

Senate Engrossed

early ballots; identification; tabulation

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

# SENATE BILL 1595

AN ACT

AMENDING SECTIONS 16-542, 16-548 AND 16-579.02, ARIZONA REVISED STATUTES;  
RELATING TO CONDUCT OF ELECTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

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

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

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

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

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

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

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

34 E. In order to be complete and correct and to receive an early  
35 ballot by mail, an elector's request that an early ballot be mailed to the  
36 elector's residence or temporary address must include all of the  
37 information prescribed by subsection A of this section and must be  
38 received by the county recorder or other officer in charge of elections ~~no~~  
39 NOT later than 5:00 p.m. on the eleventh day preceding the election. An  
40 elector who appears personally ~~no later than 5:00 p.m. on the Friday~~  
41 ~~preceding the election~~ at an on-site early voting location that is  
42 established by the county recorder or other officer in charge of elections  
43 shall be given a ballot after presenting identification as prescribed in  
44 section 16-579 and shall be ~~permitted~~ ALLOWED to vote at the on-site  
45 location, EXCEPT THAT IF THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF

1 ELECTIONS IS NOT ABLE TO REVISE PRECINCT REGISTERS AND OTHER ELECTIONS  
2 MATERIALS IN A TIMELY MANNER FOR USE ON ELECTION DAY TO INDICATE WHICH  
3 VOTERS HAVE REQUESTED AN EARLY BALLOT, WHICH VOTERS HAVE ALREADY VOTED AND  
4 WHICH VOTERS ARE ON THE INACTIVE VOTER LIST, THE COUNTY RECORDER OR OTHER  
5 OFFICER IN CHARGE OF ELECTIONS MAY NOT OPERATE THE ON-SITE EARLY VOTING  
6 LOCATIONS AFTER 7:00 P.M. ON THE FRIDAY PRECEDING THE ELECTION.

7 Notwithstanding section 16-579, subsection A, paragraph 2, at any on-site  
8 early voting location the county recorder or other officer in charge of  
9 elections may provide for a qualified elector to update the elector's  
10 voter registration information as provided for in the secretary of state's  
11 instructions and procedures manual adopted pursuant to section 16-452. If  
12 an elector's request to receive an early ballot is not complete and  
13 correct but complies with all other requirements of this section, the  
14 county recorder or other officer in charge of elections shall attempt to  
15 notify the elector of the deficiency of the request.

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

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

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

40 I. Notwithstanding section 16-579, subsection A, paragraph 2, for  
41 any voting pursuant to subsection H of this section, the county recorder  
42 or other officer in charge of elections may allow a qualified elector to  
43 update the elector's voter registration information as provided for in the  
44 secretary of state's instructions and procedures manual adopted pursuant  
45 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. Except for a voter who is on the active early voting list  
21 prescribed by section 16-544, a voter who requests a onetime early ballot  
22 pursuant to ~~THIS~~ section ~~16-542~~ or for an election conducted pursuant to  
23 section 16-409 or article 8.1 of this chapter, a county recorder, city or  
24 town clerk or other election officer may not deliver or mail an early  
25 ballot to a person who has not requested an early ballot for that  
26 election. An election officer who knowingly violates this subsection is  
27 guilty of a class 5 felony.

28 Sec. 2. Section 16-548, Arizona Revised Statutes, is amended to  
29 read:

30 ~~16-548.~~ Preparation and transmission of ballot; definition

31 A. The early voter shall make and sign the affidavit and shall then  
32 mark ~~his~~ THE ballot in ~~such~~ a manner that ~~his~~ THE EARLY VOTER'S vote  
33 cannot be seen. The early voter shall fold the ballot, if a paper ballot,  
34 so as to conceal the vote and deposit the voted ballot in the envelope  
35 provided for that purpose, which shall be securely sealed and, together  
36 with the affidavit, ~~delivered or~~ THE VOTED BALLOT SHALL BE RETURNED BY ONE  
37 OF THE FOLLOWING METHODS:

38 1. Mailed to the county recorder or other officer in charge of  
39 elections of the political subdivision in which the ~~elector~~ VOTER is  
40 registered ~~or deposited by the voter or the voter's agent at any polling~~  
41 ~~place in the county~~. In order to be counted and valid, the ballot must be  
42 received by the county recorder or other officer in charge of elections  
43 ~~or deposited at any polling place in the county no~~ NOT later than 7:00  
44 p.m. on election day.

1 2. DELIVERED TO THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF  
2 ELECTIONS OF THE POLITICAL SUBDIVISION IN WHICH THE VOTER IS REGISTERED.  
3 IN ORDER TO BE COUNTED AND VALID, THE BALLOT MUST BE RECEIVED BY THE  
4 COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS NOT LATER THAN  
5 7:00 P.M. ON THE FRIDAY PRECEDING ELECTION DAY.

6 3. DEPOSITED BY THE VOTER AT ANY POLLING PLACE IN THE COUNTY.  
7 BEGINNING AFTER 7:00 P.M. ON THE FRIDAY PRECEDING ELECTION DAY, THE EARLY  
8 VOTER MUST PRESENT IDENTIFICATION THAT COMPLIES WITH SECTION 16-579,  
9 SUBSECTION A, PARAGRAPH 1 AND SIGN THE SIGNATURE ROSTER OR ELECTRONIC  
10 POLLBOOK BEFORE DEPOSITING THE BALLOT AT THE POLLING PLACE. IF THE VOTER  
11 DOES NOT HAVE SUFFICIENT IDENTIFICATION WHILE AT THE POLLING PLACE, THE  
12 VOTER SHALL PROVIDE SUFFICIENT IDENTIFICATION WITHIN THE TIME LIMITS  
13 PRESCRIBED BY SUBSECTION B OF THIS SECTION.

14 4. TABULATED BY USE OF THE ON-SITE TABULATION PROCEDURE PRESCRIBED  
15 BY SECTION 16-579.02.

16 B. IF A VOTER'S AGENT DELIVERS A VOTER'S BALLOT TO ANY POLLING  
17 PLACE IN THE COUNTY, THE VOTER'S BALLOT WILL BE COUNTED AND VALID ONLY IF  
18 THE VOTER PRESENTS IDENTIFICATION THAT COMPLIES WITH SECTION 16-579,  
19 SUBSECTION A, PARAGRAPH 1 TO THE COUNTY RECORDER OR OTHER OFFICER IN  
20 CHARGE OF ELECTIONS NOT LATER THAN THE FIFTH BUSINESS DAY AFTER A PRIMARY,  
21 GENERAL OR SPECIAL ELECTION THAT INCLUDES A FEDERAL OFFICE OR THE THIRD  
22 BUSINESS DAY AFTER ANY OTHER ELECTION.

23 ~~B.~~ C. If the early voter is an overseas citizen, a qualified  
24 elector absent from the United States or in the United States service, a  
25 spouse or dependent residing with the early voter or a qualified elector  
26 of a special district mail ballot election as provided in article 8.1 of  
27 this chapter, the early voter may subscribe to the affidavit before and  
28 obtain the signature and military identification number or passport  
29 number, if available, of any person who is a United States citizen  
30 eighteen years of age or older.

31 D. FOR THE PURPOSES OF THIS SECTION, "VOTER'S AGENT" MEANS THE  
32 VOTER'S FAMILY MEMBER, HOUSEHOLD MEMBER OR CAREGIVER AS DEFINED IN SECTION  
33 16-1005.

34 Sec. 3. Section 16-579.02, Arizona Revised Statutes, is amended to  
35 read:

36 16-579.02. Election day early ballot on-site tabulation  
37 procedure; fund

38 A. A qualified elector who appears at a voting center or at the  
39 elector's designated polling place that allows for the on-site tabulation  
40 of early ballots with the elector's voted early ballot shall present  
41 identification as prescribed in section 16-579, subsection A, paragraph 1  
42 and proceed as follows:

1           1. If the elector does not present identification that complies  
2 with section 16-579, subsection A, paragraph 1, the elector shall ~~either~~  
3 ~~deposit the elector's voted early ballot in its affidavit envelope in an~~  
4 ~~official drop box or proceed to the area designated for election day~~  
5 ~~voting to~~ surrender the early ballot to the election board for retention  
6 and not for tabulating. The elector shall then be allowed to vote a  
7 provisional ballot as prescribed in section 16-584. An election official  
8 may not allow for the on-site tabulation of an early ballot if the elector  
9 does not present identification that complies with section 16-579,  
10 subsection A, paragraph 1.

11           2. If the elector presents sufficient identification to comply with  
12 section 16-579, subsection A, paragraph 1, the elector shall present the  
13 elector's early ballot affidavit to the election official in charge of the  
14 signature roster, and the election official shall confirm that the name  
15 and address on the completed affidavit reasonably appear to be the same as  
16 the name and address on the precinct register.

17           3. If the elector's affidavit is not complete, the election  
18 official in charge of the signature roster shall allow the elector to  
19 complete the affidavit. The election official may not allow for the  
20 on-site tabulation of an early ballot until the elector presents a  
21 completed early ballot affidavit.

22           B. If the elector's affidavit is complete, the elector's name shall  
23 be numbered consecutively by the clerk and in the order of application for  
24 early ballot tabulation.

25           C. For precincts in which a paper signature roster is used, each  
26 qualified elector shall sign the elector's name in the signature roster as  
27 prescribed in section 16-579, subsection D before proceeding to the  
28 tabulating equipment.

29           D. For precincts in which an electronic pollbook is used, each  
30 qualified elector shall sign the elector's name as prescribed in section  
31 16-579, subsection E before proceeding to the tabulating equipment.

32           E. After signing the signature roster or electronic pollbook, the  
33 elector shall proceed to the tabulating equipment and while under the  
34 observation of an election official, remove the early ballot from the  
35 completed affidavit envelope, deposit the empty completed affidavit  
36 envelope in the secured ~~and labeled drop box~~ CONTAINER FOR THAT PURPOSE  
37 and insert the early ballot into a tabulating machine. An early ballot  
38 that has been separated from the elector's completed affidavit envelope  
39 may not be removed from the on-site early ballot tabulation area.

40           F. The ~~drop box~~ SECURED CONTAINER prescribed in subsection E of  
41 this section shall be clearly labeled to indicate that the completed  
42 affidavits are from ballots tabulated pursuant to this section and shall  
43 be secured in a manner substantially similar to ~~other~~ ballot boxes at that  
44 location.

1           G. Any qualified elector who lawfully brings to a polling place or  
2 voting center another elector's voted early ballot that is sealed in its  
3 affidavit envelope shall deposit the other elector's voted early ballot in  
4 the appropriate SECURED ballot drop box before entering the on-site early  
5 ballot tabulation area for purposes of tabulating the elector's own early  
6 ballot. The county recorder or other officer in charge of elections shall  
7 ensure that a voter is not in possession of another voter's ballot within  
8 the on-site early ballot tabulation area.