

REFERENCE TITLE: **early voting locations**

State of Arizona
Senate
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SB 1541

Introduced by
Senators Mendez: Alston, Bravo, Burch, Diaz, Gabaldón, Hatathlie,
Hernandez, Marsh, Sundareshan

AN ACT

AMENDING SECTION 16-542, ARIZONA REVISED STATUTES; RELATING TO EARLY
VOTING.

(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; early voting sites; civil
5 penalties; violation; 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. **ON A SPECIFIC RESOLUTION OF THE**
32 **BOARD OF SUPERVISORS, THE BOARD MAY AUTHORIZE** the county recorder ~~may~~ **OR**
33 **OTHER OFFICER IN CHARGE OF ELECTIONS TO** also establish any other early
34 voting locations in the county ~~the recorder deems~~ **DEEMED** necessary. **A**
35 **COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS MAY MAKE CHANGES**
36 **TO THE APPROVED EARLY VOTING LOCATIONS AND SHALL NOTIFY THE PUBLIC AND THE**
37 **BOARD OF SUPERVISORS REGARDING THESE CHANGES AS SOON AS IS PRACTICABLE.**
38 **NOTWITHSTANDING ANY OTHER LAW, A COUNTY RECORDER OR OTHER OFFICER IN**
39 **CHARGE OF ELECTIONS WHO ESTABLISHES EARLY VOTING LOCATIONS MAY CONTINUE TO**
40 **OPERATE THOSE EARLY VOTING LOCATIONS DURING THE THREE-DAY PERIOD**
41 **IMMEDIATELY PRECEDING ELECTION DAY, EXCEPT THAT ON-SITE EARLY VOTING SHALL**
42 **END AS NEEDED TO ENSURE THAT PRECINCT REGISTERS AND OTHER ELECTION**
43 **MATERIALS ARE REVISED FOR USE ON ELECTION DAY TO INDICATE WHICH VOTERS**
44 **HAVE REQUESTED AN EARLY BALLOT, WHICH VOTERS HAVE ALREADY VOTED AND WHICH**
45 **VOTERS ARE ON THE INACTIVE VOTER LIST.** Any on-site early voting location

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

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

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

34 D. Only the elector may be in possession of that elector's unvoted
35 early ballot. If a complete and correct request is made by the elector
36 within twenty-seven days before the election, the mailing must be made
37 within forty-eight hours after receipt of the request. Saturdays, Sundays
38 and other legal holidays are excluded from the computation of the
39 ~~forty-eight hour~~ FORTY-EIGHT-HOUR period prescribed by this subsection.
40 If a complete and correct request is made by an absent uniformed services
41 voter or an overseas voter before the election, the regular early ballot
42 shall be transmitted by mail, by fax or by other electronic format
43 approved by the secretary of state within twenty-four hours after the
44 early ballots are delivered pursuant to section 16-545, subsection B,
45 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, EXCEPT THAT IF THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF
13 ELECTIONS IS ABLE TO REVISE PRECINCT REGISTERS AND OTHER ELECTIONS
14 MATERIALS IN A TIMELY MANNER FOR USE ON ELECTION DAY AS PRESCRIBED BY
15 SUBSECTION A OF THIS SECTION, THE COUNTY RECORDER OR OTHER OFFICER IN
16 CHARGE OF ELECTIONS MAY OPERATE THE ON-SITE EARLY VOTING LOCATIONS DURING
17 THE THREE-DAY PERIOD IMMEDIATELY PRECEDING ELECTION DAY. Notwithstanding
18 section 16-579, subsection A, paragraph 2, at any on-site early voting
19 location the county recorder or other officer in charge of elections may
20 provide for a qualified elector to update the elector's voter registration
21 information as provided for in the secretary of state's instructions and
22 procedures manual adopted pursuant to section 16-452. If an elector's
23 request to receive an early ballot is not complete and correct but
24 complies with all other requirements of this section, the county recorder
25 or other officer in charge of elections shall attempt to notify the
26 elector of the deficiency of the request.

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

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

36 H. As a result of experiencing an emergency between 5:00 p.m. on
37 the Friday preceding the election and 5:00 p.m. on the Monday preceding
38 the election AND IF EARLY VOTING FOR THAT ELECTION HAS ENDED IN THAT
39 COUNTY, qualified electors may request to vote in the manner prescribed by
40 the board of supervisors of their respective county. Before voting
41 pursuant to this subsection, an elector who experiences an emergency shall
42 provide identification as prescribed in section 16-579 and shall sign a
43 statement under penalty of perjury that states that the person is
44 experiencing or experienced an emergency after 5:00 p.m. on the Friday
45 immediately preceding the election and before 5:00 p.m. on the Monday

1 immediately preceding the election that would prevent the person from
2 voting at the polls. Signed statements received pursuant to this
3 subsection are not subject to inspection pursuant to title 39, chapter 1,
4 article 2. For the purposes of this subsection, "emergency" means any
5 unforeseen circumstances that would prevent the elector from voting at the
6 polls.

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

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

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

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