

REFERENCE TITLE: elections; early voting; weekends; emergencies

State of Arizona
House of Representatives
Fifty-sixth Legislature
Second Regular Session
2024

HB 2733

Introduced by
Representative Terech

AN ACT

AMENDING SECTIONS 16-246 AND 16-542, 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 16-246, Arizona Revised Statutes, is amended to
3 read:

4 16-246. Early balloting; satellite locations; additional
5 procedures

6 A. Within ninety-three days before the presidential preference
7 election and not later than 5:00 p.m. on the eleventh day preceding the
8 election, any elector who is eligible to vote in the presidential
9 preference election may make a verbal or signed, written request for an
10 official early ballot to the county recorder or other officer in charge of
11 elections for the county in which the elector is registered to vote. If
12 the request is verbal, the requesting elector shall provide the date of
13 birth and birthplace or other information that if compared to the voter
14 registration records for that elector would confirm the identity of the
15 elector.

16 B. Absent uniformed services voters or overseas voters who are
17 otherwise eligible to vote in the election may vote as prescribed by
18 sections 16-543 and 16-543.02.

19 C. The county recorder or other officer in charge of elections may
20 establish on-site early voting locations at the office of the county
21 recorder or at other locations in the county deemed necessary or
22 appropriate by the recorder. Early voting shall begin within the time
23 limits prescribed in section 16-542 unless otherwise prescribed by this
24 section.

25 D. The county recorder or other officer in charge of elections
26 shall send by nonforwardable mail that is marked with the statement
27 required by the postmaster to receive an address correction notification
28 any early ballots that are requested pursuant to subsections A and B of
29 this section and shall include a preaddressed envelope for the elector to
30 return the completed ballot.

31 E. The county recorder or other officer in charge of elections
32 shall provide to each election board an appropriate alphabetized list of
33 voters who have requested and have been sent an early ballot. Any person
34 who is on that list of voters and who was sent an early ballot shall not
35 vote at the polling place for that election precinct except as prescribed
36 by section 16-579, subsection B.

37 F. The county recorder or other officer in charge of elections may
38 provide for ~~any of the following~~ SPECIAL ELECTION BOARDS in the same
39 manner prescribed by law for other elections. ~~:-~~

40 ~~1. Special election boards.~~

41 ~~2. Emergency balloting for persons who experience an emergency~~
42 ~~after 5:00 p.m. on the Friday preceding the presidential preference~~
43 ~~election and before 5:00 p.m. on the Monday immediately preceding the~~
44 ~~presidential preference election. Before receiving a ballot pursuant to~~
45 ~~this paragraph, a person who experiences an emergency shall provide~~

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

~~8 G. Notwithstanding section 16-579, subsection A, paragraph 2, for
9 emergency balloting pursuant to subsection F, paragraph 2 of this section,
10 the county recorder or other officer in charge of elections may allow a
11 qualified elector to update the elector's voter registration information
12 as provided for in the secretary of state's instructions and procedures
13 manual adopted pursuant to section 16-452.~~

~~H. G.~~ G. Sections 16-550, 16-551 and 16-552 govern the use of early balloting for the presidential preference election.

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

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

A. Within ninety-three days before any election called pursuant to the laws of this state, an elector may make a verbal or signed request to the county recorder, or other officer in charge of elections for the applicable political subdivision of this state in whose jurisdiction the elector is registered to vote, for an official early ballot. In addition to name and address, the requesting elector shall provide the date of birth and state or country of birth or other information that if compared to the voter registration information on file would confirm the identity of the elector. If the request indicates that the elector needs a primary election ballot and a general election ballot, the county recorder or other officer in charge of elections shall honor the request. For any partisan primary election, if the elector is not registered as a member of a political party that is entitled to continued representation on the ballot pursuant to section 16-804, the elector shall designate the ballot of only one of the political parties that is entitled to continued representation on the ballot and the elector may receive and vote the ballot of only that one political party, which also shall include any nonpartisan offices and ballot questions, or the elector shall designate the ballot for nonpartisan offices and ballot questions only and the elector may receive and vote the ballot that contains only nonpartisan offices and ballot questions. The county recorder or other officer in charge of elections shall process any request for an early ballot for a municipal election pursuant to this subsection. The county recorder ~~may~~ **SHALL** establish on-site early voting locations at the recorder's office, which shall be open and available for use beginning the same day that a county 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~~ 7:00 p.m. on the
 10 ~~Friday~~ MONDAY preceding the election at an on-site OR OTHER early voting
 11 location that is established by the county recorder or other officer in
 12 charge of elections shall be given a ballot after presenting
 13 identification as prescribed in section 16-579 and shall be ~~permitted~~
 14 ALLOWED to vote at ~~the on-site~~ THAT location. Notwithstanding section
 15 16-579, subsection A, paragraph 2, at any on-site OR OTHER early voting
 16 location the county recorder or other officer in charge of elections may
 17 provide for a qualified elector to update the elector's voter registration
 18 information as provided for in the secretary of state's instructions and
 19 procedures manual adopted pursuant to section 16-452. If an elector's
 20 request to receive an early ballot is not complete and correct but
 21 complies with all other requirements of this section, the county recorder
 22 or other officer in charge of elections shall attempt to notify the
 23 elector of the deficiency of the request.

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

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

33 ~~H. As a result of experiencing an emergency between 5:00 p.m. on~~
 34 ~~the Friday preceding the election and 5:00 p.m. on the Monday preceding~~
 35 ~~the election, qualified electors may request to vote in the manner~~
 36 ~~prescribed by the board of supervisors of their respective county. Before~~
 37 ~~voting pursuant to this subsection, an elector who experiences an~~
 38 ~~emergency shall provide identification as prescribed in section 16-579 and~~
 39 ~~shall sign a statement under penalty of perjury that states that the~~
 40 ~~person is experiencing or experienced an emergency after 5:00 p.m. on the~~
 41 ~~Friday immediately preceding the election and before 5:00 p.m. on the~~
 42 ~~Monday immediately preceding the election that would prevent the person~~
 43 ~~from voting at the polls. Signed statements received pursuant to this~~
 44 ~~subsection are not subject to inspection pursuant to title 39, chapter 1,~~
 45 ~~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 ~~H.~~ H. 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.~~ I. All original and completed early ballot request forms that
17 are received by a candidate, political committee or other organization
18 shall 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.~~ J. Except for a voter who is on the active early voting list
29 prescribed by section 16-544, a voter who requests a onetime early ballot
30 pursuant to THIS section ~~16-542~~ or for an election conducted pursuant to
31 section 16-409 or article 8.1 of this chapter, a county recorder, city or
32 town clerk or other election officer may not deliver or mail an early
33 ballot to a person who has not requested an early ballot for that
34 election. An election officer who knowingly violates this subsection is
35 guilty of a class 5 felony.