

House Engrossed

early voting; absentee; military

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

HOUSE BILL 2785

AN ACT

AMENDING SECTIONS 16-126, 16-225, 16-228 AND 16-245, ARIZONA REVISED STATUTES; REPEALING SECTION 16-246, ARIZONA REVISED STATUTES; AMENDING SECTIONS 16-248, 16-411, 16-461, 16-510, 16-542 AND 16-543, ARIZONA REVISED STATUTES; REPEALING SECTION 16-544, ARIZONA REVISED STATUTES; AMENDING SECTIONS 16-545, 16-548 AND 16-549, ARIZONA REVISED STATUTES; AMENDING SECTION 16-550, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2022, CHAPTER 271, SECTION 2; AMENDING SECTION 16-552, ARIZONA REVISED STATUTES; RELATING TO ELECTIONS AND ELECTORS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 16-126, Arizona Revised Statutes, is amended to
3 read:

4 16-126. Authority to vote in presidential election after
5 moving from state

6 A. Each person who is properly registered as an elector in any
7 precinct in this state and who has begun residence in another state after
8 the thirtieth day immediately preceding an election in which presidential
9 electors are chosen shall retain ~~his~~ THE right to vote for presidential
10 electors to be elected, but for no other offices in such election. ~~Such~~
11 ~~vote may be cast by early ballot in the precinct from which he has~~
12 ~~removed, in person at the office of the county recorder or by mail.~~

13 ~~B. Ballots cast by early voting procedures pursuant to this section~~
14 ~~shall be in the form prescribed by the secretary of state.~~

15 ~~C.~~ B. All applicants pursuant to this section shall have their
16 registration canceled promptly following the election.

17 Sec. 2. Section 16-225, Arizona Revised Statutes, is amended to
18 read:

19 16-225. Special district election dates

20 A. Special districts as described in title 48, chapters 5, 6, 8, 10
21 and 13 through 16 shall not hold any election except on a date prescribed
22 by section 16-204.

23 B. The board of supervisors of the county in which the special
24 district or greater portion of the assessed valuation of the property in
25 the district is located shall call the election for the formation of
26 special districts in accordance with subsection A of this section.

27 C. The governing body of a special district shall call all other
28 elections for the district in accordance with subsection A of this section
29 and shall notify the board of supervisors and the officer in charge of
30 elections of the county in which the special district or greater portion
31 of the assessed valuation of the property in the district is located of
32 the purpose of the election.

33 ~~D. On notification of the officer in charge of elections and~~
34 ~~approval of the county board of supervisors, the governing body of a~~
35 ~~special district may authorize any special district election that is not~~
36 ~~held on a date prescribed by section 16-204 to be conducted by mail~~
37 ~~pursuant to chapter 4, article 8.1 of this title.~~

38 Sec. 3. Section 16-228, Arizona Revised Statutes, is amended to
39 read:

40 16-228. Notice of election for nonpartisan elections

41 A. The governing body shall publish a notice of election at least
42 twice in a newspaper of general circulation in the election district in
43 which a nonpartisan election is being held not less than one week apart
44 during the six calendar weeks preceding twenty days before the election.
45 If there is not a newspaper of general circulation in the election

1 district, the governing body shall post the call of election on the
2 governing body's public website and at other locations at which the
3 governing body customarily posts public notice of the governing body's
4 public meetings. This notice shall contain at least:

- 5 1. The date of the election.
- 6 2. The location of the polls.
- 7 3. The hours the polls will be open.
- 8 4. The purpose of the election.
- 9 5. The election district conducting the election.

10 B. In lieu of publishing the notice described in subsection A of
11 this section, the governing body may, and for a nonresident qualified
12 elector of any special district shall, mail a notice of election to each
13 household containing a qualified elector of the district. The notice
14 shall contain the same information described in subsection A, paragraphs
15 1, 4 and 5 of this section and the polling place for that household's
16 qualified electors and the times it is open. Mailings may be made over a
17 period of days but shall be mailed in order to be delivered to households
18 before the earliest date of mailing to registered voters of any requested
19 early ballots for that election.

20 ~~C. In mail ballot elections, the governing body shall publish a~~
21 ~~notice of election at least twice in a newspaper of general circulation in~~
22 ~~the special district in which the election is being held once a week~~
23 ~~during each of the two weeks immediately preceding the thirty days before~~
24 ~~the election. This notice shall contain at least:~~

- 25 ~~1. The date of the election.~~
- 26 ~~2. The date ballots will be mailed.~~
- 27 ~~3. The deadline and location for return of the ballots.~~
- 28 ~~4. The method for obtaining a replacement if a ballot is destroyed,~~
29 ~~lost, spoiled or not received.~~
- 30 ~~5. A statement that no polling place will be provided.~~
- 31 ~~6. The name of the district that is conducting the election.~~
- 32 ~~7. The qualifications of electors.~~

33 ~~D. In lieu of publishing the notice described in subsection C of~~
34 ~~this section, the governing body may, and for a nonresident qualified~~
35 ~~elector of any special district shall, mail a notice of election to each~~
36 ~~household containing a qualified elector of the district. The notice~~
37 ~~shall contain the same information described in subsection C of this~~
38 ~~section and shall be mailed not later than forty-five days before the~~
39 ~~election.~~

40 Sec. 4. Section 16-245, Arizona Revised Statutes, is amended to
41 read:

42 16-245. Form and content of ballot

43 A. Ballots and ballot labels for the presidential preference
44 election shall be printed on different colored paper or white paper with a
45 different colored stripe for each party represented on the presidential

1 preference election ballot. Only one party may be represented on each
2 ballot. At the top shall be printed "official ballot of the
3 _____ party, presidential preference election (date), county of
4 _____, state of Arizona".

5 B. The order of the names of certified candidates on the ballot
6 shall be determined by lots drawn at a public meeting called by the
7 secretary of state for that purpose. Rotation of candidate names is
8 prohibited. The certified candidates shall be listed under the title
9 "_____ party candidates for President of the United
10 States". Immediately below shall be printed "vote for not more than
11 one". The ballot may also contain printed instructions to voters as
12 prescribed for other elections.

13 C. The officer in charge of elections shall provide a sample ballot
14 proof to the state committee chairman of each qualified candidate's state
15 committee ~~no~~ NOT later than five days after ~~receipt of~~ RECEIVING the
16 certification from the secretary of state.

17 D. The officer in charge of elections shall mail one sample ballot
18 of each party represented on the presidential preference election ballot
19 to each household that contains a registered voter of that political party
20 ~~unless that registered voter is on the active early voting list~~
21 ~~established pursuant to section 16-544~~. The return address on the sample
22 ballot mailer shall not contain the name of any elected or appointed
23 official, and the name of an appointed or elected official shall not be
24 used to indicate who produced the sample ballot.

25 E. The mailing face of each sample ballot shall be imprinted with
26 the great seal of the state of Arizona with the words "official voting
27 materials – presidential preference election". The polling place for that
28 household may also be designated on the mailing face of the sample ballot.

29 Sec. 5. Repeal

30 Section 16-246, Arizona Revised Statutes, is repealed.

31 Sec. 6. Section 16-248, Arizona Revised Statutes, is amended to
32 read:

33 16-248. Designation of polling places

34 A. Not less than twenty days before a presidential preference
35 election, the board of supervisors shall designate a reasonable and
36 adequate number of polling places where the election shall be held.

37 B. The number of polling places for the presidential preference
38 election is to be determined according to the number of active registered
39 voters as of January 1 of the year of the presidential preference
40 election.

41 C. Each county with two hundred thousand or more active registered
42 voters shall determine the number of polling places for the presidential
43 preference election by using ~~no~~ NOT more than one-half of the number of
44 precincts as of January 1 of the year of the presidential preference
45 election.

1 D. Each county with less than two hundred thousand active
2 registered voters but ten thousand or more active registered voters shall
3 determine the number of polling places for the presidential preference
4 election by using ~~no~~ NOT more than one polling place for every two
5 thousand active registered voters as of January 1 of the year of the
6 presidential preference primary.

7 E. Each county with less than ten thousand active registered voters
8 shall determine the number of polling places for the presidential
9 preference election by using ~~no~~ NOT more than one polling place for every
10 one thousand active registered voters as of January 1 of the year of the
11 presidential preference election.

12 F. If ~~it is determined by~~ the secretary of state DETERMINES that
13 compliance with state and federal regulations would be jeopardized, the
14 secretary of state has the authority to release a county from the number
15 of polling places prescribed by this section.

16 G. This section does not apply to land located on an Indian
17 reservation.

18 ~~H. In precincts that contain fewer than three hundred active~~
19 ~~registered voters, the officer in charge of elections may conduct a~~
20 ~~presidential preference election by mail.~~

21 Sec. 7. Section 16-411, Arizona Revised Statutes, is amended to
22 read:

23 16-411. Designation of election precincts and polling places;
24 electioneering; wait times

25 A. The board of supervisors of each county, on or before October 1
26 of each year preceding the year of a general election, by an order, shall
27 establish a convenient number of election precincts in the county and
28 define the boundaries of the precincts as follows:

29 1. The election precinct boundaries shall be established so as to
30 be included within election districts prescribed by law for elected
31 officers of the state and its political subdivisions, including community
32 college district precincts, except those elected officers provided for in
33 titles 30 and 48.

34 2. If after October 1 of the year preceding the year of a general
35 election the board of supervisors must further adjust precinct boundaries
36 due to the redistricting of election districts as prescribed by law and to
37 comply with this subsection, the board of supervisors shall adjust these
38 precinct boundaries as soon as is practicable.

39 B. At least twenty days before a general or primary election, and
40 at least ten days before a special election, the board shall designate one
41 polling place within each precinct where the election shall be held,
42 except that:

43 1. On a specific finding of the board, included in the order or
44 resolution designating polling places pursuant to this subsection, that no

1 suitable polling place is available within a precinct, a polling place for
2 that precinct may be designated within an adjacent precinct.

3 2. Adjacent precincts may be combined if boundaries so established
4 are included in election districts prescribed by law for state elected
5 officials and political subdivisions including community college districts
6 but not including elected officials prescribed by titles 30 and 48. The
7 officer in charge of elections may also split a precinct for
8 administrative purposes. The polling places shall be listed in separate
9 sections of the order or resolution.

10 3. On a specific finding of the board that the number of ~~persons~~
11 ~~who are listed as early voters pursuant to section 16-544 and who are not~~
12 ~~expected to have their ballots tabulated at the polling place as~~
13 ~~prescribed in section 16-579.02 is likely to substantially reduce the~~
14 ~~number of~~ voters appearing at one or more specific polling places at that
15 election **IS LIKELY TO BE REDUCED**, adjacent precincts may be consolidated
16 by combining polling places and precinct boards for that election. The
17 board of supervisors shall ensure that a reasonable and adequate number of
18 polling places will be designated for that election. Any consolidated
19 polling places shall be listed in separate sections of the order or
20 resolution of the board.

21 4. ~~On a specific resolution of the board,~~ The board ~~may~~ **SHALL**
22 authorize ~~the use of voting centers in place of or in addition to~~
23 ~~specifically designated polling places. A voting center shall allow any~~
24 ~~voter in that county to receive the appropriate ballot for that voter on~~
25 ~~election day after presenting identification as prescribed in section~~
26 ~~16-579 and to lawfully cast the ballot. Voting centers may be established~~
27 ~~in coordination and consultation with the county recorder, at other county~~
28 ~~offices or at other locations in the county deemed appropriate~~ **AN ON-SITE**
29 **EARLY VOTING LOCATION AT THE MAIN OFFICE OF THE COUNTY RECORDER.**

30 5. ~~On a specific resolution of the board of supervisors that is~~
31 ~~limited to a specific election date and that is voted on by a recorded~~
32 ~~vote, the board may authorize the county recorder or other officer in~~
33 ~~charge of elections to use emergency voting centers as follows:~~

34 (a) ~~The board shall specify in the resolution the location and the~~
35 ~~hours of operation of the emergency voting centers.~~

36 (b) ~~A qualified elector voting at an emergency voting center shall~~
37 ~~provide identification as prescribed in section 16-579, except that~~
38 ~~notwithstanding section 16-579, subsection A, paragraph 2, for any voting~~
39 ~~at an emergency voting center, the county recorder or other officer in~~
40 ~~charge of elections may allow a qualified elector to update the elector's~~
41 ~~voter registration information as provided for in the secretary of state's~~
42 ~~instructions and procedures manual adopted pursuant to section 16-452.~~

1 ~~(c) If an emergency voting center established pursuant to this~~
2 ~~section becomes unavailable and there is not sufficient time for the board~~
3 ~~of supervisors to convene to approve an alternate location for that~~
4 ~~emergency voting center, the county recorder or other officer in charge of~~
5 ~~elections may make changes to the approved emergency voting center~~
6 ~~location and shall notify the public and the board of supervisors~~
7 ~~regarding that change as soon as practicable. The alternate emergency~~
8 ~~voting center shall be as close in proximity to the approved emergency~~
9 ~~voting center location as possible.~~

10 C. If the board fails to designate the place for holding the
11 election, or if it cannot be held at or about the place designated, the
12 justice of the peace in the precinct, two days before the election, by an
13 order, copies of which the justice of the peace shall immediately post in
14 three public places in the precinct, shall designate the place within the
15 precinct for holding the election. If there is no justice of the peace in
16 the precinct, or if the justice of the peace fails to do so, the election
17 board of the precinct shall designate and give notice of the place within
18 the precinct of holding the election. For any election in which there are
19 no candidates for elected office appearing on the ballot, the board may
20 consolidate polling places and precinct boards and may consolidate the
21 tabulation of results for that election if all of the following apply:

22 1. All affected voters are notified by mail of the change at least
23 thirty-three days before the election.

24 2. Notice of the change in polling places includes notice of the
25 new voting location, notice of the hours for voting on election day and
26 notice of the telephone number to call for voter assistance.

27 3. All affected voters receive information on early voting that
28 includes the application used to request an early voting ballot.

29 D. The board is not required to designate a polling place for
30 special district mail ballot elections held pursuant to article 8.1 of
31 this chapter, but the board may designate one or more sites for voters to
32 deposit marked ballots until 7:00 p.m. on the day of the election.

33 E. Except as provided in subsection F of this section, a public
34 school shall provide sufficient space for use as a polling place for any
35 city, county or state election when requested by the officer in charge of
36 elections.

37 F. The principal of the school may deny a request to provide space
38 for use as a polling place for any city, county or state election if,
39 within two weeks after a request has been made, the principal provides a
40 written statement indicating a reason the election cannot be held in the
41 school, including any of the following:

- 42 1. Space is not available at the school.
- 43 2. The safety or welfare of the children would be jeopardized.

1 G. The board shall make available to the public as a public record
2 a list of the polling places for all precincts in which the election is to
3 be held.

4 H. Except in the case of an emergency, any facility that is used as
5 a polling place on election day or that is used as an early voting site
6 during the period of early voting shall allow persons to electioneer and
7 engage in other political activity outside of the seventy-five foot limit
8 prescribed by section 16-515 in public areas and parking lots used by
9 voters. This subsection does not allow the temporary or permanent
10 construction of structures in public areas and parking lots or the
11 blocking or other impairment of access to parking spaces for voters. The
12 county recorder or other officer in charge of elections shall post on its
13 website at least two weeks before election day a list of those polling
14 places in which emergency conditions prevent electioneering and shall
15 specify the reason the emergency designation was granted and the number of
16 attempts that were made to find a polling place before granting an
17 emergency designation. If the polling place is not on the website list of
18 polling places with emergency designations, electioneering and other
19 political activity shall be allowed outside of the seventy-five foot
20 limit. If an emergency arises after the county recorder or other officer
21 in charge of elections' initial website posting, the county recorder or
22 other officer in charge of elections shall update the website as soon as
23 is practicable to include any new polling places, shall highlight the
24 polling place location on the website and shall specify the reason the
25 emergency designation was granted and the number of attempts that were
26 made to find a polling place before granting an emergency designation.

27 I. For the purposes of this section, a county recorder or other
28 officer in charge of elections shall designate a polling place as an
29 emergency polling place and thus prohibit persons from electioneering and
30 engaging in other political activity outside of the seventy-five foot
31 limit prescribed by section 16-515 but inside the property of the facility
32 that is hosting the polling place if any of the following occurs:

33 1. An act of God renders a previously set polling place as
34 unusable.

35 2. A county recorder or other officer in charge of elections has
36 exhausted all options and there are no suitable facilities in a precinct
37 that are willing to be a polling place unless a facility can be given an
38 emergency designation.

39 J. The secretary of state shall provide through the instructions
40 and procedures manual adopted pursuant to section 16-452 the maximum
41 allowable wait time for any election that is subject to section 16-204 and
42 provide for a method to reduce voter wait time at the polls in the primary
43 and general elections. The method shall consider at least all of the
44 following for primary and general elections in each precinct:

- 1 1. The number of ballots voted in the prior primary and general
2 elections.
- 3 2. The number of registered voters who voted AT THE ON-SITE early
4 VOTING LOCATION in the prior primary and general elections.
- 5 3. The number of registered voters ~~and the number of registered~~
6 ~~voters who cast an early ballot~~ for the current primary or general
7 election.
- 8 ~~4. The number of registered voters whose early ballots were~~
9 ~~tabulated on-site as prescribed in section 16-579.02 in the prior primary~~
10 ~~and general elections.~~
- 11 ~~5.~~ 4. The number of election board members and clerks and the
12 number of rosters that will reduce voter wait time at the polls.
- 13 Sec. 8. Section 16-461, Arizona Revised Statutes, is amended to
14 read:
- 15 16-461. Sample primary election ballots; submission to party
16 chairmen for examination; preparation, printing and
17 distribution of ballot
- 18 A. At least forty-five days before a primary election, the officer
19 in charge of that election shall:
- 20 1. Prepare a proof of a sample ballot.
- 21 2. Submit the sample ballot proof of each party to the county
22 chairman or in city or town primaries to the city or town chairman.
- 23 3. Mail a sample ballot proof to each candidate for whom a
24 nomination paper and petitions have been filed.
- 25 B. Within five days after receipt of the sample ballot, the county
26 chairman of each political party shall suggest to the election officer any
27 change the chairman considers should be made in the chairman's party
28 ballot, and if on examination the election officer finds an error or
29 omission in the ballot the officer shall correct it. The election officer
30 shall ~~cause~~ PRINT AND DISTRIBUTE the sample ballots ~~to be printed and~~
31 ~~distributed~~ as required by law, shall maintain a copy of each sample
32 ballot and shall post a notice indicating that sample ballots are
33 available on request. The official sample ballot shall be printed on
34 colored paper or white paper with a different colored stripe for each
35 party that is represented on that ballot. For voters who are not
36 registered with a party that is entitled to continued representation on
37 the ballot pursuant to section 16-804, the election officer may print and
38 distribute the required sample ballots in an alternative format, including
39 a reduced size format.
- 40 C. Not later than forty days before a primary election, the county
41 chairman of a political party may request one sample primary election
42 ballot of the chairman's party for each election precinct.

1 D. The board of supervisors shall have printed mailer-type sample
2 ballots for a primary election and shall mail at least eleven days before
3 the election one sample ballot of a political party to each household
4 containing a registered voter of that political party ~~unless that~~
5 ~~registered voter is on the active early voting list established pursuant~~
6 ~~to section 16-544~~. Each sample ballot shall contain the following
7 statement: "This is a sample ballot and cannot be used as an official
8 ballot under any circumstances". A certified claim shall be presented to
9 the secretary of state by the board of supervisors for the actual cost of
10 printing, labeling and postage of each sample ballot actually mailed, and
11 the secretary of state shall direct payment of the authenticated claim
12 from funds of the secretary of state's office.

13 E. For city and town elections, the governing body of a city or
14 town may have printed mailer-type sample ballots for a primary election.
15 If the city or town has printed such sample ballots, the city or town
16 shall provide for the distribution of such ballots and shall bear the
17 expense of printing and distributing ~~of~~ such sample ballots.

18 F. The return address on the mailer-type sample ballots shall not
19 contain the name of an appointed or elected public officer nor may the
20 name of an appointed or elected public officer be used to indicate who
21 produced the sample ballot.

22 G. The great seal of the state of Arizona shall be imprinted along
23 with the words "official voting materials" on the mailing face of each
24 sample ballot. In county, city or town elections the seal of such
25 jurisdiction shall be substituted for the state seal.

26 Sec. 9. Section 16-510, Arizona Revised Statutes, is amended to
27 read:

28 16-510. Sample ballots; preparation and distribution

29 A. Before printing the sample ballots for the general election the
30 board of supervisors shall send to each candidate whose name did not
31 appear on the preceding primary election ballot a ballot proof of the
32 sample ballot for the candidate's review.

33 B. The board of supervisors shall print and distribute, for the
34 information of voters at each polling place, a number of sample ballots as
35 it deems necessary.

36 C. The board of supervisors shall have printed mailer-type sample
37 ballots for a general election and shall mail at least eleven days before
38 the election one such sample ballot to each household in the county
39 containing a registered voter ~~unless that registered voter is on the~~
40 ~~active early voting list established pursuant to section 16-544~~. Each
41 sample ballot shall contain the following statement: "This is a sample
42 ballot and cannot be used as an official ballot under any
43 circumstances". A certified claim shall be presented to the secretary of
44 state by the board of supervisors for the actual cost of printing,
45 labeling and postage of each sample ballot actually mailed, and the

1 secretary of state shall direct payment of the authenticated claim from
2 funds of the secretary of state's office.

3 D. For city and town elections, the governing body of a city or
4 town may have printed mailer-type sample ballots for a general
5 election. If the city or town has printed such sample ballots, the city
6 or town shall provide for the distribution of such ballots and shall bear
7 the expense of printing and distributing such sample ballots.

8 E. For special district elections, the governing body of a special
9 district may have printed mailer-type sample ballots. If the special
10 district has printed such sample ballots, the special district shall
11 provide for the distribution of such ballots and shall bear the expense of
12 printing and distributing such sample ballots.

13 Sec. 10. Section 16-542, Arizona Revised Statutes, is amended to
14 read:

15 16-542. Application for early voting; form; civil penalties;
16 violation; classification

17 A. Within ninety-three days before any election called pursuant to
18 the laws of this state, an elector WHO MEETS THE CRITERIA PRESCRIBED BY
19 SUBSECTION B OF THIS SECTION may ~~make a verbal or signed request~~ APPLY FOR
20 EARLY VOTING to the county recorder, or other officer in charge of
21 elections for the applicable political subdivision of this state in whose
22 jurisdiction the elector is registered to vote, ~~for an official early~~
23 ~~ballot.~~ THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS SHALL
24 PROVIDE FOR EARLY VOTING APPLICATIONS TO BE RECEIVED BY MAIL, ONLINE OR IN
25 PERSON. In addition to name and address, the ~~requesting~~ APPLYING elector
26 shall provide the date of birth and state or country of birth AND THE LAST
27 FOUR DIGITS OF THE ELECTOR'S SOCIAL SECURITY NUMBER or other information
28 that if compared to the voter registration information on file would
29 confirm the identity of the elector. ~~If the request indicates that the~~
30 ~~elector needs a primary election ballot and a general election ballot, the~~
31 ~~county recorder or other officer in charge of elections shall honor the~~
32 ~~request.~~ For any partisan primary election, if the elector is not
33 registered as a member of a political party that is entitled to continued
34 representation on the ballot pursuant to section 16-804, the elector shall
35 designate the ballot of only one of the political parties that is entitled
36 to continued representation on the ballot and the elector may ~~receive and~~
37 vote the ballot of only that one political party, which also shall include
38 any nonpartisan offices and ballot questions, or the elector shall
39 designate the ballot for nonpartisan offices and ballot questions only and
40 the elector may receive and vote the ballot that contains only nonpartisan
41 offices and ballot questions. The county recorder or other officer in
42 charge of elections shall process any request for an early ballot for a
43 municipal election pursuant to this subsection. The county recorder may
44 SHALL establish A SINGLE on-site early voting ~~locations~~ LOCATION at the
45 ~~recorder's office~~ MAIN OFFICE OF THE COUNTY RECORDER, which shall be open

1 and available for use beginning ON the ~~same day that a county begins to~~
 2 ~~send out the early ballots. The county recorder may also establish any~~
 3 ~~other early voting locations in the county the recorder deems necessary~~
 4 FIFTEENTH DAY BEFORE ELECTION DAY. THE RECORDER SHALL NOT OPEN MORE THAN
 5 A SINGLE LOCATION FOR EARLY VOTING AND ONLY THOSE ELECTORS WHO HAVE SIGNED
 6 AN APPLICATION THAT STATES THAT THEY EXPECT TO BE ABSENT FROM THEIR
 7 PRECINCTS ON ELECTION DAY MAY VOTE AT AN ON-SITE EARLY VOTING LOCATION.
 8 ~~Any~~ THE on-site early voting location ~~or other early voting location~~ shall
 9 require each elector to present identification as prescribed in section
 10 16-579 before receiving a ballot. Notwithstanding section 16-579,
 11 subsection A, paragraph 2, at ~~any~~ THE on-site early voting location or ANY
 12 other early voting location the county recorder or other officer in charge
 13 of elections may provide for a qualified elector to update the elector's
 14 voter registration information as provided for in the secretary of state's
 15 instructions and procedures manual adopted pursuant to section 16-452. AN
 16 ELECTOR SHALL COMPLETE AN EARLY VOTING APPLICATION FORM THAT CONTAINS THE
 17 FOLLOWING:

18 UNDER PENALTY OF PERJURY, I ATTEST THAT I AM APPLYING TO VOTE
 19 EARLY BECAUSE:

- 20 () I EXPECT TO BE ABSENT FROM MY PRECINCT ON ELECTION DAY
 21 AND WISH TO VOTE EARLY IN PERSON BEFORE ELECTION DAY.
- 22 () I AM CONFINED TO MY HOME OR A NURSING HOME, HOSPITAL,
 23 PRISON OR OTHER FACILITY DUE TO ILLNESS, DISABILITY, AGE,
 24 INFIRMITY OR INCARCERATION OR ANOTHER REASON AND WISH TO VOTE
 25 EARLY IN PERSON WITH A SPECIAL ELECTION BOARD.
- 26 () I EXPECT TO BE OUTSIDE THIS STATE ON ELECTION DAY AND THE
 27 IMMEDIATELY PRECEDING FIFTEEN DAYS AND WISH TO VOTE AN EARLY
 28 ABSENTEE BALLOT BY MAIL AT MY TEMPORARY ADDRESS OUTSIDE THIS
 29 STATE.

30
 31 _____
 32 PRINT NAME

31 _____
 32 VOTER SIGNATURE

33 B. ANY VOTER WHO IS CONFINED MAY VOTE ONLY BY USE OF A SPECIAL
 34 ELECTION BOARD AS PRESCRIBED BY SECTION 16-549. ANY VOTER WHO WILL BE
 35 ABSENT FROM THE VOTER'S PRECINCT ON ELECTION DAY BUT WHO REMAINS IN THIS
 36 STATE MAY VOTE ONLY BY APPEARING IN PERSON AT THE ON-SITE EARLY VOTING
 37 LOCATION AT THE MAIN OFFICE OF THE COUNTY RECORDER. ONLY A VOTER WHO
 38 EXPECTS TO BE OUTSIDE THIS STATE ON ELECTION DAY AND THE FIFTEEN DAYS
 39 IMMEDIATELY PRECEDING IS ELIGIBLE TO RECEIVE A MAIL BALLOT. THE COUNTY
 40 RECORDER MAY NOT MAIL A BALLOT TO AN ADDRESS IN THIS STATE.

41 ~~B.~~ C. Notwithstanding subsection A of this section, a request for
 42 an official early ballot from an absent uniformed services voter or
 43 overseas voter as defined in the uniformed and overseas citizens absentee
 44 voting act ~~of 1986~~ (P.L. 99-410; 52 United States Code section 20310) or a
 45 voter whose information is protected pursuant to section 16-153 that is

1 received by the county recorder or other officer in charge of elections
2 more than ninety-three days before the election is valid. If requested by
3 the absent uniformed services or overseas voter, or a voter whose
4 information is protected pursuant to section 16-153, the county recorder
5 or other officer in charge of elections shall provide to the requesting
6 voter early ballot materials through the next regularly scheduled general
7 election for federal office immediately following receipt of the request
8 unless a different period of time, which does not exceed the next two
9 regularly scheduled general elections for federal office, is designated by
10 the voter.

11 ~~C.~~ D. The county recorder or other officer in charge of elections
12 shall mail the early ABSENTEE ballot and the envelope for its return
13 postage prepaid to the address provided by the requesting APPLYING elector
14 within five days after receipt of the official early ABSENTEE ballots from
15 the officer charged by law with the duty of preparing ballots pursuant to
16 section 16-545, except that early ABSENTEE ballot distribution shall not
17 begin more than twenty-seven days before the election. If an early ~~ballot~~
18 ~~request~~ VOTING APPLICATION is received on or before the thirty-first day
19 before the election, the early ABSENTEE ballot shall be distributed not
20 earlier than the twenty-seventh day before the election and not later than
21 the twenty-fourth day before the election. EARLY ABSENTEE BALLOTS MAY BE
22 MAILED ONLY TO A QUALIFIED ELECTOR AT A TEMPORARY ADDRESS THAT IS OUTSIDE
23 THIS STATE.

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

37 ~~E.~~ F. In order to be complete and correct and to receive an early
38 ABSENTEE ballot by mail, an elector's request APPLICATION that an early
39 ballot be mailed to the elector's residence or temporary address must
40 include all of the information prescribed by subsection A of this section
41 and must be received by the county recorder or other officer in charge of
42 elections ~~no~~ NOT later than 5:00 p.m. on the eleventh day preceding the
43 election. ~~An elector who appears personally no later than 5:00 p.m. on~~
44 ~~the Friday preceding the election at an on-site early voting location that~~
45 ~~is established by the county recorder or other officer in charge of~~

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

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

17 ~~G.~~ H. 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~~ APPLIED FOR and have been sent an early ballot to the
20 election board of the precinct in which the voter is registered not later
21 than the day before the election.

22 ~~H.~~ I. As a result of experiencing an emergency between 5:00 p.m.
23 on the Friday preceding the election and 5:00 p.m. on the Monday preceding
24 the election, qualified electors may ~~request~~ APPLY 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.~~ J. Notwithstanding section 16-579, subsection A, paragraph 2,
38 for any voting pursuant to subsection ~~H~~ I of this section, the county
39 recorder or other officer in charge of elections may allow a qualified
40 elector to update the elector's voter registration information as provided
41 for in the secretary of state's instructions and procedures manual adopted
42 pursuant to section 16-452.

1 ~~J. A candidate, political committee or other organization may~~
2 ~~distribute early ballot request forms to voters. If the early ballot~~
3 ~~request forms include a printed address for return, the addressee shall be~~
4 ~~the political subdivision that will conduct the election. Failure to use~~
5 ~~the political subdivision as the return addressee is punishable by a civil~~
6 ~~penalty of up to three times the cost of the production and distribution~~
7 ~~of the request.~~

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

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

28 Sec. 11. Section 16-543, Arizona Revised Statutes, is amended to
29 read:

30 16-543. UOCAVA early absentee voting procedures

31 A. Any absent uniformed services voter or overseas voter as defined
32 in the uniformed and overseas citizens absentee voting act ~~of 1986~~
33 (P.L. 99-410; ~~42~~ 52 United States Code section ~~1973ff-6~~ 20310), as amended
34 by the Ronald W. Reagan national defense authorization act for fiscal year
35 2005 (P.L. 108-375), may request an **early ABSENTEE** ballot with a federal
36 postcard application that contains both an **early ABSENTEE** voter
37 registration application and an **early ABSENTEE** ballot application. The
38 secretary of state shall provide for a centralized system for receiving
39 federal postcard applications ~~by way of the internet or fax~~ **ONLY BY MAIL,**
40 **BY EMAIL OR ON THE SECRETARY OF STATE'S WEBSITE** and shall provide for
41 transmitting appropriate ballot materials in response ~~to fax, telephone~~
42 ~~and internet requests for federal postcard applications~~ **BY MAIL OR EMAIL**
43 **ONLY.** The absent uniformed services voter or overseas voter shall
44 designate the means of communication for receiving voting materials,
45 whether by ~~way of the internet, fax transmittal or other electronic means~~

1 EMAIL or by mail, and the county recorder or other officer in charge of
2 elections shall provide responses and materials in the format designated
3 by the requesting voter. On receipt of ~~such~~ THE application, the county
4 recorder or other officer in charge of elections shall determine whether
5 or not the elector is registered. If the applicant is so registered, the
6 recorder or other officer in charge of elections shall forward to the
7 applicant an official early ballot using the means of communication
8 designated by the voter pursuant to this section. If no means of
9 communication is designated, the ballot shall be transmitted ~~as provided~~
10 ~~in the instructions and procedures manual issued pursuant to section~~
11 ~~16-452~~ BY EMAIL. For all requests received from registered absent
12 uniformed services voters or overseas voters on or before the forty-eighth
13 day before the election, the ballot shall be transmitted ~~no~~ NOT later than
14 the forty-fifth day before the election. If the applicant is not
15 registered, and the request is for a ballot for use in a county election
16 but the federal postcard application is complete, the recorder shall
17 forward an official early ballot to the applicant within twenty-four hours
18 after receipt of the request, excluding Saturdays, Sundays and other legal
19 holidays. If the applicant is not registered to vote and the federal
20 postcard application is not used or complete, the recorder shall forward
21 an affidavit of registration as provided in section 16-103 and shall
22 forward at the same time to the unregistered applicant an official early
23 ballot and affidavit within twenty-four hours after receipt of the
24 request, excluding Saturdays, Sundays and other legal holidays. For any
25 voter who is sent an official early ballot by electronic means pursuant to
26 this section, the county recorder or other officer in charge of elections
27 is not required to send a paper ballot for the same election.

28 B. The county recorder or other officer in charge of elections
29 shall transmit by ~~fax or by other electronic format approved by the~~
30 ~~secretary of state~~ MAIL, EMAIL OR THE COUNTY RECORDER'S WEBSITE ABSENTEE
31 early ballot request forms, ~~AND SHALL TRANSMIT BY EMAIL AND MAIL ONLY~~
32 unvoted ballots and ballot information to eligible absent uniformed
33 services voters and overseas voters. The county recorder or other officer
34 in charge of elections shall provide for receipt of completed early ballot
35 requests BY MAIL, EMAIL OR THE WEBSITE ONLY and voted early ballots by ~~fax~~
36 ~~or other electronic format as prescribed by the secretary of state in the~~
37 ~~instructions and procedures manual issued pursuant to section 16-452~~ MAIL
38 ONLY. The county recorder or other officer in charge of elections shall
39 provide for a method for the voter to verify at no cost to the voter that
40 the voter's ballot has been received.

41 ~~C. The secretary of state shall provide in the instructions and~~
42 ~~procedures manual issued pursuant to section 16-452 for emergency~~
43 ~~procedures regarding the early balloting process for persons who are~~
44 ~~subject to the uniformed and overseas citizens absentee voting act of 1986~~
45 ~~(P.L. 99-410; 42 United States Code section 1973ff), as amended by the~~

1 ~~Ronald W. Reagan national defense authorization act for fiscal year 2005~~
2 ~~(P.L. 108-375). These emergency procedures may be implemented only on the~~
3 ~~occurrence of a national or local emergency that makes substantial~~
4 ~~compliance with the uniformed and overseas citizens absentee voting act~~
5 ~~impracticable, including occurrences of natural disasters or armed~~
6 ~~conflict or mobilization of the national guard or military reserve units~~
7 ~~of this state.~~

8 ~~D.~~ C. This section applies only to any absent uniformed services
9 voter or overseas voter as defined in the uniformed and overseas citizens
10 absentee voting act ~~of 1986~~ (P.L. 99-410; ~~42~~ 52 United States Code section
11 ~~1973ff-6~~ 20310), as amended by the Ronald W. Reagan national defense
12 authorization act for fiscal year 2005 (P.L. 108-375).

13 Sec. 12. Repeal

14 Section 16-544, Arizona Revised Statutes, is repealed.

15 Sec. 13. Section 16-545, Arizona Revised Statutes, is amended to
16 read:

17 16-545. Early ballot

18 A. The early ballot shall be one prepared for use in the precinct
19 in which the applicant resides and, if a partisan primary election, of the
20 political party with which the applicant is affiliated as shown by the
21 affidavit of registration. The ballot shall be identical with the regular
22 official ballots, except that it shall have printed or stamped on it
23 "early".

24 B. The officer charged by law with the duty of preparing ballots at
25 any election shall:

26 1. Prepare the official early ballot and deliver a sufficient
27 number to the recorder or other officer in charge of elections not later
28 than the thirty-third day before the election. Except as provided in
29 section 16-542, subsection ~~D~~ E, regular early ballots shall not be
30 distributed to the general public before the beginning of early voting.

31 2. Ensure that the ballot return envelopes are of a type that does
32 not reveal the voter's selections or political party affiliation and that
33 is tamper evident when properly sealed.

34 Sec. 14. Section 16-548, Arizona Revised Statutes, is amended to
35 read:

36 16-548. Preparation and transmission of ballot; tally
37 results; notarization

38 A. The early voter shall make and sign the affidavit and shall then
39 mark ~~his~~ THE ballot in ~~such~~ a manner that ~~his~~ THE EARLY VOTER'S vote
40 cannot be seen. The early voter shall fold the ballot, if a paper ballot,
41 so as to conceal the vote and deposit the voted ballot in the envelope
42 provided for that purpose, which shall be securely sealed and, together
43 with the affidavit, delivered or mailed to the county recorder or other
44 officer in charge of elections of the political subdivision in which the
45 elector is registered or deposited by the voter or the voter's agent at

1 any polling place in the county. In order to be counted and valid, the
2 ballot must be received by the county recorder or other officer in charge
3 of elections or deposited at any polling place in the county ~~no~~ NOT later
4 than ~~7:00 p.m. on~~ THREE DAYS BEFORE election day.

5 B. If the early voter is an overseas citizen, a qualified elector
6 absent from the United States or in the United States service, a spouse or
7 dependent residing with the early voter or a qualified elector of a
8 special district mail ballot election as provided in article 8.1 of this
9 chapter, the early voter may subscribe to the affidavit before and obtain
10 the signature and military identification number or passport number, if
11 available, of any person who is a United States citizen eighteen years of
12 age or older.

13 C. ALL EARLY VOTES MUST BE COUNTED ON ELECTION DAY BEFORE 7:00 P.M.
14 RESULTS OF THE TALLY MAY NOT BE RELEASED UNTIL AFTER 8:00 P.M. ON ELECTION
15 DAY.

16 D. THE VOTER'S SIGNATURE ON THE EARLY BALLOT AFFIDAVIT MUST BE
17 NOTARIZED AND MUST CONTAIN THE NOTARY'S STATEMENT THAT THE VOTER VOTED THE
18 BALLOT WITHOUT ASSISTANCE AND OUTSIDE THE VIEW OF ANY OTHER PERSON.

19 Sec. 15. Section 16-549, Arizona Revised Statutes, is amended to
20 read:

21 16-549. Special election boards; expenses; voting procedure
22 for ill electors or electors with disabilities

23 A. The county recorder or other officer in charge of elections, for
24 the purpose of making it possible for qualified electors who are ill or
25 have a disability to vote, may appoint such number of special election
26 boards as needed. In a partisan election, each such board shall consist
27 of two members, one from each of the two political parties that cast the
28 highest number of votes in the state in the last preceding general
29 election. The county chairman of each such party shall furnish, within
30 sixty days before the election day, the county recorder or other officer
31 in charge of elections with a list of names of qualified electors within
32 the chairman's political party, and such additional lists as may be
33 required, from which the county recorder or other officer in charge of
34 elections shall appoint members to such special election boards. The
35 county recorder or other officer in charge of elections may refuse for
36 cause to appoint or may for cause remove a member of this board. A person
37 who is a candidate for an office other than precinct committeeman is not
38 eligible to serve on the special election board for that election.

39 B. Members of special election boards appointed under this section
40 shall be reimbursed for travel expenses in the manner provided by law and
41 shall also receive such compensation as the board of supervisors or the
42 governing body prescribes, all of which shall be paid by the county or
43 other political subdivision.

1 C. ~~In lieu of the mailed early ballot procedure,~~ Any qualified
2 elector who is confined ~~as the result of a continuing illness or physical~~
3 ~~disability~~ FOR ANY REASON and WHO is, therefore, not able to go to the
4 polls on the day of the next election ~~and who does not wish to vote by the~~
5 ~~mailed early ballot procedure,~~ may make a verbal or a signed written
6 request to the county recorder or other officer in charge of elections to
7 have a ballot personally delivered to the elector by the special election
8 board at the elector's place of confinement within the county or other
9 political subdivision. The ballot shall be delivered to the elector in
10 person by a special election board as provided in this section. Such
11 requests must be made by 5:00 p.m. on the second Friday before the
12 election.

13 D. Qualified electors who become ill or become a person with a
14 disability after the second Friday before the election may nevertheless
15 request personal ballot delivery pursuant to this section, and the county
16 recorder or other officer in charge of elections shall when possible honor
17 such requests up to and including the last day before the election.
18 Qualified electors who are admitted to a hospital after 5:00 p.m. on the
19 second Friday preceding the election and before 5:00 p.m. on election day
20 may request the county recorder or other officer in charge of elections to
21 provide a special election board with a ballot at the elector's place of
22 confinement. If the county recorder or other officer in charge of
23 elections is able to accommodate the request, the voted ballot of the
24 elector shall be sealed in an envelope and shall be processed as a
25 provisional ballot pursuant to section 16-584. Before receiving a ballot
26 pursuant to this subsection, a qualified elector shall provide
27 identification as prescribed in section 16-579 and shall sign a statement
28 under penalty of perjury that states that the person is experiencing or
29 experienced an emergency after 5:00 p.m. on the second Friday preceding
30 the election and before 5:00 p.m. on the Monday immediately preceding the
31 election that would prevent the person from voting at the polls. Signed
32 statements received pursuant to this subsection are not subject to
33 inspection pursuant to title 39, chapter 1, article 2.

34 E. The manner and procedure of voting WITH A SPECIAL ELECTION BOARD
35 shall ~~be as provided in section 16-548, except that the marked ballot in~~
36 ~~the sealed envelope shall be handed by the elector to the special election~~
37 ~~board and shall be delivered by the board to the county recorder or other~~
38 ~~officer in charge of elections~~ COMPLY WITH THIS SUBSECTION. THE SPECIAL
39 ELECTION BOARD SHALL PROVIDE A MOBILE PRIVACY SCREEN FOR THE VOTER. THE
40 VOTER SHALL VOTE THE BALLOT IN SECRET WITHOUT ASSISTANCE BEHIND THE
41 PRIVACY SCREEN, AND THE SPECIAL ELECTION BOARD SHALL WITNESS THE VOTER'S
42 VOTING BEHIND THE PRIVACY SCREEN. AFTER MARKING THE BALLOT, THE VOTER
43 SHALL FOLD THE BALLOT AND PLACE THE BALLOT IN A SECRECY ENVELOPE WHILE
44 BEHIND THE PRIVACY SCREEN. BOTH MEMBERS OF THE SPECIAL ELECTION BOARD

1 SHALL SIGN AFFIDAVITS ATTESTING TO THE FACT THAT THE VOTER VOTED IN SECRET
2 AND WITHOUT ASSISTANCE.

3 Sec. 16. Section 16-550, Arizona Revised Statutes, as amended by
4 Laws 2022, chapter 271, section 2, is amended to read:

5 16-550. Receipt of voter's ballot; cure period

6 A. ~~Except for early ballots tabulated as prescribed in section~~
7 ~~16-579.02.~~ On receipt of the envelope containing the early ballot and the
8 ballot affidavit, the county recorder or other officer in charge of
9 elections shall compare the ~~signatures thereon~~ SIGNATURE ON THE ENVELOPE
10 with the signature of the elector on the elector's registration record AND
11 SHALL COMPARE THE LAST FOUR DIGITS OF THE ELECTOR'S SOCIAL SECURITY NUMBER
12 AND THE ELECTOR'S DATE OF BIRTH. If the signature is inconsistent with
13 the elector's signature on the elector's registration record OR IF THE
14 LAST FOUR DIGITS OF THE SOCIAL SECURITY NUMBER OR THE DATE OF BIRTH DO NOT
15 MATCH, the county recorder or other officer in charge of elections shall
16 make reasonable efforts to contact the voter USING ONLY THE VOTER'S MOST
17 RECENT REGISTRATION ADDRESS OR TELEPHONE NUMBER, advise the voter of the
18 inconsistent signature and allow the voter to correct or the county to
19 confirm the inconsistent signature OR INFORMATION, OR BOTH. The county
20 recorder or other officer in charge of elections shall allow signatures
21 AND INFORMATION to be corrected not later than the ~~fifth business~~
22 ~~after~~ BEFORE a primary, general or special election ~~that includes a~~
23 ~~federal office or the third business day after any other election.~~ If the
24 signature is missing, the county recorder or other officer in charge of
25 elections shall make reasonable efforts to contact the elector, advise the
26 elector of the missing signature and allow the elector to add the
27 elector's signature not later than 7:00 p.m. on election day. If
28 satisfied that the signatures correspond AND THE INFORMATION MATCHES, the
29 recorder or other officer in charge of elections shall hold the envelope
30 containing the early ballot and the completed affidavit unopened in
31 accordance with the rules of the secretary of state. IF THE SIGNATURE IS
32 INCONSISTENT OR THE LAST FOUR DIGITS OF THE SOCIAL SECURITY NUMBER OR THE
33 DATE OF BIRTH DO NOT MATCH AND ARE NOT CURED WITHIN THE ALLOWED TIME
34 PERIOD, THE VOTE IS INVALID AND MAY NOT BE COUNTED.

35 B. The recorder or other officer in charge of elections shall
36 thereafter safely keep the affidavits and early ballots in the recorder's
37 or other officer's office and may deliver them for tallying pursuant to
38 section 16-551. Tallying of ballots may begin immediately after the
39 envelope and completed affidavit are processed pursuant to this section
40 and delivered to the early election board.

41 C. The county recorder shall send a list of all voters who were
42 issued early ballots to the election board of the precinct in which the
43 voter is registered.

1 D. This section does not apply to:

2 1. A special taxing district that is authorized pursuant to section
3 16-191 to conduct its own elections.

4 2. A special district mail ballot election that is conducted
5 pursuant to article 8.1 of this chapter.

6 Sec. 17. Section 16-552, Arizona Revised Statutes, is amended to
7 read:

8 16-552. Early ballots; processing; challenges

9 A. In a jurisdiction that uses optical scan ballots, the officer in
10 charge of elections may use the procedure prescribed by this section or
11 may request approval from the secretary of state for a different method
12 for processing early ballots. The request shall be made in writing at
13 least ninety days before the election for which the procedure is intended
14 to be used. After the election official has confirmed with the secretary
15 of state that all election equipment passes the logic and accuracy test,
16 the election official may begin to count early ballots. No early ballot
17 results may be released except as prescribed by section 16-551.

18 B. The early election board shall check the voter's affidavit on
19 the envelope containing the early ballot. If it is found to be
20 sufficient, the vote shall be allowed. If the affidavit is insufficient,
21 the vote shall not be allowed.

22 C. The county chairman of each political party represented on the
23 ballot, by written appointment addressed to the early election board, may
24 designate party representatives and alternates to act as early ballot
25 challengers for the party. No party may have more than the number of such
26 representatives or alternates that were mutually agreed on by each
27 political party to be present at one time. If such agreement cannot be
28 reached, the number of representatives shall be limited to one for each
29 political party.

30 D. An early ballot may be challenged on any grounds set forth in
31 section 16-591. All challenges shall be made in writing with a brief
32 statement of the grounds before the early ballot is placed in the ballot
33 box. A record of all challenges and resulting proceedings shall be kept
34 in substantially the same manner as provided in section 16-594. If an
35 early ballot is challenged, it shall be set aside and retained in the
36 possession of the early election board or other officer in charge of early
37 ballot processing until a time that the early election board sets for
38 determination of the challenge, subject to the procedure in subsection E
39 of this section, at which time the early election board shall hear the
40 grounds for the challenge and shall decide what disposition shall be made
41 of the early ballot by majority vote. If the early ballot is not allowed,
42 it shall be handled pursuant to subsection G of this section.

1 E. Within twenty-four hours ~~of receipt of~~ AFTER RECEIVING a
2 challenge, the early election board or other officer in charge of early
3 ballot processing shall mail, by first class mail, a notice of the
4 challenge including a copy of the written challenge, and also including
5 the time and place at which the voter may appear to defend the challenge,
6 to the voter at the mailing address shown on the request for an early
7 ballot or, if none was provided, to the mailing address shown on the
8 registration rolls. Notice shall also be mailed to the challenger at the
9 address listed on the written challenge and provided to the county
10 chairman of each political party represented on the ballot. The board
11 shall meet to determine the challenge at the time specified by the notice
12 but, in any event, not earlier than ninety-six hours after the notice is
13 mailed, or forty-eight hours if the notifying party chooses to deliver the
14 notice by overnight or hand delivery, and not later than 5:00 p.m. on the
15 Monday following the election. The board shall provide the voter with an
16 informal opportunity to make, or to submit, brief statements regarding the
17 challenge. The board may decline to ~~permit~~ ALLOW comments, either in
18 person or in writing, by anyone other than the voter, the challenger and
19 the party representatives. The burden of proof is on the challenger to
20 show why the voter should not be ~~permitted~~ ALLOWED to vote. The fact that
21 the voter fails to appear shall not be deemed to be an admission of the
22 validity of the challenge. The early election board or other officer in
23 charge of early ballot processing is not required to provide the notices
24 described in this subsection if the written challenge fails to set forth
25 at least one of the grounds listed in section 16-591 as a basis for the
26 challenge. In that event, the challenge will be summarily rejected at the
27 meeting of the board. Except for election contests pursuant to section
28 16-672, the board's decision is final and may not be appealed.

29 F. If the vote is allowed, the board shall open the envelope
30 containing the ballot in such a manner that the affidavit thereon is not
31 destroyed, take out the ballot without unfolding it or ~~permitting~~ ALLOWING
32 it to be opened or examined and show by the records of the election that
33 the elector has voted.

34 G. If the vote is not allowed, the affidavit envelope containing
35 the early ballot shall not be opened and the board shall mark across the
36 face of such envelope the grounds for rejection. The affidavit envelope
37 and its contents shall then be deposited with the opened affidavit
38 envelopes and shall be preserved with official returns. If the voter does
39 not enter an appearance, the board shall send the voter a notice stating
40 whether the early ballot was disallowed and, if disallowed, providing the
41 grounds for the determination. The notice shall be mailed by first class
42 mail to the voter's mailing address as shown on the registration rolls
43 within three days after the board's determination.

1 H. Party representatives and alternates may be appointed as
2 provided in subsection C of this section to be present and to challenge
3 the verification of questioned ballots pursuant to section 16-584 on any
4 grounds ~~permitted~~ ALLOWED by this section. Questioned ballots that are
5 challenged shall be presented to the early election board for decision
6 under the provisions of this section.

7 I. THE COUNTY POLITICAL PARTY, EARLY ELECTION BOARDS AND PARTY
8 OBSERVERS MAY CHALLENGE EARLY BALLOTS ON THE GROUNDS OF INCONSISTENT
9 SIGNATURES OR UNMATCHING LAST FOUR DIGITS OF SOCIAL SECURITY NUMBERS OR
10 DATES OF BIRTH. PARTY OBSERVERS AND EARLY ELECTION CHALLENGERS MUST BE
11 ALLOWED FULL ACCESS TO VIEW IN DETAIL THE SIGNATURE AND INFORMATION REVIEW
12 PROCESS AND MUST BE ABLE TO SEE THE BALLOT ENVELOPE SIGNATURE AND
13 REFERENCE SIGNATURES AS WELL AS THE INFORMATION ON THE ENVELOPE AND THE
14 CORRESPONDING REFERENCE INFORMATION. AT THE REQUEST OF THE COUNTY
15 POLITICAL PARTY, THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF
16 ELECTIONS MUST PROVIDE TO THE COUNTY POLITICAL PARTY A COPY OF ALL EARLY
17 BALLOT ENVELOPES ALONG WITH ALL REFERENCE SIGNATURES AND INFORMATION FOR
18 ALL ACCEPTED BALLOTS BEFORE REMOVING THOSE BALLOTS FROM THEIR PRIVACY
19 ENVELOPES IN SUFFICIENT TIME FOR THE COUNTY POLITICAL PARTY TO CHALLENGE
20 ANY UNMATCHED SIGNATURES OR INFORMATION.