

REFERENCE TITLE: election laws; county provisions

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

SB 1405

Introduced by
Senator Gray C

AN ACT

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; AMENDING SECTIONS 16-542, 16-545 AND 16-558.01, ARIZONA REVISED STATUTES; RELATING TO ELECTIONS AND ELECTORS.

(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, as amended by
3 Laws 2007, chapter 183, section 3, is amended to read:

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

6 A. Within ~~ninety~~ NINETY-THREE days ~~preceding the Saturday~~ before the
7 presidential preference election and not later than 5:00 p.m. on the eleventh
8 day preceding the election, any elector who is eligible to vote in the
9 presidential preference election may make a verbal or signed, written request
10 for an official early ballot to the county recorder or other officer in
11 charge of elections for the county in which the elector is registered to
12 vote. If the request is verbal, the requesting elector shall provide the
13 date of birth and birthplace or other information that if compared to the
14 voter 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 sections
18 16-543, 16-543.01 and 16-543.02. The list of candidates that is sent as
19 prescribed by section 16-543.01 shall be a list of all candidates who have
20 qualified for the presidential preference ballot by the forty-sixth day
21 before the presidential preference election.

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

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

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

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

42 1. Special election boards.

43 2. Emergency balloting for persons who experience an emergency after
44 5:00 p.m. on the Friday preceding the presidential preference election and

1 before 5:00 p.m. on the Monday immediately preceding the presidential
2 preference election.

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

5 Sec. 2. Repeal

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

8 Sec. 3. Section 16-542, Arizona Revised Statutes, is amended to read:
9 16-542. Request for ballot

10 A. Within ~~ninety~~ NINETY-THREE days ~~next preceding the Saturday~~ before
11 any election called pursuant to the laws of this state, an elector may make a
12 verbal or signed request to the county recorder, or other officer in charge
13 of elections for the applicable political subdivision of this state in whose
14 jurisdiction the elector is registered to vote, for an official early
15 ballot. In addition to name and address, the requesting elector shall
16 provide the date of birth and state or country of birth or other information
17 that if compared to the voter registration information on file would confirm
18 the identity of the elector. If the request indicates that the elector needs
19 a primary election ballot and a general election ballot, the county recorder
20 or other officer in charge of elections shall honor the request. For any
21 partisan primary election, if the elector is not registered as a member of a
22 political party that is entitled to continued representation on the ballot
23 pursuant to section 16-804, the elector shall designate the ballot of only
24 one of the political parties that is entitled to continued representation on
25 the ballot and the elector may receive and vote the ballot of only that one
26 political party. The county recorder may establish on-site early voting
27 locations at the recorder's office, ~~or~~ WHICH SHALL BE OPEN AND AVAILABLE FOR
28 USE NO LATER THAN TWENTY-SIX DAYS BEFORE THE ELECTION. THE COUNTY RECORDER
29 MAY ALSO ESTABLISH any other EARLY VOTING locations in the county the
30 recorder deems necessary.

31 B. Notwithstanding subsection A of this section, a request for an
32 official early ballot from an absent uniformed services voter or overseas
33 voter as defined in the uniformed and overseas citizens absentee voting act
34 of 1986 (P.L. 99-410; 42 United States Code section 1973ff-6) or a voter
35 whose information is protected pursuant to section 16-153 that is received by
36 the county recorder or other officer in charge of elections more than ~~ninety~~
37 NINETY-THREE days ~~next preceding the Saturday~~ before the election is valid.
38 If requested by the absent uniformed services or overseas voter, or a voter
39 whose information is protected pursuant to section 16-153, the county
40 recorder or other officer in charge of elections shall provide to the
41 requesting voter early ballot materials through the next two regularly
42 scheduled general elections for federal office immediately following receipt
43 of the request.

44 C. NO LATER THAN TWENTY-SIX DAYS BEFORE THE ELECTION, the county
45 recorder or other officer in charge of elections shall mail THE EARLY BALLOT

1 AND THE ENVELOPE FOR ITS RETURN postage prepaid to the address provided by
2 the requesting elector, ~~which address shall be the elector's residence~~
3 ~~address or the location where the elector is temporarily residing while~~
4 ~~absent from the precinct, the early ballot and the envelope for its return~~
5 ~~within five days after receipt of the official early ballots from the officer~~
6 ~~charged by law with the duty of preparing ballots pursuant to section 16-545.~~
7 ~~If a statewide voter registration database is not yet operational and if the~~
8 ~~requesting elector registered to vote for the first time in this state after~~
9 ~~January 1, 2003 and has not yet voted in this state or is reregistering after~~
10 ~~January 1, 2003 after moving from one county in this state to another county~~
11 ~~in this state and is voting for the first time at the new registration~~
12 ~~address, the early ballot materials shall include notice that the person~~
13 ~~shall submit a photocopy of a current form of identification that bears a~~
14 ~~photograph of the person and the name of the person or a photocopy of a~~
15 ~~current utility bill, bank statement, paycheck, government issued check or~~
16 ~~other government document that shows the name and registration address of the~~
17 ~~person and notice that if the person does not submit photocopies of the~~
18 ~~required documents, the person may only vote a provisional ballot.~~

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

30 E. In order to be complete and correct and to receive an early ballot
31 by mail, an elector's request that an early ballot be mailed to the elector's
32 residence or temporary address must include all of the information prescribed
33 by subsection A of this section and must be received by the county recorder
34 or other officer in charge of elections no later than 5:00 p.m. on the
35 eleventh day preceding the election. An elector who appears personally no
36 later than 5:00 p.m. on the Friday preceding the election at an on-site early
37 voting location that is established by the county recorder or other officer
38 in charge of elections shall be given a ballot and permitted to vote at the
39 on-site location. If an elector's request to receive an early ballot is not
40 complete and correct but complies with all other requirements of this
41 section, the county recorder or other officer in charge of elections shall
42 attempt to notify the elector of the deficiency of the request.

43 F. Unless an elector specifies that the address to which an early
44 ballot is to be sent is a temporary address, the recorder may use the

1 information from an early ballot request form to update voter registration
 2 records.

3 G. The county recorder or other officer in charge of early balloting
 4 shall provide an alphabetized list of all voters in the precinct who have
 5 requested and have been sent an early ballot to the election board of the
 6 precinct in which the voter is registered not later than the day prior to the
 7 election.

8 H. As a result of an emergency occurring between 5:00 p.m. on the
 9 second Friday preceding the election and 5:00 p.m. on the Monday preceding
 10 the election, qualified electors may request to vote early in the manner
 11 prescribed by the county recorder of their respective county. For the
 12 purposes of this subsection, "emergency" means any unforeseen circumstances
 13 that would prevent the elector from voting at the polls.

14 I. A candidate or political committee may distribute early ballot
 15 request forms to voters. If the early ballot request forms include a printed
 16 address for return to an addressee other than a political subdivision, the
 17 addressee shall be the candidate or political committee that paid for the
 18 printing and distribution of the request forms. All early ballot request
 19 forms that are received by a candidate or political committee shall be
 20 transmitted as soon as practicable to the political subdivision that will
 21 conduct the election.

22 Sec. 4. Section 16-545, Arizona Revised Statutes, is amended to read:
 23 16-545. Early ballot

24 A. The early ballot shall be one prepared for use in the precinct in
 25 which the applicant resides and, if a partisan primary election, of the
 26 political party with which the applicant is affiliated as shown by the
 27 affidavit of registration. The ballot shall be identical with the regular
 28 official ballots, except that it shall have printed or stamped on it "early".

29 B. The officer charged by law with the duty of preparing ballots at
 30 any election shall prepare the official early ballot and deliver a sufficient
 31 number to the recorder or other officer in charge of elections not later than
 32 the ~~thirtieth~~ THIRTY-THIRD day ~~preceding the Saturday~~ before the election.

33 Sec. 5. Section 16-558.01, Arizona Revised Statutes, is amended to
 34 read:

35 16-558.01. Mailing of ballots

36 Not more than ~~thirty-three~~ TWENTY-SIX days before the election and not
 37 fewer than fifteen days before the election, the county recorder or other
 38 officer in charge of elections for the special district shall send by ~~first~~
 39 ~~class~~ NONFORWARDABLE mail all official ballots with printed instructions and
 40 a return envelope bearing a printed ballot affidavit as described in section
 41 16-547 to each qualified elector entitled to vote in the election. The
 42 envelope in which the ballot is mailed shall be clearly marked "~~Do not~~
 43 ~~forward. Return to sender. Return postage guaranteed. Address correction~~
 44 ~~requested.~~" WITH THE STATEMENT REQUIRED BY THE POSTMASTER TO RECEIVE AN
 45 ADDRESS CORRECTION AND NOTIFICATION. The district governing board shall

1 determine whether the voter or the district governing board will pay for the
2 postage for the return of electors' marked ballots. An elector who votes in
3 a special district mail ballot election shall return the elector's marked
4 ballot to the recorder or other officer in charge of the election or to a
5 designated depository site as provided in section 16-411 no later than 7:00
6 p.m. on the day of the election.

7 Sec. 6. Emergency

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