

REFERENCE TITLE: elections; primary date; early voting

State of Arizona
Senate
Forty-eighth Legislature
First Regular Session
2007

SB 1430

Introduced by
Senators Johnson: Burns

AN ACT

AMENDING SECTIONS 16-201, 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 16-201, Arizona Revised Statutes, is amended to
3 read:

4 16-201. Primary elections

5 On the ~~eighth~~ NINTH Tuesday prior to a general or special election at
6 which candidates for public office are to be elected, a primary election
7 shall be held.

8 Sec. 2. Section 16-246, Arizona Revised Statutes, 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 Friday preceding the
13 election, any elector who is eligible to vote in the presidential preference
14 election may make a verbal or signed, written request for an official early
15 ballot to the county recorder or other officer in charge of elections for the
16 county in which the elector is registered to vote. If the request is verbal,
17 the requesting elector shall provide the date of birth and birthplace or
18 other information that if compared to the voter registration records for that
19 elector would confirm the identity of the elector.

20 B. Absent uniformed services voters or overseas voters who are
21 otherwise eligible to vote in the election may vote as prescribed by sections
22 16-543, 16-543.01 and 16-543.02. The list of candidates that is sent as
23 prescribed by section 16-543.01 shall be a list of all candidates who have
24 qualified for the presidential preference ballot by the thirty-sixth day
25 before the presidential preference election.

26 C. The county recorder may establish on-site early voting locations at
27 the office of the county recorder or at other locations in the county deemed
28 necessary or appropriate by the recorder. Early voting shall begin ~~fifteen~~
29 ~~TWENTY-SIX~~ days before the presidential preference election and shall end on
30 the Friday before the presidential preference election.

31 D. The county recorder shall send by first class mail with the
32 endorsement "do not forward - address correction requested" any early ballots
33 that are requested pursuant to subsections A and B of this section and shall
34 include a preaddressed envelope for the elector to return the completed
35 ballot.

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

41 F. The county recorder may provide for any of the following in the
42 same manner prescribed by law for other elections:

43 1. Special election boards.

44 2. Emergency balloting for persons who experience an emergency after
45 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. 3. Section 16-542, Arizona Revised Statutes, is amended to read:
6 16-542. Request for ballot

7 A. Within ninety days next preceding the Saturday before any election
8 called pursuant to the laws of this state, an elector may make a verbal or
9 signed request to the county recorder, or other officer in charge of
10 elections for the applicable political subdivision of this state in whose
11 jurisdiction the elector is registered to vote, for an official early
12 ballot. In addition to name and address, the requesting elector shall
13 provide the date of birth and state or country of birth or other information
14 that if compared to the voter registration information on file would confirm
15 the identity of the elector. If the request indicates that the elector needs
16 a primary election ballot and a general election ballot, the county recorder
17 or other officer in charge of elections shall honor the request. For any
18 partisan primary election, if the elector is not registered as a member of a
19 political party that is entitled to continued representation on the ballot
20 pursuant to section 16-804, the elector shall designate the ballot of only
21 one of the political parties that is entitled to continued representation on
22 the ballot and the elector may receive and vote the ballot of only that one
23 political party. The county recorder may establish on-site early voting
24 locations at the recorder's office or any other locations in the county the
25 recorder deems necessary.

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

38 C. The county recorder or other officer in charge of elections shall
39 mail postage prepaid to the address provided by the requesting elector, which
40 address shall be the elector's residence address or the location where the
41 elector is temporarily residing while absent from the precinct, the early
42 ballot and the envelope for its return within five days after receipt of the
43 official early ballots from the officer charged by law with the duty of
44 preparing ballots pursuant to section 16-545. If a statewide voter
45 registration database is not yet operational and if the requesting elector

1 registered to vote for the first time in this state after January 1, 2003 and
2 has not yet voted in this state or is reregistering after January 1, 2003
3 after moving from one county in this state to another county in this state
4 and is voting for the first time at the new registration address, the early
5 ballot materials shall include notice that the person shall submit a
6 photocopy of a current form of identification that bears a photograph of the
7 person and the name of the person or a photocopy of a current utility bill,
8 bank statement, paycheck, government issued check or other government
9 document that shows the name and registration address of the person and
10 notice that if the person does not submit photocopies of the required
11 documents, the person may only vote a provisional ballot.

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

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

37 F. Unless an elector specifies that the address to which an early
38 ballot is to be sent is a temporary address, the recorder may use the
39 information from an early ballot request form to update voter registration
40 records.

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

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

7 I. A candidate or political committee may distribute early ballot
8 request forms to voters. If the early ballot request forms include a printed
9 address for return to an addressee other than a political subdivision, the
10 addressee shall be the candidate or political committee that paid for the
11 printing and distribution of the request forms. All early ballot request
12 forms that are received by a candidate or political committee shall be
13 transmitted as soon as practicable to the political subdivision that will
14 conduct the election.