 candidate primary or first election or city or town candidate second,  
14 general or runoff election was on the ballot. This paragraph does not  
15 apply to:

16           (a) A special taxing district that is authorized pursuant to  
17 section 16-191 to conduct its own elections.

18           (b) A special district mail ballot election that is conducted  
19 pursuant to article 8.1 of this chapter.

20           I. A voter may make a written request at any time to be removed  
21 from the active early voting list. The request shall include the voter's  
22 name, residence address, date of birth and signature. On receipt of a  
23 completed request to remove a voter from the active early voting list, the  
24 county recorder or other officer in charge of elections shall remove the  
25 voter's name from the list as soon as practicable.

26           J. An absent uniformed services voter or overseas voter as defined  
27 in the uniformed and overseas citizens absentee voting act (P.L. 99-410;  
28 52 United States Code section 20310) is eligible to be placed on the  
29 active early voting list pursuant to this section.

30           K. A voter's failure to vote an early ballot once received does not  
31 constitute grounds to remove the voter from the active early voting list,  
32 except that a county recorder shall remove a voter from the active early  
33 voting list if both of the following apply:

34           1. The county recorder or other officer in charge of elections  
35 complies with subsection M of this section.

36           2. The voter fails to vote using an early ballot in all of the  
37 following elections for ~~two consecutive~~ AN election ~~cycles~~ CYCLE:

38           (a) A regular primary and regular general election for which there  
39 was a federal race on the ballot.

40           (b) A city or town candidate primary or first election and a city  
41 or town candidate second, general or runoff election.

42           L. On or before January 15 of each odd-numbered year, the county  
43 recorder or other officer in charge of elections shall send a notice to  
44 each voter who is on the active early voting list and who did not vote an  
45 early ballot in all elections for ~~two consecutive~~ AN election ~~cycles~~ CYCLE

1 as prescribed by subsection K of this section. If the voter has provided  
2 the voter's telephone or mobile phone number or email address to the  
3 county recorder, the county recorder may additionally provide the notice  
4 to the voter by telephone call, text message or email. The notice shall  
5 inform the voter that if the voter wishes to remain on the active early  
6 voting list, the voter shall do both of the following with the notice  
7 received:

8 1. Confirm in writing the voter's desire to remain on the active  
9 early voting list.

10 2. Return the completed notice to the county recorder or other  
11 officer in charge of elections within ninety days after the notice is sent  
12 to the voter. The notice shall be signed by the voter and shall contain  
13 the voter's address and date of birth.

14 M. If a voter receives a notice as prescribed by subsection L of  
15 this section and the voter fails to respond within the ninety-day period,  
16 the county recorder or other officer in charge of elections shall remove  
17 the voter's name from the active early voting list.

18 N. A candidate, political committee or other organization may  
19 distribute active early voting list request forms to voters. If the  
20 active early voting list request forms include a printed address for  
21 return, that address shall be the political subdivision that will conduct  
22 the election. Failure to use the political subdivision as the return  
23 addressee is punishable by a civil penalty of up to three times the cost  
24 of the production and distribution of the active early voting list  
25 request.

26 O. All original and completed active early voting list request  
27 forms that are received by a candidate, political committee or other  
28 organization shall be submitted within six business days after receipt by  
29 a candidate or political committee or eleven days before the election day,  
30 whichever is earlier, to the political subdivision that will conduct the  
31 election. Any person, political committee or other organization that  
32 fails to submit a completed active early voting list request form within  
33 the prescribed time is subject to a civil penalty of up to \$25 per day for  
34 each completed form withheld from submittal. Any person who knowingly  
35 fails to submit a completed active early voting list request form before  
36 the submission deadline for the election immediately following the  
37 completion of the form is guilty of a class 6 felony.

38 P. A person who receives an early ballot at an address at which  
39 another person formerly resided, without voting the ballot or signing the  
40 envelope, shall write "not at this address" on the envelope and place the  
41 mail piece in a United States postal service collection box or other mail  
42 receptacle. On receipt, the county recorder or other officer in charge of  
43 elections shall proceed in the manner prescribed in subsection E of this  
44 section.

1           Q. When the county recorder receives confirmation from another  
2 county that a person registered has registered to vote in that other  
3 county, the county recorder shall remove that person from the active early  
4 voting list.

5           R. If the county recorder receives credible information that a  
6 person has registered to vote in a different county, the county recorder  
7 shall confirm the person's voter registration with that other county and,  
8 on confirmation, shall remove that person from the county's active early  
9 voting list pursuant to subsection Q of this section.

10          S. For the purposes of this section, "election cycle" means the  
11 two-year period beginning on January 1 in the year after a statewide  
12 general election or, for cities and towns, the two-year period beginning  
13 on the first day of the calendar quarter after the calendar quarter in  
14 which the city's or town's second, runoff or general election is scheduled  
15 and ending on the last day of the calendar quarter in which the city's or  
16 town's immediately following second, runoff or general election is  
17 scheduled, however that election is designated by the city or town.