

Senate Engrossed

voting registrations; ballot requests; source

State of Arizona
Senate
Fifty-sixth Legislature
First Regular Session
2023

SENATE BILL 1143

AN ACT

AMENDING TITLE 16, CHAPTER 1, ARTICLE 5, ARIZONA REVISED STATUTES, BY
ADDING SECTION 16-167; AMENDING SECTIONS 16-542 AND 16-544, 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. Title 16, chapter 1, article 5, Arizona Revised
3 Statutes, is amended by adding section 16-167, to read:

4 16-167. Voter registration information revision; early ballot
5 request; signature exemplar

6 FOR ANY SIGNED PREPRINTED REQUEST TO AMEND A VOTER'S REGISTRATION
7 INFORMATION OR REQUEST FOR AN EARLY BALLOT, THE COUNTY RECORDER MAY NOT
8 USE THAT SIGNATURE OF THE VOTER AS THE SOLE EXEMPLAR FOR SUBSEQUENT
9 COMPARISON IF THE SUBMITTAL IS ON A PRINTED DOCUMENT, CARD OR OTHER FORM
10 THAT IS NOT AN OFFICIAL FORM PRINTED BY THE COUNTY RECORDER OR OTHER
11 OFFICER IN CHARGE OF ELECTIONS OR THE MOTOR VEHICLE DIVISION OF THE
12 DEPARTMENT OF TRANSPORTATION.

13 Sec. 2. Section 16-542, Arizona Revised Statutes, is amended to
14 read:

15 16-542. Request for ballot; civil penalties; violation;
16 classification

17 A. Within ninety-three days before any election called pursuant to
18 the laws of this state, an elector may make a verbal or signed request to
19 the county recorder, or other officer in charge of elections for the
20 applicable political subdivision of this state in whose jurisdiction the
21 elector is registered to vote, for an official early ballot. In addition
22 to name and address, the requesting elector shall provide the date of
23 birth and state or country of birth or other information that if compared
24 to the voter registration information on file would confirm the identity
25 of the elector. If the request indicates that the elector needs a primary
26 election ballot and a general election ballot, the county recorder or
27 other officer in charge of elections shall honor the request. For any
28 partisan primary election, if the elector is not registered as a member of
29 a political party that is entitled to continued representation on the
30 ballot pursuant to section 16-804, the elector shall designate the ballot
31 of only one of the political parties that is entitled to continued
32 representation on the ballot and the elector may receive and vote the
33 ballot of only that one political party, which also shall include any
34 nonpartisan offices and ballot questions, or the elector shall designate
35 the ballot for nonpartisan offices and ballot questions only and the
36 elector may receive and vote the ballot that contains only nonpartisan
37 offices and ballot questions. The county recorder or other officer in
38 charge of elections shall process any request for an early ballot for a
39 municipal election pursuant to this subsection. The county recorder may
40 establish on-site early voting locations at the recorder's office, which
41 shall be open and available for use beginning the same day that a county
42 begins to send out the early ballots. The county recorder may also
43 establish any other early voting locations in the county the recorder
44 deems necessary. Any on-site early voting location or other early voting
45 location shall require each elector to present identification as

1 prescribed in section 16-579 before receiving a ballot. Notwithstanding
2 section 16-579, subsection A, paragraph 2, at any on-site early voting
3 location or other early voting location the county recorder or other
4 officer in charge of elections may provide for a qualified elector to
5 update the elector's voter registration information as provided for in the
6 secretary of state's instructions and procedures manual adopted pursuant
7 to section 16-452.

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

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

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

1 E. In order to be complete and correct and to receive an early
2 ballot by mail, an elector's request that an early ballot be mailed to the
3 elector's residence or temporary address must include all of the
4 information prescribed by subsection A of this section and must be
5 received by the county recorder or other officer in charge of elections ~~no~~
6 ~~NOT~~ later than 5:00 p.m. on the eleventh day preceding the election. An
7 elector who appears personally ~~no~~ ~~NOT~~ later than 5:00 p.m. on the Friday
8 preceding the election at an on-site early voting location that is
9 established by the county recorder or other officer in charge of elections
10 shall be given a ballot after presenting identification as prescribed in
11 section 16-579 and shall be ~~permitted~~ ~~ALLOWED~~ to vote at the on-site
12 location. Notwithstanding section 16-579, subsection A, paragraph 2, at
13 any on-site early voting location the county recorder or other officer in
14 charge of elections may provide for a qualified elector to update the
15 elector's voter registration information as provided for in the secretary
16 of state's instructions and procedures manual adopted pursuant to section
17 16-452. If an elector's request to receive an early ballot is not
18 complete and correct but complies with all other requirements of this
19 section, the county recorder or other officer in charge of elections shall
20 attempt to notify the elector of the deficiency of the request.

21 F. Unless an elector specifies that the address to which an early
22 ballot is to be sent is a temporary address, the recorder may use the
23 information from an early ballot request form to update voter registration
24 records.

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

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

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

7 J. ONLY a ~~candidate,~~ political ~~committee or other organization~~
8 PARTY, COUNTY RECORDER OR ELECTION OFFICIAL may distribute early ballot
9 request forms to voters. If the early ballot request forms include a
10 printed address for return, the addressee shall be the political
11 subdivision that will conduct the election. Failure to use the political
12 subdivision as the return addressee is punishable by a civil penalty of up
13 to three times the cost of the production and distribution of the request.

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

26 L. Except for a voter who is on the active early voting list
27 prescribed by section 16-544, a voter who requests a onetime early ballot
28 pursuant to THIS section ~~16-542~~ or for an election conducted pursuant to
29 section 16-409 or article 8.1 of this chapter, a county recorder, city or
30 town clerk or other election officer may not deliver or mail an early
31 ballot to a person who has not requested an early ballot for that
32 election. An election officer who knowingly violates this subsection is
33 guilty of a class 5 felony.

34 M. SUBSECTIONS J AND K OF THIS SECTION DO NOT APPLY TO AN ELECTION
35 THAT IS HELD BY A SPECIAL TAXING DISTRICT FORMED PURSUANT TO TITLE 48 FOR
36 THE PURPOSE OF PROTECTING OR PROVIDING SERVICES TO AGRICULTURAL LANDS OR
37 CROPS.

38 Sec. 3. Section 16-544, Arizona Revised Statutes, is amended to
39 read:

40 16-544. Active early voting list; civil penalty; violation;
41 classification; definition

42 A. Any voter may request to be included on a list of voters to
43 receive an early ballot by mail for any election for which the county
44 voter registration roll is used to prepare the election register. The

1 county recorder of each county shall maintain the active early voting list
2 as part of the voter registration roll.

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

19 C. On receipt of a request to be included on the active early
20 voting list, the county recorder or other officer in charge of elections
21 shall compare the signature on the request form with the voter's signature
22 on the voter's registration form and, if the request is from the voter,
23 shall mark the voter's registration file as an active early ballot
24 request.

25 D. Not less than ninety days before any polling place election
26 scheduled in March or August, the county recorder or other officer in
27 charge of elections shall mail to all voters who are eligible for the
28 election and who are included on the active early voting list an election
29 notice by nonforwardable mail that is marked with the statement required
30 by the postmaster to receive an address correction notification. If an
31 election is not formally called by a jurisdiction by the one hundred
32 eightieth day before the election, the recorder or other officer in charge
33 of elections is not required to send the election notice. The notice
34 shall include the dates of the elections that are the subject of the
35 notice, the dates that the voter's ballot is expected to be mailed and the
36 address where the ballot will be mailed. If the upcoming election is a
37 partisan open primary election and the voter is not registered as a member
38 of one of the political parties that is recognized for purposes of that
39 primary, the notice shall include information on the procedure for the
40 voter to designate a political party ballot. The notice shall be
41 delivered with return postage prepaid and shall also include a means for
42 the voter to do any of the following:

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

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

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

5 E. If the notice that is mailed to the voter is returned
6 undeliverable by the postal service, the county recorder or other officer
7 in charge of elections shall take the necessary steps to contact the voter
8 at the voter's new residence address in order to update that voter's
9 address or to move the voter to inactive status as prescribed in section
10 16-166, subsection A. If a voter is moved to inactive status, the voter
11 shall be removed from the active early voting list. If the voter is
12 removed from the active early voting list, the voter shall only be added
13 to the active early voting list again if the voter submits a new request
14 pursuant to this section.

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

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

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

31 2. To receive an early ballot for the primary election, the voter
32 shall submit the voter's choice for political party ballot to the county
33 recorder.

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

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

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

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

1 4. The voter fails to vote an early ballot in all elections for two
2 consecutive election cycles. For the purposes of this paragraph,
3 "election" means any regular primary or regular general election for which
4 there was a federal race on the ballot or for which a city or town
5 candidate primary or first election or city or town candidate second,
6 general or runoff election was on the ballot. This paragraph does not
7 apply to:

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

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

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

18 J. An absent uniformed services voter or overseas voter as defined
19 in the uniformed and overseas citizens absentee voting act (P.L. 99-410;
20 52 United States Code section 20310) is eligible to be placed on the
21 active early voting list pursuant to this section.

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

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

28 2. The voter fails to vote using an early ballot in all of the
29 following elections for two consecutive election cycles:

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

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

34 L. On or before January 15 of each odd-numbered year, the county
35 recorder or other officer in charge of elections shall send a notice to
36 each voter who is on the active early voting list and who did not vote an
37 early ballot in all elections for two consecutive election cycles as
38 prescribed by subsection K of this section. If the voter has provided the
39 voter's telephone or mobile phone number or email address to the county
40 recorder, the county recorder may additionally provide the notice to the
41 voter by telephone call, text message or email. The notice shall inform
42 the voter that if the voter wishes to remain on the active early voting
43 list, the voter shall do both of the following with the notice received:

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

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

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

9 N. ONLY a ~~candidate,~~ political ~~committee or other organization~~
10 PARTY, COUNTY RECORDER OR ELECTION OFFICIAL may distribute active early
11 voting list request forms to voters. If the active early voting list
12 request forms include a printed address for return, that address shall be
13 the political subdivision that will conduct the election. Failure to use
14 the political subdivision as the return addressee is punishable by a civil
15 penalty of up to three times the cost of the production and distribution
16 of the active early voting list request.

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

29 P. A person who receives an early ballot at an address at which
30 another person formerly resided, without voting the ballot or signing the
31 envelope, shall write "not at this address" on the envelope and place the
32 mail piece in a united states postal service collection box or other mail
33 receptacle. On receipt, the county recorder or other officer in charge of
34 elections shall proceed in the manner prescribed in subsection E of this
35 section.

36 Q. When the county recorder receives confirmation from another
37 county that a person registered has registered to vote in that other
38 county, the county recorder shall remove that person from the active early
39 voting list.

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

1 S. SUBSECTIONS N AND O OF THIS SECTION DO NOT APPLY TO AN ELECTION
2 THAT IS HELD BY A SPECIAL TAXING DISTRICT FORMED PURSUANT TO TITLE 48 FOR
3 THE PURPOSE OF PROTECTING OR PROVIDING SERVICES TO AGRICULTURAL LANDS OR
4 CROPS.
5 ~~S.~~ T. For the purposes of this section, "election cycle" means the
6 two-year period beginning on January 1 in the year after a statewide
7 general election or, for cities and towns, the two-year period beginning
8 on the first day of the calendar quarter after the calendar quarter in
9 which the city's or town's second, runoff or general election is scheduled
10 and ending on the last day of the calendar quarter in which the city's or
11 town's immediately following second, runoff or general election is
12 scheduled, however that election is designated by the city or town.