

REFERENCE TITLE: permanent early voting list.

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

SB 1436

Introduced by
Senators Sundareshan: Diaz, Hernandez, Mendez, Terán; Representative
Travers

AN ACT

AMENDING SECTIONS 16-245, 16-411, 16-461, 16-510, 16-542 AND 16-544,
ARIZONA REVISED STATUTES; RELATING TO ELECTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 16-245, Arizona Revised Statutes, is amended to
3 read:

4 16-245. Form and content of ballot

5 A. Ballots and ballot labels for the presidential preference
6 election shall be printed on different colored paper or white paper with a
7 different colored stripe for each party represented on the presidential
8 preference election ballot. Only one party may be represented on each
9 ballot. At the top shall be printed "official ballot of the
10 _____ party, presidential preference election (date), county of
11 _____, state of Arizona".

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

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

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

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

36 Sec. 2. Section 16-411, Arizona Revised Statutes, is amended to
37 read:

38 16-411. Designation of election precincts and polling places;
39 voting centers; electioneering; wait times

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

44 1. The election precinct boundaries shall be established so as to
45 be included within election districts prescribed by law for elected

1 officers of the state and its political subdivisions, including community
2 college district precincts, except those elected officers provided for in
3 titles 30 and 48.

4 2. If after October 1 of the year preceding the year of a general
5 election the board of supervisors must further adjust precinct boundaries
6 due to the redistricting of election districts as prescribed by law and to
7 comply with this subsection, the board of supervisors shall adjust these
8 precinct boundaries as soon as is practicable.

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

13 1. On a specific finding of the board, included in the order or
14 resolution designating polling places pursuant to this subsection, that no
15 suitable polling place is available within a precinct, a polling place for
16 that precinct may be designated within an adjacent precinct.

17 2. Adjacent precincts may be combined if boundaries so established
18 are included in election districts prescribed by law for state elected
19 officials and political subdivisions including community college districts
20 but not including elected officials prescribed by titles 30 and 48. The
21 officer in charge of elections may also split a precinct for
22 administrative purposes. The polling places shall be listed in separate
23 sections of the order or resolution.

24 3. On a specific finding of the board that the number of persons
25 who are listed as PERMANENT early voters pursuant to section 16-544 and
26 who are not expected to have their ballots tabulated at the polling place
27 as prescribed in section 16-579.02 is likely to substantially reduce the
28 number of voters appearing at one or more specific polling places at that
29 election, adjacent precincts may be consolidated by combining polling
30 places and precinct boards for that election. The board of supervisors
31 shall ensure that a reasonable and adequate number of polling places will
32 be designated for that election. Any consolidated polling places shall be
33 listed in separate sections of the order or resolution of the board.

34 4. On a specific resolution of the board, the board may authorize
35 the use of voting centers in place of or in addition to specifically
36 designated polling places. A voting center shall allow any voter in that
37 county to receive the appropriate ballot for that voter on election day
38 after presenting identification as prescribed in section 16-579 and to
39 lawfully cast the ballot. Voting centers may be established in
40 coordination and consultation with the county recorder, at other county
41 offices or at other locations in the county deemed appropriate.

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

1 (a) The board shall specify in the resolution the location and the
2 hours of operation of the emergency voting centers.

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

10 (c) If an emergency voting center established pursuant to this
11 section becomes unavailable and there is not sufficient time for the board
12 of supervisors to convene to approve an alternate location for that
13 emergency voting center, the county recorder or other officer in charge of
14 elections may make changes to the approved emergency voting center
15 location and shall notify the public and the board of supervisors
16 regarding that change as soon as practicable. The alternate emergency
17 voting center shall be as close in proximity to the approved emergency
18 voting center location as possible.

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

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

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

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

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

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

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

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

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

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

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

- 40 1. An act of God renders a previously set polling place as
41 unusable.
- 42 2. A county recorder or other officer in charge of elections has
43 exhausted all options and there are no suitable facilities in a precinct
44 that are willing to be a polling place unless a facility can be given an
45 emergency designation.

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

7 1. The number of ballots voted in the prior primary and general
8 elections.

9 2. The number of registered voters who voted early in the prior
10 primary and general elections.

11 3. The number of registered voters and the number of registered
12 voters who cast an early ballot for the current primary or general
13 election.

14 4. The number of registered voters whose early ballots were
15 tabulated on-site as prescribed in section 16-579.02 in the prior primary
16 and general elections.

17 5. The number of election board members and clerks and the number
18 of rosters that will reduce voter wait time at the polls.

19 Sec. 3. Section 16-461, Arizona Revised Statutes, is amended to
20 read:

21 16-461. Sample primary election ballots; submission to party
22 chairmen for examination; preparation, printing and
23 distribution of ballot

24 A. At least forty-five days before a primary election, the officer
25 in charge of that election shall:

26 1. Prepare a proof of a sample ballot.

27 2. Submit the sample ballot proof of each party to the county
28 chairman or in city or town primaries to the city or town chairman.

29 3. Mail a sample ballot proof to each candidate for whom a
30 nomination paper and petitions have been filed.

31 B. Within five days after receipt of the sample ballot, the county
32 chairman of each political party shall suggest to the election officer any
33 change the chairman considers should be made in the chairman's party
34 ballot, and if on examination the election officer finds an error or
35 omission in the ballot the officer shall correct it. The election officer
36 shall ~~cause~~ PRINT AND DISTRIBUTE the sample ballots ~~to be printed and~~
37 ~~distributed~~ as required by law, shall maintain a copy of each sample
38 ballot and shall post a notice indicating that sample ballots are
39 available on request. The official sample ballot shall be printed on
40 colored paper or white paper with a different colored stripe for each
41 party that is represented on that ballot. For voters who are not
42 registered with a party that is entitled to continued representation on
43 the ballot pursuant to section 16-804, the election officer may print and
44 distribute the required sample ballots in an alternative format, including
45 a reduced size format.

1 C. Not later than forty days before a primary election, the county
2 chairman of a political party may request one sample primary election
3 ballot of the chairman's party for each election precinct.

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

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

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

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

29 Sec. 4. Section 16-510, Arizona Revised Statutes, is amended to
30 read:

31 16-510. Sample ballots; preparation and distribution

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

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

39 C. The board of supervisors shall have printed mailer-type sample
40 ballots for a general election and shall mail at least eleven days before
41 the election one such sample ballot to each household in the county
42 containing a registered voter unless that registered voter is on the
43 ~~active~~ PERMANENT early voting list established pursuant to section 16-544.
44 Each sample ballot shall contain the following statement: "This is a
45 sample ballot and cannot be used as an official ballot under any

1 circumstances". A certified claim shall be presented to the secretary of
2 state by the board of supervisors for the actual cost of printing,
3 labeling and postage of each sample ballot actually mailed, and the
4 secretary of state shall direct payment of the authenticated claim from
5 funds of the secretary of state's office.

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

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

16 Sec. 5. Section 16-542, Arizona Revised Statutes, is amended to
17 read:

18 16-542. Request for ballot; civil penalties; violation;
19 classification

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

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

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

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

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

1 early ballots are delivered pursuant to section 16-545, subsection B,
 2 excluding Sundays.

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

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

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

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

1 unforeseen circumstances that would prevent the elector from voting at the
2 polls.

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

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

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

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

36 Sec. 6. Section 16-544, Arizona Revised Statutes, is amended to
37 read:

38 16-544. Permanent early voting list; civil penalty;
39 violation; classification

40 A. Any voter may request to be included on a list of voters to
41 receive an early ballot by mail for any election for which the county
42 voter registration roll is used to prepare the election register. The
43 county recorder of each county shall maintain the ~~active~~ PERMANENT early
44 voting list as part of the voter registration roll.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

41 3. The notice sent by the county recorder or other officer in
42 charge of elections is returned undeliverable and the county recorder or
43 officer in charge of elections is unable to contact the voter to determine
44 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~~ PERMANENT early voting list. The request shall include
14 the voter's name, residence address, date of birth and signature. On
15 receipt of a completed request to remove a voter from the ~~active~~ PERMANENT
16 early voting list, the county recorder or other officer in charge of
17 elections shall remove the voter's name from the list as soon as
18 practicable.

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

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

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

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

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

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

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

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

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

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

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

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

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

39 ~~Q.~~ O. When the county recorder receives confirmation from another
40 county that a person registered has registered to vote in that other
41 county, the county recorder shall remove that person from the ~~active~~
42 PERMANENT early voting list.

43 ~~R.~~ P. If the county recorder receives credible information that a
44 person has registered to vote in a different county, the county recorder
45 shall confirm the person's voter registration with that other county and,

1 on confirmation, shall remove that person from the county's ~~active~~
2 **PERMANENT** early voting list pursuant to subsection ~~0~~ 0 of this section.
3 ~~S. For the purposes of this section, "election cycle" means the~~
4 ~~two-year period beginning on January 1 in the year after a statewide~~
5 ~~general election or, for cities and towns, the two-year period beginning~~
6 ~~on the first day of the calendar quarter after the calendar quarter in~~
7 ~~which the city's or town's second, runoff or general election is scheduled~~
8 ~~and ending on the last day of the calendar quarter in which the city's or~~
9 ~~town's immediately following second, runoff or general election is~~
10 ~~scheduled, however that election is designated by the city or town.~~