

REFERENCE TITLE: presidential preference elections

State of Arizona
Senate
Forty-eighth Legislature
Second Regular Session
2008

SB 1064

Introduced by
Senators Harper, Waring

AN ACT

AMENDING SECTION 16-241, ARIZONA REVISED STATUTES; AMENDING SECTION 16-246, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2007, CHAPTER 183, SECTION 3; REPEALING SECTION 16-246, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2007, CHAPTER 168, SECTION 3; RELATING TO THE PRESIDENTIAL PREFERENCE ELECTION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 16-241, Arizona Revised Statutes, is amended to
3 read:

4 16-241. Presidential preference election; conduct of election

5 A. A presidential preference election shall be held on the fourth
6 Tuesday in February of each year in which the president of the United States
7 is elected to give qualified electors the opportunity to express their
8 preference for ~~the A presidential candidate of the political party indicated~~
9 ~~as their preference by the record of their registration~~ AS PRESCRIBED IN THIS
10 ARTICLE. No other election may appear on the same ballot as the presidential
11 preference election.

12 B. Notwithstanding subsection A of this section, the governor may
13 issue a proclamation that the presidential preference election is to be held
14 on a date earlier than the fourth Tuesday in February. The proclamation
15 shall be issued no later than one hundred fifty days before the date of the
16 election as set forth in the proclamation. The governor shall transmit a
17 copy of the election proclamation to the ~~clerk~~ CLERKS of the county boards of
18 supervisors.

19 C. Except as otherwise provided in this article, the presidential
20 preference election shall be conducted and canvassed in the same manner as
21 prescribed in this title for the primary election held pursuant to section
22 16-201. All provisions of other laws that govern elections and that are not
23 in conflict with this article apply to a presidential preference election,
24 including laws relating to registration and qualifications of electors.

25 D. Unless otherwise specifically prescribed by this article, the
26 powers and duties conferred by law on boards of supervisors, officers in
27 charge of elections, county recorders, precinct boards and central counting
28 boards in connection with a primary election are conferred on those persons
29 for purposes of a presidential preference election and shall be exercised by
30 them for a presidential preference election.

31 E. Every act that is an offense pursuant to the election laws of this
32 state is an offense for purposes of a presidential preference election, and a
33 person is subject to the penalties prescribed by those laws.

34 F. FOR VOTING AT A POLLING PLACE, EACH PARTY BALLOT SHALL BE
35 DESIGNATED BY THE NAME OF THE PARTY. FOR AN ELECTOR WHO IS REGISTERED AS A
36 MEMBER OF A POLITICAL PARTY THAT IS ENTITLED TO CONTINUED REPRESENTATION ON
37 THE BALLOT PURSUANT TO SECTION 16-804 OTHER THAN THE PARTY WITH THE HIGHEST
38 NUMBER OF REGISTERED VOTERS AS OF THE LAST DAY ON WHICH A PERSON MAY REGISTER
39 TO BE ELIGIBLE TO VOTE IN THE PRESIDENTIAL PREFERENCE PRIMARY, THE JUDGE OF
40 ELECTION SHALL GIVE THE ELECTOR ONE BALLOT ONLY OF THE PARTY WITH WHICH THE
41 ELECTOR IS AFFILIATED AS IT APPEARS IN THE PRECINCT REGISTER. FOR AN ELECTOR
42 WHO IS REGISTERED AS INDEPENDENT, AS NO PARTY PREFERENCE, AS A MEMBER OF A
43 POLITICAL PARTY THAT IS NOT ENTITLED TO CONTINUED REPRESENTATION ON THE
44 BALLOT PURSUANT TO SECTION 16-804 OR AS A MEMBER OF A POLITICAL PARTY THAT IS
45 ENTITLED TO CONTINUED REPRESENTATION ON THE BALLOT PURSUANT TO SECTION 16-804

1 AND THAT HAS THE HIGHEST NUMBER OF REGISTERED VOTERS AS OF THE LAST DAY ON
2 WHICH A PERSON MAY REGISTER TO BE ELIGIBLE TO VOTE IN THE PRESIDENTIAL
3 PREFERENCE PRIMARY, THE ELECTOR SHALL DESIGNATE THE BALLOT OF ONLY ONE OF THE
4 POLITICAL PARTIES THAT IS ENTITLED TO CONTINUED REPRESENTATION ON THE BALLOT
5 AND THE JUDGE OF ELECTION SHALL GIVE THE ELECTOR ONLY THAT POLITICAL PARTY'S
6 BALLOT.

7 Sec. 2. Section 16-246, Arizona Revised Statutes, as amended by Laws
8 2007, chapter 183, section 3, is amended to read:

9 16-246. Early balloting; satellite locations; additional
10 procedures

11 A. Within ninety days preceding the Saturday before the presidential
12 preference election and not later than 5:00 p.m. on the eleventh day
13 preceding the election, any elector who is eligible to vote in the
14 presidential preference election may make a verbal or signed, written request
15 for an official early ballot to the county recorder or other officer in
16 charge of elections for the county in which the elector is registered to
17 vote. IF THE ELECTOR IS REGISTERED AS A MEMBER OF A POLITICAL PARTY THAT IS
18 ENTITLED TO CONTINUED REPRESENTATION ON THE BALLOT PURSUANT TO SECTION 16-804
19 OTHER THAN THE PARTY WITH THE HIGHEST NUMBER OF REGISTERED VOTERS AS OF THE
20 LAST DAY ON WHICH A PERSON MAY REGISTER TO BE ELIGIBLE TO VOTE IN THE
21 PRESIDENTIAL PREFERENCE PRIMARY, THE ELECTOR MAY RECEIVE A BALLOT ONLY OF THE
22 PARTY WITH WHICH THE VOTER IS AFFILIATED AS IT APPEARS ON THE PRECINCT
23 REGISTER. FOR AN ELECTOR WHO IS REGISTERED AS INDEPENDENT, AS NO PARTY
24 PREFERENCE, AS A MEMBER OF A POLITICAL PARTY THAT IS NOT ENTITLED TO
25 CONTINUED REPRESENTATION ON THE BALLOT PURSUANT TO SECTION 16-804 OR AS A
26 MEMBER OF A POLITICAL PARTY THAT IS ENTITLED TO CONTINUED REPRESENTATION ON
27 THE BALLOT PURSUANT TO SECTION 16-804 AND THAT HAS THE HIGHEST NUMBER OF
28 REGISTERED VOTERS AS OF THE LAST DAY ON WHICH A PERSON MAY REGISTER TO BE
29 ELIGIBLE TO VOTE IN THE PRESIDENTIAL PREFERENCE PRIMARY, THE ELECTOR SHALL
30 DESIGNATE THE BALLOT OF ONLY ONE OF THE POLITICAL PARTIES THAT IS ENTITLED TO
31 CONTINUED REPRESENTATION ON THE BALLOT. If the request is verbal, the
32 requesting elector shall provide the date of birth and birthplace or other
33 information that if compared to the voter registration records for that
34 elector would confirm the identity of the elector.

35 B. Absent uniformed services voters or overseas voters who are
36 otherwise eligible to vote in the election may vote as prescribed by sections
37 16-543, 16-543.01 and 16-543.02. The list of candidates that is sent as
38 prescribed by section 16-543.01 shall be a list of all candidates who have
39 qualified for the presidential preference ballot by the forty-sixth day
40 before the presidential preference election.

41 C. The county recorder or other officer in charge of elections may
42 establish on-site early voting locations at the office of the county recorder
43 or at other locations in the county deemed necessary or appropriate by the
44 recorder. Early voting shall begin ~~within the time limits prescribed in~~
45 ~~section 16-542 unless otherwise prescribed by this section~~ TWENTY-SIX DAYS

1 BEFORE THE PRESIDENTIAL PREFERENCE ELECTION AND SHALL END ON THE FRIDAY
2 BEFORE THE PRESIDENTIAL PREFERENCE ELECTION.

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

9 E. The county recorder or other officer in charge of elections shall
10 provide to each election board an appropriate alphabetized list of voters who
11 have requested and have been sent an early ballot. Any person who is on that
12 list of voters and who was sent an early ballot shall not vote at the polling
13 place for that election precinct except as prescribed by section 16-579,
14 subsection C.

15 F. The county recorder or other officer in charge of elections may
16 provide for any of the following in the same manner prescribed by law for
17 other elections:

18 1. Special election boards.

19 2. Emergency balloting for persons who experience an emergency after
20 5:00 p.m. on the Friday preceding the presidential preference election and
21 before 5:00 p.m. on the Monday immediately preceding the presidential
22 preference election.

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

25 Sec. 3. Repeal

26 Section 16-246, Arizona Revised Statutes, as amended by Laws 2007,
27 chapter 168, section 3, is repealed.

28 Sec. 4. Emergency

29 This act is an emergency measure that is necessary to preserve the
30 public peace, health or safety and is operative immediately as provided by
31 law.