

House Engrossed Senate Bill

~~elections; voting center tabulation~~
(now: early voting list; eligibility)

State of Arizona
Senate
Fifty-fifth Legislature
First Regular Session
2021

CHAPTER 359
SENATE BILL 1485

AN ACT

AMENDING SECTIONS 16-168, 16-245, 16-411, 16-461, 16-510 AND 16-544,
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 16-168, Arizona Revised Statutes, is amended to
3 read:

4 16-168. Precinct registers; date of preparation; contents;
5 copies; reports; statewide database; violation;
6 classification

7 A. By the tenth day preceding the primary and general elections the
8 county recorder shall prepare from the original registration forms or from
9 electronic media at least four lists that are printed or typed on paper,
10 or at least two electronic media poll lists, or any combination of both,
11 of all qualified electors in each precinct in the county, and the lists
12 shall be the official precinct registers.

13 B. The official precinct registers for use at the polling place
14 shall contain at least the names in full, party preference, date of
15 registration and residence address of each qualified elector in the
16 respective precincts. The names shall be in alphabetical order and, in a
17 column to the left of the names, shall be numbered consecutively beginning
18 with number 1 in each precinct register.

19 C. For the purposes of transmitting voter registration information
20 as prescribed by this subsection, electronic media shall be the principal
21 media. A county or state chairman who is eligible to receive copies of
22 precinct lists as prescribed by this subsection may request that the
23 recorder provide a paper copy of the precinct lists. In addition to
24 preparing the official precinct lists, the county recorder shall provide a
25 means for electronically reproducing the precinct lists. Unless otherwise
26 agreed, the county recorder shall deliver one electronic media copy of
27 each precinct list in the county without charge and on the same day within
28 eight days after the close of registration for the primary and general
29 elections to the county chairman and one electronic media copy to the
30 state chairman of each party that has at least four candidates other than
31 presidential electors appearing on the ballot in that county at the
32 current election. The secretary of state shall establish a single format
33 that prescribes the manner and template in which all county recorders
34 provide this data to the secretary of state to ensure that the submissions
35 are uniform from all counties in this state, that all submissions are
36 identical in format, including the level of detail for voting history, and
37 that information may readily be combined from two or more counties. The
38 electronic media copies of the precinct lists that are delivered to the
39 party chairmen shall include for each elector the following information:

- 40 1. Name in full and appropriate title.
- 41 2. Party preference.
- 42 3. Date of registration.
- 43 4. Residence address.
- 44 5. Mailing address, if different from residence address.

- 1 6. Zip code.
- 2 7. Telephone number if given.
- 3 8. Birth year.
- 4 9. Occupation if given.
- 5 10. Voting history for all elections in the prior four years and
- 6 any other information regarding registered voters that the county recorder
- 7 or city or town clerk maintains electronically and that is public
- 8 information.

9 11. All data relating to ~~permanent early voters and nonpermanent~~
10 early voters, including ballot requests and ballot returns.

11 D. The names on the precinct lists shall be in alphabetical order
12 and the precinct lists in their entirety, unless otherwise agreed, shall
13 be delivered to each county chairman and each state chairman within ten
14 business days of the close of each date for counting registered voters
15 prescribed by subsection G of this section other than the primary and
16 general election registered voter counts in the same format and media as
17 prescribed by subsection C of this section. During the thirty-three days
18 immediately preceding an election and on request from a county or state
19 chairman, the county recorder shall provide at no cost a daily list of
20 persons who have requested an early ballot and shall provide at no cost a
21 weekly listing of persons who have returned their early ballots. The
22 recorder shall provide the daily and weekly information through the Friday
23 preceding the election. On request from a county chairman or state
24 chairman, the county recorder of a county with a population of more than
25 eight hundred thousand persons shall provide at no cost a daily listing of
26 persons who have returned their early ballots. The daily listing shall be
27 provided Mondays through Fridays, beginning with the first Monday
28 following the start of early voting and ending on the Monday before the
29 election.

30 E. Precinct registers and other lists and information derived from
31 registration forms may be used only for purposes relating to a political
32 or political party activity, a political campaign or an election, for
33 revising election district boundaries or for any other purpose
34 specifically authorized by law and may not be used for a commercial
35 purpose as defined in section 39-121.03. The sale of registers, lists and
36 information derived from registration forms to a candidate or a registered
37 political committee for a use specifically authorized by this subsection
38 does not constitute use for a commercial purpose. The county recorder,
39 the secretary of state and other officers in charge of elections, on a
40 request for an authorized use and within thirty days from receipt of the
41 request, shall prepare additional copies of an official precinct list and
42 furnish them to any person requesting them on payment of a fee equal to
43 the following amounts for the following number of voter registration
44 records provided:

1 1. For one to one hundred twenty-four thousand nine hundred
2 ninety-nine records, ~~ninety-three dollars seventy-five cents~~ \$93.75 plus
3 \$0.0005 per record.

4 2. For one hundred twenty-five thousand to two hundred forty-nine
5 thousand nine hundred ninety-nine records, ~~one hundred fifty-six dollars~~
6 ~~twenty-five cents~~ \$156.25 plus \$0.000375 per record.

7 3. For two hundred fifty thousand to four hundred ninety-nine
8 thousand nine hundred ninety-nine records, ~~two hundred three dollars~~
9 ~~thirteen cents~~ \$203.13 plus \$0.00025 per record.

10 4. For five hundred thousand to nine hundred ninety-nine thousand
11 nine hundred ninety-nine records, ~~two hundred sixty-five dollars~~
12 ~~sixty-three cents~~ \$265.63 plus \$0.000125 per record.

13 5. For one million or more records, ~~three hundred twenty-eight~~
14 ~~dollars thirteen cents~~ \$328.13 plus \$0.0000625 per record.

15 F. Any person in possession of a precinct register or list, in
16 whole or part, or any reproduction of a precinct register or list, shall
17 not permit the register or list to be used, bought, sold or otherwise
18 transferred for any purpose except for uses otherwise authorized by this
19 section. A person in possession of information derived from voter
20 registration forms or precinct registers shall not distribute, post or
21 otherwise provide access to any portion of that information through the
22 internet except as authorized by subsection I of this section. Nothing in
23 this section shall preclude public inspection of voter registration
24 records at the office of the county recorder for the purposes prescribed
25 by this section, except that the month and day of birth date, the social
26 security number or any portion thereof, the driver license number or
27 nonoperating identification license number, the Indian census number, the
28 father's name or mother's maiden name, the state or country of birth and
29 the records containing a voter's signature and a voter's e-mail address
30 shall not be accessible or reproduced by any person other than the voter,
31 by an authorized government official in the scope of the official's
32 duties, for any purpose by an entity designated by the secretary of state
33 as a voter registration agency pursuant to the national voter registration
34 act of 1993 (P.L. 103-31; 107 Stat. 77), for signature verification on
35 petitions and candidate filings, for election purposes and for news
36 gathering purposes by a person engaged in newspaper, radio, television or
37 reportorial work, or connected with or employed by a newspaper, radio or
38 television station or pursuant to a court order. Notwithstanding any
39 other law, a voter's e-mail address may not be released for any purpose.
40 A person who violates this subsection or subsection E of this section is
41 guilty of a class 6 felony.

42 G. The county recorder shall count the registered voters by
43 political party by precinct, legislative district and congressional
44 district as follows:

1 1. In even numbered years, the county recorder shall count all
2 persons who are registered to vote as of:

3 (a) January 2.

4 (b) April 1.

5 (c) The last day on which a person may register to be eligible to
6 vote in the next primary election.

7 (d) The last day on which a person may register to be eligible to
8 vote in the next general election.

9 (e) The last day on which a person may register to be eligible to
10 vote in the next presidential preference election.

11 2. In odd numbered years, the county recorder shall count all
12 persons who are registered to vote as of:

13 (a) January 2.

14 (b) April 1.

15 (c) July 1.

16 (d) October 1.

17 H. The county recorder shall report the totals to the secretary of
18 state as soon as is practicable following each of the dates prescribed in
19 subsection G of this section. The report shall include completed
20 registration forms returned in accordance with section 16-134,
21 subsection B. The county recorder shall also provide the report in a
22 uniform electronic computer media format that shall be agreed on between
23 the secretary of state and all county recorders. The secretary of state
24 shall then prepare a summary report for the state and shall maintain that
25 report as a permanent record.

26 I. The county recorder and the secretary of state shall protect
27 access to voter registration information in an auditable format and method
28 specified in the secretary of state's electronic voting system
29 instructions and procedures manual that is adopted pursuant to section
30 16-452.

31 J. The secretary of state shall develop and administer a statewide
32 database of voter registration information that contains the name and
33 registration information of every registered voter in this state. The
34 statewide database is a matter of statewide concern and is not subject to
35 modification or further regulation by a political subdivision. The
36 database shall include an identifier that is unique for each individual
37 voter. The database shall provide for access by voter registration
38 officials and shall allow expedited entry of voter registration
39 information after it is received by county recorders. As a part of the
40 statewide voter registration database, county recorders shall provide for
41 the electronic transmittal of that information to the secretary of state
42 on a real time basis. The secretary of state shall provide for
43 maintenance of the database, including provisions regarding removal of
44 ineligible voters that are consistent with the national voter registration
45 act of 1993 (P.L. 103-31; 107 Stat. 77; 52 United States Code sections

1 20501 through 20511) and the help America vote act of 2002 (P.L. 107-252;
2 116 Stat. 1666; 52 United States Code sections 20901 through 21145),
3 provisions regarding removal of duplicate registrations and provisions to
4 ensure that eligible voters are not removed in error. For the purpose of
5 maintaining compliance with the help America vote act of 2002, each county
6 voter registration system is subject to approval by the secretary of state
7 for compatibility with the statewide voter registration database system.

8 K. Except as provided in subsection L of this section, for requests
9 for the use of registration forms and access to information as provided in
10 subsections E and F of this section, the county recorder shall receive and
11 respond to requests regarding federal, state and county elections.

12 L. Beginning January 1, 2008, recognized political parties shall
13 request precinct lists and access to information as provided in
14 subsections E and F of this section during the time periods prescribed in
15 subsection C or D of this section and the county recorder shall receive
16 and respond to those requests. If the county recorder does not provide
17 the requested materials within the applicable time prescribed for the
18 county recorder pursuant to subsection C or D of this section, a
19 recognized political party may request that the secretary of state provide
20 precinct lists and access to information as provided in subsections E and
21 F of this section for federal, state and county elections. The secretary
22 of state shall not provide access to precinct lists and information for
23 recognized political parties unless the county recorder has failed or
24 refused to provide the lists and materials as prescribed by this section.
25 The secretary of state may charge the county recorder a fee determined by
26 rule for each name or record produced.

27 M. For municipal registration information in those municipalities
28 in which the county administers the municipal elections, county and state
29 party chairmen shall request and obtain voter registration information and
30 precinct lists from the city or town clerk during the time periods
31 prescribed in subsection C or D of this section. If the city or town
32 clerk does not provide that information within the same time prescribed
33 for county recorders pursuant to subsection C or D of this section, the
34 county or state party chairman may request and obtain the information from
35 the county recorder. The county recorder shall provide the municipal
36 voter registration and precinct lists within the time prescribed in
37 subsection C or D of this section.

38 N. The county recorders and the secretary of state shall not
39 prohibit any person or entity prescribed in subsection C of this section
40 from distributing a precinct list to any person or entity that is deemed
41 to be using the precinct list in a lawful manner as prescribed in
42 subsections E and F of this section.

1 Sec. 2. Section 16-245, Arizona Revised Statutes, is amended to
2 read:

3 16-245. Form and content of ballot

4 A. Ballots and ballot labels for the presidential preference
5 election shall be printed on different colored paper or white paper with a
6 different colored stripe for each party represented on the presidential
7 preference election ballot. Only one party may be represented on each
8 ballot. At the top shall be printed "official ballot of the
9 _____ party, presidential preference election (date), county of
10 _____, state of Arizona".

11 B. The order of the names of certified candidates on the ballot
12 shall be determined by lots drawn at a public meeting called by the
13 secretary of state for that purpose. Rotation of candidate names is
14 prohibited. The certified candidates shall be listed under the title
15 "_____ party candidates for president of the United
16 States". Immediately below shall be printed "vote for not more than
17 one". The ballot may also contain printed instructions to voters as
18 prescribed for other elections.

19 C. The officer in charge of elections shall provide a sample ballot
20 proof to the state committee chairman of each qualified candidate's state
21 committee no later than five days after receipt of the certification from
22 the secretary of state.

23 D. The officer in charge of elections shall mail one sample ballot
24 of each party represented on the presidential preference election ballot
25 to each household that contains a registered voter of that political party
26 unless that registered voter is on the ~~permanent~~ ACTIVE early voting list
27 established pursuant to section 16-544. The return address on the sample
28 ballot mailer shall not contain the name of any elected or appointed
29 official, and the name of an appointed or elected official shall not be
30 used to indicate who produced the sample ballot.

31 E. The mailing face of each sample ballot shall be imprinted with
32 the great seal of the state of Arizona with the words "official voting
33 materials – presidential preference election". The polling place for that
34 household may also be designated on the mailing face of the sample ballot.

35 Sec. 3. Section 16-411, Arizona Revised Statutes, is amended to
36 read:

37 16-411. Designation of election precincts and polling places;
38 voting centers; electioneering; wait times

39 A. The board of supervisors of each county, on or before October 1
40 of each year preceding the year of a general election, by an order, shall
41 establish a convenient number of election precincts in the county and
42 define the boundaries of the precincts. The election precinct boundaries
43 shall be ~~so~~ established ~~SO~~ as ~~TO BE~~ included within election districts
44 prescribed by law for elected officers of the state and its political

1 subdivisions including community college district precincts, except those
2 elected officers provided for in titles 30 and 48.

3 B. ~~Not less than~~ AT LEAST twenty days before a general or primary
4 election, and at least ten days before a special election, the board shall
5 designate one polling place within each precinct where the election shall
6 be held, except that:

7 1. On a specific finding of the board, included in the order or
8 resolution designating polling places pursuant to this subsection, that no
9 suitable polling place is available within a precinct, a polling place for
10 that precinct may be designated within an adjacent precinct.

11 2. Adjacent precincts may be combined if boundaries so established
12 are included in election districts prescribed by law for state elected
13 officials and political subdivisions including community college districts
14 but not including elected officials prescribed by titles 30 and 48. The
15 officer in charge of elections may also split a precinct for
16 administrative purposes. The polling places shall be listed in separate
17 sections of the order or resolution.

18 3. On a specific finding of the board that the number of persons
19 who are listed as ~~permanent~~ early voters pursuant to section 16-544 is
20 likely to substantially reduce the number of voters appearing at one or
21 more specific polling places at that election, adjacent precincts may be
22 consolidated by combining polling places and precinct boards for that
23 election. The board of supervisors shall ensure that a reasonable and
24 adequate number of polling places will be designated for that election.
25 Any consolidated polling places shall be listed in separate sections of
26 the order or resolution of the board.

27 4. On a specific resolution of the board, the board may authorize
28 the use of voting centers in place of or in addition to specifically
29 designated polling places. A voting center shall allow any voter in that
30 county to receive the appropriate ballot for that voter on election day
31 after presenting identification as prescribed in section 16-579 and to
32 lawfully cast the ballot. Voting centers may be established in
33 coordination and consultation with the county recorder, at other county
34 offices or at other locations in the county deemed appropriate.

35 5. On a specific resolution of the board of supervisors that is
36 limited to a specific election date and that is voted on by a recorded
37 vote, the board may authorize the county recorder or other officer in
38 charge of elections to use emergency voting centers as follows:

39 (a) The board shall specify in the resolution the location and the
40 hours of operation of the emergency voting centers.

41 (b) A qualified elector voting at an emergency voting center shall
42 provide identification as prescribed in section 16-579, except that
43 notwithstanding section 16-579, subsection A, paragraph 2, for any voting
44 at an emergency voting center, the county recorder or other officer in
45 charge of elections may allow a qualified elector to update the elector's

1 voter registration information as provided for in the secretary of state's
2 instructions and procedures manual adopted pursuant to section 16-452.

3 (c) If an emergency voting center established pursuant to this
4 section becomes unavailable and there is not sufficient time for the board
5 of supervisors to convene to approve an alternate location for that
6 emergency voting center, the county recorder or other officer in charge of
7 elections may make changes to the approved emergency voting center
8 location and shall notify the public and the board of supervisors
9 regarding that change as soon as practicable. The alternate emergency
10 voting center shall be as close in proximity to the approved emergency
11 voting center location as possible.

12 C. If the board fails to designate the place for holding the
13 election, or if it cannot be held at or about the place designated, the
14 justice of the peace in the precinct, two days before the election, by an
15 order, copies of which the justice of the peace shall immediately post in
16 three public places in the precinct, shall designate the place within the
17 precinct for holding the election. If there is no justice of the peace in
18 the precinct, or if the justice of the peace fails to do so, the election
19 board of the precinct shall designate and give notice of the place within
20 the precinct of holding the election. For any election in which there are
21 no candidates for elected office appearing on the ballot, the board may
22 consolidate polling places and precinct boards and may consolidate the
23 tabulation of results for that election if all of the following apply:

24 1. All affected voters are notified by mail of the change at least
25 thirty-three days before the election.

26 2. Notice of the change in polling places includes notice of the
27 new voting location, notice of the hours for voting on election day and
28 notice of the telephone number to call for voter assistance.

29 3. All affected voters receive information on early voting that
30 includes the application used to request an early voting ballot.

31 D. The board is not required to designate a polling place for
32 special district mail ballot elections held pursuant to article 8.1 of
33 this chapter, but the board may designate one or more sites for voters to
34 deposit marked ballots until 7:00 p.m. on the day of the election.

35 E. Except as provided in subsection F of this section, a public
36 school shall provide sufficient space for use as a polling place for any
37 city, county or state election when requested by the officer in charge of
38 elections.

39 F. The principal of the school may deny a request to provide space
40 for use as a polling place for any city, county or state election if,
41 within two weeks after a request has been made, the principal provides a
42 written statement indicating a reason the election cannot be held in the
43 school, including any of the following:

1 1. Space is not available at the school.

2 2. The safety or welfare of the children would be jeopardized.

3 G. The board shall make available to the public as a public record
4 a list of the polling places for all precincts in which the election is to
5 be held.

6 H. Except in the case of an emergency, any facility that is used as
7 a polling place on election day or that is used as an early voting site
8 during the period of early voting shall allow persons to electioneer and
9 engage in other political activity outside of the seventy-five foot limit
10 prescribed by section 16-515 in public areas and parking lots used by
11 voters. This subsection ~~shall not be construed to permit~~ DOES NOT ALLOW
12 the temporary or permanent construction of structures in public areas and
13 parking lots or the blocking or other impairment of access to parking
14 spaces for voters. The county recorder or other officer in charge of
15 elections shall post on its website at least two weeks before election day
16 a list of those polling places in which emergency conditions prevent
17 electioneering and shall specify the reason the emergency designation was
18 granted and the number of attempts that were made to find a polling place
19 before granting an emergency designation. If the polling place is not on
20 the website list of polling places with emergency designations,
21 electioneering and other political activity shall be ~~permitted~~ ALLOWED
22 outside of the seventy-five foot limit. If an emergency arises after the
23 county recorder or other officer in charge of elections' initial website
24 posting, the county recorder or other officer in charge of elections shall
25 update the website as soon as is practicable to include any new polling
26 places, shall highlight the polling place location on the website and
27 shall specify the reason the emergency designation was granted and the
28 number of attempts that were made to find a polling place before granting
29 an emergency designation.

30 I. For the purposes of this section, a county recorder or other
31 officer in charge of elections shall designate a polling place as an
32 emergency polling place and thus prohibit persons from electioneering and
33 engaging in other political activity outside of the seventy-five foot
34 limit prescribed by section 16-515 but inside the property of the facility
35 that is hosting the polling place if any of the following occurs:

36 1. An act of God renders a previously set polling place as
37 unusable.

38 2. A county recorder or other officer in charge of elections has
39 exhausted all options and there are no suitable facilities in a precinct
40 that are willing to be a polling place unless a facility can be given an
41 emergency designation.

42 J. The secretary of state shall provide through the instructions
43 and procedures manual adopted pursuant to section 16-452 the maximum
44 allowable wait time for any election that is subject to section 16-204 and
45 provide for a method to reduce voter wait time at the polls in the primary

1 and general elections. The method shall consider at least all of the
2 following for primary and general elections in each precinct:

3 1. The number of ballots voted in the prior primary and general
4 elections.

5 2. The number of registered voters who voted early in the prior
6 primary and general elections.

7 3. The number of registered voters and the number of registered
8 voters who cast an early ballot for the current primary or general
9 election.

10 4. The number of election board members and clerks and the number
11 of rosters that will reduce voter wait time at the polls.

12 Sec. 4. Section 16-461, Arizona Revised Statutes, is amended to
13 read:

14 16-461. Sample primary election ballots; submission to party
15 chairmen for examination; preparation, printing and
16 distribution of ballot

17 A. At least forty-five days before a primary election, the officer
18 in charge of that election shall:

19 1. Prepare a proof of a sample ballot.

20 2. Submit the sample ballot proof of each party to the county
21 chairman or in city or town primaries to the city or town chairman.

22 3. Mail a sample ballot proof to each candidate for whom a
23 nomination paper and petitions have been filed.

24 B. Within five days after receipt of the sample ballot, the county
25 chairman of each political party shall suggest to the election officer any
26 change the chairman considers should be made in the chairman's party
27 ballot, and if ~~upon~~ ON examination the election officer finds an error or
28 omission in the ballot the officer shall correct it. The election officer
29 shall cause the sample ballots to be printed and distributed as required
30 by law, shall maintain a copy of each sample ballot and shall post a
31 notice indicating that sample ballots are available on request. The
32 official sample ballot shall be printed on colored paper or white paper
33 with a different colored stripe for each party that is represented on that
34 ballot. For voters who are not registered with a party that is entitled
35 to continued representation on the ballot pursuant to section 16-804, the
36 election officer may print and distribute the required sample ballots in
37 an alternative format, including a reduced size format.

38 C. Not later than forty days before a primary election, the county
39 chairman of a political party may request one sample primary election
40 ballot of the chairman's party for each election precinct.

41 D. The board of supervisors shall have printed mailer-type sample
42 ballots for a primary election and shall mail at least eleven days before
43 the election one sample ballot of a political party to each household
44 containing a registered voter of that political party unless that
45 registered voter is on the ~~permanent~~ ACTIVE early voting list established

1 pursuant to section 16-544. Each sample ballot shall contain the
2 following statement: "This is a sample ballot and cannot be used as an
3 official ballot under any circumstances". A certified claim shall be
4 presented to the secretary of state by the board of supervisors for the
5 actual cost of printing, labeling and postage of each sample ballot
6 actually mailed, and the secretary of state shall direct payment of the
7 authenticated claim from funds of the secretary of state's office.

8 E. For city and town elections, the governing body of a city or
9 town may have printed mailer-type sample ballots for a primary election.
10 If the city or town has printed such sample ballots, the city or town
11 shall provide for the distribution of such ballots and shall bear the
12 expense of printing and ~~distribution~~ DISTRIBUTING of such sample ballots.

13 F. The return address on the mailer-type sample ballots shall not
14 contain the name of an appointed or elected public officer nor may the
15 name of an appointed or elected public officer be used to indicate who
16 produced the sample ballot.

17 G. The great seal of the state of Arizona shall be imprinted along
18 with the words "official voting materials" on the mailing face of each
19 sample ballot. In county, city or town elections the seal of such
20 jurisdiction shall be substituted for the state seal.

21 Sec. 5. Section 16-510, Arizona Revised Statutes, is amended to
22 read:

23 16-510. Sample ballots; preparation and distribution

24 A. Before printing the sample ballots for the general election the
25 board of supervisors shall send to each candidate whose name did not
26 appear on the preceding primary election ballot a ballot proof of the
27 sample ballot for the candidate's review.

28 B. The board of supervisors shall print and distribute, for the
29 information of voters at each polling place, a number of sample ballots as
30 it deems necessary.

31 C. The board of supervisors shall have printed mailer-type sample
32 ballots for a general election and shall mail at least eleven days before
33 the election one such sample ballot to each household in the county
34 containing a registered voter unless that registered voter is on the
35 ~~permanent~~ ACTIVE early voting list established pursuant to section 16-544.
36 Each sample ballot shall contain the following statement: "This is a
37 sample ballot and cannot be used as an official ballot under any
38 circumstances". A certified claim shall be presented to the secretary of
39 state by the board of supervisors for the actual cost of printing,
40 labeling and postage of each ~~such~~ sample ballot actually mailed, and the
41 secretary of state shall direct payment of ~~such~~ THE authenticated claim
42 from funds of ~~his~~ THE SECRETARY OF STATE'S office.

1 D. For city and town elections, the governing body of a city or
2 town may have printed mailer-type sample ballots for a general
3 election. If the city or town has printed such sample ballots, the city
4 or town shall provide for the distribution of such ballots and shall bear
5 the expense of printing and distributing such sample ballots.

6 E. For special district elections, the governing body of a special
7 district may have printed mailer-type sample ballots. If the special
8 district has printed such sample ballots, the special district shall
9 provide for the distribution of such ballots and shall bear the expense of
10 printing and distributing such sample ballots.

11 Sec. 6. Section 16-544, Arizona Revised Statutes, is amended to
12 read:

13 16-544. Active early voting list; civil penalty; violation;
14 classification; definition

15 A. Any voter may request to be included on a ~~permanent~~ list of
16 voters to receive an early ballot BY MAIL for any election for which the
17 county voter registration roll is used to prepare the election
18 register. The county recorder of each county shall maintain the ~~permanent~~
19 ACTIVE early voting list as part of the voter registration roll.

20 B. In order to be included on the ~~permanent~~ ACTIVE early voting
21 list, the voter shall make a written request specifically requesting that
22 the voter's name be added to the ~~permanent~~ ACTIVE early voting list for
23 all elections in which the applicant is eligible to vote. ~~A permanent AN~~
24 early voter request form shall conform to requirements prescribed in the
25 instructions and procedures manual issued pursuant to section 16-452. The
26 application shall allow for the voter to provide the voter's name,
27 residence address, mailing address in the voter's county of residence,
28 date of birth and signature and shall state that the voter is attesting
29 that the voter is a registered voter who is eligible to vote in the county
30 of residence. The voter shall not list a mailing address that is outside
31 of this state for the purpose of the ~~permanent~~ ACTIVE early voting list
32 unless the voter is an absent uniformed services voter or overseas voter
33 as defined in the uniformed and overseas citizens absentee voting act of
34 1986 (P.L. 99-410; ~~42~~ 52 United States Code section ~~1973ff-6~~ 20310). In
35 lieu of the application, the applicant may submit a written request that
36 contains the required information.

37 C. On receipt of a request to be included on the ~~permanent~~ ACTIVE
38 early voting list, the county recorder or other officer in charge of
39 elections shall compare the signature on the request form with the voter's
40 signature on the voter's registration form and, if the request is from the
41 voter, shall mark the voter's registration file as ~~a permanent AN~~ ACTIVE
42 early ballot request.

1 D. Not less than ninety days before any polling place election
2 scheduled in March or August, the county recorder or other officer in
3 charge of elections shall mail to all voters who are eligible for the
4 election and who are included on the permanent ACTIVE early voting list an
5 election notice by nonforwardable mail that is marked with the statement
6 required by the postmaster to receive an address correction notification.
7 If an election is not formally called by a jurisdiction by the one hundred
8 twentieth day before the election, the recorder or other officer in charge
9 of elections is not required to send the election notice. The notice
10 shall include the dates of the elections that are the subject of the
11 notice, the dates that the voter's ballot is expected to be mailed and the
12 address where the ballot will be mailed. If the upcoming election is a
13 partisan open primary election and the voter is not registered as a member
14 of one of the political parties that is recognized for purposes of that
15 primary, the notice shall include information on the procedure for the
16 voter to designate a political party ballot. The notice shall be
17 delivered with return postage prepaid and shall also include a means for
18 the voter to do any of the following:

19 1. Change the mailing address for the voter's ballot to another
20 location in the voter's county of residence.

21 2. Update the voter's residence address in the voter's county of
22 residence.

23 3. Request that the voter not be sent a ballot for the upcoming
24 election or elections indicated on the notice.

25 E. If the notice that is mailed to the voter is returned
26 undeliverable by the postal service, the county recorder or other officer
27 in charge of elections shall take the necessary steps to contact the voter
28 at the voter's new residence address in order to update that voter's
29 address or to move the voter to inactive status as prescribed in section
30 16-166, subsection A. If a voter is moved to inactive status, the voter
31 shall be removed from the permanent ACTIVE early voting list. If the
32 voter is removed from the permanent ACTIVE early voting list, the voter
33 shall only be added to the permanent ACTIVE early voting list again if the
34 voter submits a new request pursuant to this section.

35 F. Not later than the first day of early voting, the county
36 recorder or other officer in charge of elections shall mail an early
37 ballot to all eligible voters included on the permanent ACTIVE early
38 voting list in the same manner prescribed in section 16-542,
39 subsection C. If the voter has not returned the notice or otherwise
40 notified the election officer within forty-five days before the election
41 that the voter does not wish to receive an early ballot by mail for the
42 election or elections indicated, the ballot shall automatically be
43 scheduled for mailing.

1 G. If a voter who is on the ~~permanent~~ ACTIVE early voting list is
2 not registered as a member of a recognized political party and fails to
3 notify the county recorder of the voter's choice for political party
4 ballot within forty-five days before a partisan open primary election, the
5 following apply:

6 1. The voter shall not automatically be sent a ballot for that
7 partisan open primary election only and the voter's name shall remain on
8 the ~~permanent~~ ACTIVE early voting list for future elections.

9 2. To receive an early ballot for the primary election, the voter
10 shall submit the voter's choice for political party ballot to the county
11 recorder.

12 H. After a voter has requested to be included on the ~~permanent~~
13 ACTIVE early voting list, the voter shall be sent an early ballot by mail
14 automatically for any election at which a voter at that residence address
15 is eligible to vote until any of the following occurs:

16 1. The voter requests in writing to be removed from the ~~permanent~~
17 ACTIVE early voting list.

18 2. The voter's registration or eligibility for registration is
19 moved to inactive status or canceled as otherwise provided by law.

20 3. The notice sent by the county recorder or other officer in
21 charge of elections is returned undeliverable and the county recorder or
22 officer in charge of elections is unable to contact the voter to determine
23 the voter's continued desire to remain on the list.

24 4. THE VOTER FAILS TO VOTE AN EARLY BALLOT IN ALL ELECTIONS FOR TWO
25 CONSECUTIVE ELECTION CYCLES. FOR THE PURPOSES OF THIS PARAGRAPH,
26 "ELECTION" MEANS ANY REGULAR PRIMARY OR REGULAR GENERAL ELECTION FOR WHICH
27 THERE WAS A FEDERAL RACE ON THE BALLOT OR FOR WHICH A CITY OR TOWN
28 CANDIDATE PRIMARY OR FIRST ELECTION OR CITY OR TOWN CANDIDATE SECOND,
29 GENERAL OR RUNOFF ELECTION WAS ON THE BALLOT. THIS PARAGRAPH DOES NOT
30 APPLY TO:

31 (a) A SPECIAL TAXING DISTRICT THAT IS AUTHORIZED PURSUANT TO
32 SECTION 16-191 TO CONDUCT ITS OWN ELECTIONS.

33 (b) A SPECIAL DISTRICT MAIL BALLOT ELECTION THAT IS CONDUCTED
34 PURSUANT TO ARTICLE 8.1 OF THIS CHAPTER.

35 I. A voter may make a written request at any time to be removed
36 from the ~~permanent~~ ACTIVE early voting list. The request shall include
37 the voter's name, residence address, date of birth and signature. On
38 receipt of a completed request to remove a voter from the ~~permanent~~ ACTIVE
39 early voting list, the county recorder or other officer in charge of
40 elections shall remove the voter's name from the list as soon as
41 practicable.

42 J. An absent uniformed services voter or overseas voter as defined
43 in the uniformed and overseas citizens absentee voting act of 1986
44 (P.L. 99-410; ~~42~~ 52 United States Code section ~~1973ff-6~~ 20310) is eligible

1 to be placed on the ~~permanent~~ ACTIVE early voting list pursuant to this
2 section.

3 K. A voter's failure to vote an early ballot once received does not
4 constitute grounds to remove the voter from the ~~permanent~~ ACTIVE early
5 voting list, EXCEPT THAT A COUNTY RECORDER SHALL REMOVE A VOTER FROM THE
6 ACTIVE EARLY VOTING LIST IF BOTH OF THE FOLLOWING APPLY:

7 1. THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS
8 COMPLIES WITH SUBSECTION M OF THIS SECTION.

9 2. THE VOTER FAILS TO VOTE USING AN EARLY BALLOT IN ALL OF THE
10 FOLLOWING ELECTIONS FOR TWO CONSECUTIVE ELECTION CYCLES:

11 (a) A REGULAR PRIMARY AND REGULAR GENERAL ELECTION FOR WHICH THERE
12 WAS A FEDERAL RACE ON THE BALLOT.

13 (b) A CITY OR TOWN CANDIDATE PRIMARY OR FIRST ELECTION AND A CITY
14 OR TOWN CANDIDATE SECOND, GENERAL OR RUNOFF ELECTION.

15 L. ON OR BEFORE JANUARY 15 OF EACH ODD-NUMBERED YEAR, THE COUNTY
16 RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS SHALL SEND A NOTICE TO
17 EACH VOTER WHO IS ON THE ACTIVE EARLY VOTING LIST AND WHO DID NOT VOTE AN
18 EARLY BALLOT IN ALL ELECTIONS FOR TWO CONSECUTIVE ELECTION CYCLES AS
19 PRESCRIBED BY SUBSECTION K OF THIS SECTION. IF THE VOTER HAS PROVIDED THE
20 VOTER'S TELEPHONE OR MOBILE PHONE NUMBER OR EMAIL ADDRESS TO THE COUNTY
21 RECORDER, THE COUNTY RECORDER MAY ADDITIONALLY PROVIDE THE NOTICE TO THE
22 VOTER BY TELEPHONE CALL, TEXT MESSAGE OR EMAIL. THE NOTICE SHALL INFORM
23 THE VOTER THAT IF THE VOTER WISHES TO REMAIN ON THE ACTIVE EARLY VOTING
24 LIST, THE VOTER SHALL DO BOTH OF THE FOLLOWING WITH THE NOTICE RECEIVED:

25 1. CONFIRM IN WRITING THE VOTER'S DESIRE TO REMAIN ON THE ACTIVE
26 EARLY VOTING LIST.

27 2. RETURN THE COMPLETED NOTICE TO THE COUNTY RECORDER OR OTHER
28 OFFICER IN CHARGE OF ELECTIONS WITHIN NINETY DAYS AFTER THE NOTICE IS SENT
29 TO THE VOTER. THE NOTICE SHALL BE SIGNED BY THE VOTER AND SHALL CONTAIN
30 THE VOTER'S ADDRESS AND DATE OF BIRTH.

31 M. IF A VOTER RECEIVES A NOTICE AS PRESCRIBED BY SUBSECTION L OF
32 THIS SECTION AND THE VOTER FAILS TO RESPOND WITHIN THE NINETY-DAY PERIOD,
33 THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS SHALL REMOVE
34 THE VOTER'S NAME FROM THE ACTIVE EARLY VOTING LIST.

35 ~~t.~~ N. A candidate, political committee or other organization may
36 distribute ~~permanent~~ ACTIVE early voting list request forms to voters. If
37 the ~~permanent~~ ACTIVE early voting list request forms include a printed
38 address for return, that address shall be the political subdivision that
39 will conduct the election. Failure to use the political subdivision as
40 the return addressee is punishable by a civil penalty of up to three times
41 the cost of the production and distribution of the ~~permanent~~ ACTIVE early
42 voting list request.

43 ~~M.~~ O. All original and completed ~~permanent~~ ACTIVE early voting
44 list request forms that are received by a candidate, political committee
45 or other organization shall be submitted within six business days after

1 receipt by a candidate or political committee or eleven days before the
2 election day, whichever is earlier, to the political subdivision that will
3 conduct the election. Any person, political committee or other
4 organization that fails to submit a completed ~~permanent~~ ACTIVE early
5 voting list request form within the prescribed time is subject to a civil
6 penalty of up to ~~twenty-five dollars~~ \$25 per day for each completed form
7 withheld from submittal. Any person who knowingly fails to submit a
8 completed ~~permanent~~ ACTIVE early voting list request form before the
9 submission deadline for the election immediately following the completion
10 of the form is guilty of a class 6 felony.

11 P. FOR THE PURPOSES OF THIS SECTION, "ELECTION CYCLE" MEANS THE
12 TWO-YEAR PERIOD BEGINNING ON JANUARY 1 IN THE YEAR AFTER A STATEWIDE
13 GENERAL ELECTION OR, FOR CITIES AND TOWNS, THE TWO-YEAR PERIOD BEGINNING
14 ON THE FIRST DAY OF THE CALENDAR QUARTER AFTER THE CALENDAR QUARTER IN
15 WHICH THE CITY'S OR TOWN'S SECOND, RUNOFF OR GENERAL ELECTION IS SCHEDULED
16 AND ENDING ON THE LAST DAY OF THE CALENDAR QUARTER IN WHICH THE CITY'S OR
17 TOWN'S IMMEDIATELY FOLLOWING SECOND, RUNOFF OR GENERAL ELECTION IS
18 SCHEDULED, HOWEVER THAT ELECTION IS DESIGNATED BY THE CITY OR TOWN.

19 Sec. 7. Declaration of statewide concern: election integrity

20 The Legislature finds and determines that integrity in all elections
21 in this state is a matter of statewide concern and further declares that a
22 person who requests to be on the active early voting list and who
23 repeatedly fails to vote with the ballots that are mailed out by the
24 county recorder increases the likelihood of fraudulent use of those
25 unvoted ballots, and that the maintenance of an accurate active early
26 voting list is therefore essential to maintaining the integrity of this
27 state's elections.

28 Sec. 8. Severability

29 If a provision of this act or its application to any person or
30 circumstance is held invalid, the invalidity does not affect other
31 provisions or applications of the act that can be given effect without the
32 invalid provision or application, and to this end the provisions of this
33 act are severable.

APPROVED BY THE GOVERNOR MAY 11, 2021.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 11, 2021.