

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2102

(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

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

4 16-542. Request for ballot; violation; classification

5 A. Within ninety-three days before any election called pursuant to  
6 the laws of this state, an ~~elector~~ ELIGIBLE VOTER AS PRESCRIBED BY SECTION  
7 16-541 may make a verbal or signed request to the county recorder, or other  
8 officer in charge of elections for the applicable political subdivision of  
9 this state in whose jurisdiction the ~~elector~~ VOTER is registered to vote,  
10 for an official ~~early~~ ABSENTEE ballot. In addition to name and address,  
11 the requesting ~~elector~~ VOTER shall provide the date of birth and state or  
12 country of birth or other information that if compared to the voter  
13 registration information on file would confirm the identity of the ~~elector~~  
14 VOTER AND SHALL SPECIFY THAT THE VOTER EXPECTS TO BE OUTSIDE THIS STATE AT  
15 THE TIME OF THE ELECTION, IS PHYSICALLY UNABLE TO GO TO THE POLLS BECAUSE  
16 THE VOTER IS HOSPITALIZED OR IN A NURSING HOME, HAS A VISUAL IMPAIRMENT OR  
17 IS AN ABSENT UNIFORMED SERVICES OR OVERSEAS VOTER AS DEFINED IN THE  
18 UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT (P.L. 99-410; 52 UNITED  
19 STATES CODE SECTION 20310) OR IS A SPOUSE OR HOUSEHOLD MEMBER OF THE ABSENT  
20 UNIFORMED SERVICES VOTER OR OVERSEAS VOTER. If the request indicates that  
21 the ~~elector~~ VOTER needs a primary election ballot and a general election  
22 ballot, the county recorder or other officer in charge of elections shall  
23 honor the request. For any partisan primary election, if the ~~elector~~ VOTER

1 is not registered as a member of a political party that is entitled to  
2 continued representation on the ballot pursuant to section 16-804, the  
3 ~~elector~~ VOTER shall designate the ballot of only one of the political  
4 parties that is entitled to continued representation on the ballot and the  
5 ~~elector~~ VOTER may receive and vote the ballot of only that one political  
6 party, which also shall include any nonpartisan offices and ballot  
7 questions, or the ~~elector~~ VOTER shall designate the ballot for nonpartisan  
8 offices and ballot questions only and the ~~elector~~ VOTER may receive and  
9 vote the ballot that contains only nonpartisan offices and ballot  
10 questions. The county recorder or other officer in charge of elections  
11 shall process any request for an ~~early~~ ABSENTEE ballot for a municipal  
12 election pursuant to this subsection. ~~The county recorder may establish~~  
13 ~~on-site early voting locations at the recorder's office, which shall be~~  
14 ~~open and available for use beginning the same day that a county begins to~~  
15 ~~send out the early ballots. The county recorder may also establish any~~  
16 ~~other early voting locations in the county the recorder deems necessary.~~  
17 ~~Any on-site early voting location or other early voting location shall~~  
18 ~~require each elector to present identification as prescribed in section~~  
19 ~~16-579 before receiving a ballot. Notwithstanding section 16-579,~~  
20 ~~subsection A, paragraph 2, at any on-site early voting location or other~~  
21 ~~early voting location the county recorder or other officer in charge of~~  
22 ~~elections may provide for a qualified elector to update the elector's voter~~  
23 ~~registration information as provided for in the secretary of state's~~  
24 ~~instructions and procedures manual adopted pursuant to section 16-452.~~

25 B. Notwithstanding subsection A of this section, a request for an  
26 official ~~early~~ ABSENTEE ballot from an absent uniformed services voter or  
27 overseas voter as defined in the uniformed and overseas citizens absentee  
28 voting act ~~of 1986~~ (P.L. 99-410; 52 United States Code section 20310) ~~or a~~  
29 ~~voter whose information is protected pursuant to section 16-153~~ that is  
30 received by the county recorder or other officer in charge of elections  
31 more than ninety-three days before the election is valid. ~~if requested by~~  
32 ~~the absent uniformed services or overseas voter, or a voter whose~~

~~information is protected pursuant to section 16-153, the county recorder or other officer in charge of elections shall provide to the requesting voter early ballot materials through the next regularly scheduled general election for federal office immediately following receipt of the request unless a different period of time, which does not exceed the next two regularly scheduled general elections for federal office, is designated by the voter.~~

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

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

E. In order to be complete and correct and to receive an **early ABSENTEE** ballot by mail, ~~an elector's~~ **A VOTER'S** request that an **early**

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

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

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

29 ~~H.~~ G. As a result of experiencing an emergency between 5:00 p.m. on  
30 the Friday preceding the election and 5:00 p.m. on the Monday preceding the  
31 election, qualified ~~electors~~ VOTERS may request to vote in the manner  
32 prescribed by the board of supervisors of their respective county. Before

1 voting pursuant to this subsection, ~~an elector~~ A VOTER who experiences an  
2 emergency shall provide identification as prescribed in section 16-579 and  
3 shall sign a statement under penalty of perjury that states that the person  
4 is experiencing or experienced an emergency after 5:00 p.m. on the Friday  
5 immediately preceding the election and before 5:00 p.m. on the Monday  
6 immediately preceding the election that would prevent the person from  
7 voting at the polls. Signed statements received pursuant to this  
8 subsection are not subject to inspection pursuant to title 39, chapter 1,  
9 article 2. For the purposes of this subsection, "emergency" means any  
10 unforeseen circumstances that would prevent the ~~elector~~ VOTER from voting  
11 at the polls.

12 ~~i. Notwithstanding section 16-579, subsection A, paragraph 2, for~~  
13 ~~any voting pursuant to subsection H of this section, the county recorder or~~  
14 ~~other officer in charge of elections may allow a qualified elector to~~  
15 ~~update the elector's voter registration information as provided for in the~~  
16 ~~secretary of state's instructions and procedures manual adopted pursuant to~~  
17 ~~section 16-452.~~

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

25 ~~k. All original and completed early ballot request forms that are~~  
26 ~~received by a candidate, political committee or other organization shall be~~  
27 ~~submitted within six business days after receipt by a candidate, political~~  
28 ~~committee or other organization or eleven days before the election day,~~  
29 ~~whichever is earlier, to the political subdivision that will conduct the~~  
30 ~~election. Any person, political committee or other organization that fails~~  
31 ~~to submit a completed early ballot request form within the prescribed time~~  
32 ~~is subject to a civil penalty of up to \$25 per day for each completed form~~

1 ~~withheld from submittal. Any person who knowingly fails to submit a~~  
2 ~~completed early ballot request form before the submission deadline for the~~  
3 ~~election immediately following the completion of the form is guilty of a~~  
4 ~~class 6 felony.~~

5 ~~L. H. Except for a voter who is on the active early voting list~~  
6 ~~prescribed by section 16-544,~~ A voter who requests a onetime ~~early~~ ABSENTEE  
7 ballot pursuant to THIS section ~~16-542~~ or for an election conducted  
8 pursuant to section 16-409 or article 8.1 of this chapter, a county  
9 recorder, city or town clerk or other election officer may not deliver or  
10 mail an ~~early~~ ABSENTEE ballot to a person who has not requested an ~~early~~  
11 ABSENTEE ballot for that election. An election officer who knowingly  
12 violates this subsection is guilty of a class ~~5-2~~ felony.

13 Sec. 2. Conforming legislation

14 The legislative council staff shall prepare proposed legislation  
15 conforming the Arizona Revised Statutes to the provisions of this act for  
16 consideration in the fifty-sixth legislature, second regular session."

17 Amend title to conform

LIZ HARRIS

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02/13/2023  
02:38 PM  
C: MR