

REFERENCE TITLE: **early ballots; Friday deadline**

State of Arizona  
House of Representatives  
Fifty-sixth Legislature  
First Regular Session  
2023

## **HB 2096**

Introduced by  
Representative Bliss: Senator Bennett

### **AN ACT**

AMENDING SECTIONS 16-411, 16-547 AND 16-548, ARIZONA REVISED STATUTES;  
AMENDING SECTION 16-550, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS  
2022, CHAPTER 271, SECTION 2; AMENDING SECTIONS 16-551 AND 16-563, ARIZONA  
REVISED STATUTES; REPEALING SECTIONS 16-579.01 AND 16-579.02, 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 16-411, Arizona Revised Statutes, is amended to  
3 read:

4 16-411. Designation of election precincts and polling places;  
5 voting centers; electioneering; wait times

6 A. The board of supervisors of each county, on or before October 1  
7 of each year preceding the year of a general election, by an order, shall  
8 establish a convenient number of election precincts in the county and  
9 define the boundaries of the precincts as follows:

10 1. The election precinct boundaries shall be established so as to  
11 be included within election districts prescribed by law for elected  
12 officers of the state and its political subdivisions, including community  
13 college district precincts, except those elected officers provided for in  
14 titles 30 and 48.

15 2. If after October 1 of the year preceding the year of a general  
16 election the board of supervisors must further adjust precinct boundaries  
17 due to the redistricting of election districts as prescribed by law and to  
18 comply with this subsection, the board of supervisors shall adjust these  
19 precinct boundaries as soon as is practicable.

20 B. At least twenty days before a general or primary election, and  
21 at least ten days before a special election, the board shall designate one  
22 polling place within each precinct where the election shall be held,  
23 except that:

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

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

35 3. On a specific finding of the board that the number of persons  
36 who are listed as early voters pursuant to section 16-544 ~~and who are not~~  
37 ~~expected to have their ballots tabulated at the polling place as~~  
38 ~~prescribed in section 16-579.02~~ is likely to substantially reduce the  
39 number of voters appearing at one or more specific polling places at that  
40 election, adjacent precincts may be consolidated by combining polling  
41 places and precinct boards for that election. The board of supervisors  
42 shall ensure that a reasonable and adequate number of polling places will  
43 be designated for that election. Any consolidated polling places shall be  
44 listed in separate sections of the order or resolution of the board.

45 4. On a specific resolution of the board, the board may authorize  
46 the use of voting centers in place of or in addition to specifically

1 designated polling places. A voting center shall allow any voter in that  
2 county to receive the appropriate ballot for that voter on election day  
3 after presenting identification as prescribed in section 16-579 and to  
4 lawfully cast the ballot. Voting centers may be established in  
5 coordination and consultation with the county recorder, at other county  
6 offices or at other locations in the county deemed appropriate.

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

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

13 (b) A qualified elector voting at an emergency voting center shall  
14 provide identification as prescribed in section 16-579, except that  
15 notwithstanding section 16-579, subsection A, paragraph 2, for any voting  
16 at an emergency voting center, the county recorder or other officer in  
17 charge of elections may allow a qualified elector to update the elector's  
18 voter registration information as provided for in the secretary of state's  
19 instructions and procedures manual adopted pursuant to section 16-452.

20 (c) If an emergency voting center established pursuant to this  
21 section becomes unavailable and there is not sufficient time for the board  
22 of supervisors to convene to approve an alternate location for that  
23 emergency voting center, the county recorder or other officer in charge of  
24 elections may make changes to the approved emergency voting center  
25 location and shall notify the public and the board of supervisors  
26 regarding that change as soon as practicable. The alternate emergency  
27 voting center shall be as close in proximity to the approved emergency  
28 voting center location as possible.

29 C. If the board fails to designate the place for holding the  
30 election, or if it cannot be held at or about the place designated, the  
31 justice of the peace in the precinct, two days before the election, by an  
32 order, copies of which the justice of the peace shall immediately post in  
33 three public places in the precinct, shall designate the place within the  
34 precinct for holding the election. If there is no justice of the peace in  
35 the precinct, or if the justice of the peace fails to do so, the election  
36 board of the precinct shall designate and give notice of the place within  
37 the precinct of holding the election. For any election in which there are  
38 no candidates for elected office appearing on the ballot, the board may  
39 consolidate polling places and precinct boards and may consolidate the  
40 tabulation of results for that election if all of the following apply:

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

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

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

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

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

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

- 16           1. Space is not available at the school.
- 17           2. The safety or welfare of the children would be jeopardized.

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

21           H. Except in the case of an emergency, any facility that is used as  
22 a polling place on election day or that is used as an early voting site  
23 during the period of early voting shall allow persons to electioneer and  
24 engage in other political activity outside of the seventy-five foot limit  
25 prescribed by section 16-515 in public areas and parking lots used by  
26 voters. This subsection does not allow the temporary or permanent  
27 construction of structures in public areas and parking lots or the  
28 blocking or other impairment of access to parking spaces for voters. The  
29 county recorder or other officer in charge of elections shall post on its  
30 website at least two weeks before election day a list of those polling  
31 places in which emergency conditions prevent electioneering and shall  
32 specify the reason the emergency designation was granted and the number of  
33 attempts that were made to find a polling place before granting an  
34 emergency designation. If the polling place is not on the website list of  
35 polling places with emergency designations, electioneering and other  
36 political activity shall be allowed outside of the seventy-five foot  
37 limit. If an emergency arises after the county recorder or other officer  
38 in charge of elections' initial website posting, the county recorder or  
39 other officer in charge of elections shall update the website as soon as  
40 is practicable to include any new polling places, shall highlight the  
41 polling place location on the website and shall specify the reason the  
42 emergency designation was granted and the number of attempts that were  
43 made to find a polling place before granting an emergency designation.

44           I. For the purposes of this section, a county recorder or other  
45 officer in charge of elections shall designate a polling place as an  
46 emergency polling place and thus prohibit persons from electioneering and

1 engaging in other political activity outside of the seventy-five foot  
2 limit prescribed by section 16-515 but inside the property of the facility  
3 that is hosting the polling place if any of the following occurs:

4 1. An act of God renders a previously set polling place as  
5 unusable.

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

10 J. The secretary of state shall provide through the instructions  
11 and procedures manual adopted pursuant to section 16-452 the maximum  
12 allowable wait time for any election that is subject to section 16-204 and  
13 provide for a method to reduce voter wait time at the polls in the primary  
14 and general elections. The method shall consider at least all of the  
15 following for primary and general elections in each precinct:

16 1. The number of ballots voted in the prior primary and general  
17 elections.

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

20 3. The number of registered voters and the number of registered  
21 voters who cast an early ballot for the current primary or general  
22 election.

23 ~~4. The number of registered voters whose early ballots were~~  
24 ~~tabulated on-site as prescribed in section 16-579.02 in the prior primary~~  
25 ~~and general elections.~~

26 ~~5.~~ 4. The number of election board members and clerks and the  
27 number of rosters that will reduce voter wait time at the polls.

28 Sec. 2. Section 16-547, Arizona Revised Statutes, is amended to  
29 read:

30 16-547. Ballot affidavit; form

31 A. The early ballot shall be accompanied by an envelope bearing on  
32 the front the name, official title and post office address of the recorder  
33 or other officer in charge of elections and on the other side a printed  
34 affidavit in substantially the following form:

35 I declare the following under penalty of perjury: I am  
36 a registered voter in \_\_\_\_\_ county Arizona, I have not  
37 voted and will not vote in this election in any other county  
38 or state, I understand that knowingly voting more than once in  
39 any election is a class 5 felony and I voted the enclosed  
40 ballot and signed this affidavit personally unless noted  
41 below.

42 If the voter was assisted by another person in marking  
43 the ballot, complete the following:

44 I declare the following under penalty of perjury: At  
45 the registered voter's request I assisted the voter identified  
46 in this affidavit with marking the voter's ballot, I marked

1 the ballot as directly instructed by the voter, I provided the  
2 assistance because the voter was physically unable to mark the  
3 ballot solely due to illness, injury or physical limitation  
4 and I understand that there is no power of attorney for voting  
5 and that the voter must be able to make the voter's selection  
6 even if they cannot physically mark the ballot.

7 Name of voter assistant: \_\_\_\_\_

8 Address of voter assistant: \_\_\_\_\_

9 B. The face of each envelope in which a ballot is sent to a federal  
10 postcard applicant or in which a ballot is returned by the applicant to  
11 the recorder or other officer in charge of elections shall be in the form  
12 prescribed in accordance with the uniformed and overseas citizens absentee  
13 voting act ~~of 1986~~ (P.L. 99-410; 52 United States Code section 20301).  
14 Otherwise, the envelopes shall be the same as those used to send ballots  
15 to, or receive ballots from, other early voters.

16 C. The officer charged by law with the duty of preparing ballots at  
17 any election shall ensure that the early ballot is sent in an envelope  
18 that states substantially the following:

19 If the addressee does not reside at this address, mark  
20 the unopened envelope "return to sender" and deposit it in the  
21 United States mail.

22 D. The county recorder or other officer in charge of elections  
23 shall supply printed instructions to early voters that direct them to sign  
24 the affidavit, mark the ballot and return both in the enclosed  
25 self-addressed envelope that complies with section 16-545. The  
26 instructions shall include the following statement:

27 EXCEPT AS OTHERWISE PROVIDED BY THE UNIFORMED AND  
28 OVERSEAS CITIZENS ABSENTEE VOTING ACT OR ARIZONA REVISED  
29 STATUTES SECTION 16-549, in order to be valid and counted, the  
30 ballot and affidavit must be delivered BY MAIL to the office  
31 of the county recorder or other officer in charge of elections  
32 ~~or may be deposited at any polling place in the county no~~ NOT  
33 later than 7:00 p.m. on election day OR MUST BE DELIVERED IN  
34 PERSON TO THE OFFICE OF THE COUNTY RECORDER OR OTHER OFFICER  
35 IN CHARGE OF ELECTIONS OR TO A POLLING PLACE OR OTHER VOTING  
36 LOCATION IN THE COUNTY NOT LATER THAN 5:00 P.M. ON THE FRIDAY  
37 BEFORE ELECTION DAY. The ballot will not be counted without  
38 the voter's signature on the envelope.

39 (WARNING – It is a felony to offer or receive any compensation  
40 for a ballot.)

41 Sec. 3. Section 16-548, Arizona Revised Statutes, is amended to  
42 read:

43 16-548. Preparation and transmission of ballot

44 A. The early voter shall make and sign the affidavit and shall then  
45 mark ~~his~~ THE ballot in ~~such~~ a manner that ~~his~~ THE EARLY VOTER'S  
46 cannot be seen. The early voter shall fold the ballot, if a paper ballot,

1 so as to conceal the vote and deposit the voted ballot in the envelope  
 2 provided for that purpose, which shall be securely sealed and, together  
 3 with the affidavit, ~~delivered or mailed to~~ RECEIVED BY MAIL BY the county  
 4 recorder or other officer in charge of elections of the political  
 5 subdivision in which the elector is registered ~~or deposited by the voter~~  
 6 ~~or the voter's agent at any polling place in the county~~ NOT LATER THAN  
 7 7:00 P.M. ON ELECTION DAY EXCEPT AS OTHERWISE PROVIDED BY THE UNIFORMED  
 8 AND OVERSEAS CITIZENS ABSENTEE VOTING ACT (P.L. 99-410; 52 UNITED STATES  
 9 CODE SECTION 20301) OR SECTION 16-549. OR, in order to be counted and  
 10 valid, the ballot must be received by the county recorder or other officer  
 11 in charge of elections or deposited at any ~~polling place~~ ON-SITE OR OTHER  
 12 EARLY VOTING LOCATION THAT IS ESTABLISHED BY THE COUNTY RECORDER OR OTHER  
 13 OFFICER IN CHARGE OF ELECTIONS in the county ~~no~~ NOT later than ~~7:00~~ 5:00  
 14 p.m. on THE FRIDAY BEFORE election day.

15 B. If the early voter is an overseas citizen, a qualified elector  
 16 absent from the United States or in the United States service, a spouse or  
 17 dependent residing with the early voter or a qualified elector of a  
 18 special district mail ballot election as provided in article 8.1 of this  
 19 chapter, the early voter may subscribe to the affidavit before and obtain  
 20 the signature and military identification number or passport number, if  
 21 available, of any person who is a United States citizen eighteen years of  
 22 age or older.

23 Sec. 4. Section 16-550, Arizona Revised Statutes, as amended by  
 24 Laws 2022, chapter 271, section 2, is amended to read:

25 16-550. Receipt of voter's ballot; cure period

26 A. ~~Except for early ballots tabulated as prescribed in section~~  
 27 ~~16-579.02~~, On receipt of the envelope containing the early ballot and the  
 28 ballot affidavit, the county recorder or other officer in charge of  
 29 elections shall compare the signatures thereon with the signature of the  
 30 elector on the elector's registration record. If the signature is  
 31 inconsistent with the elector's signature on the elector's registration  
 32 record, the county recorder or other officer in charge of elections shall  
 33 make reasonable efforts to contact the voter, advise the voter of the  
 34 inconsistent signature and allow the voter to correct or the county to  
 35 confirm the inconsistent signature. The county recorder or other officer  
 36 in charge of elections shall allow signatures to be corrected not later  
 37 than the fifth business day after a primary, general or special election  
 38 that includes a federal office or the third business day after any other  
 39 election. If the signature is missing, the county recorder or other  
 40 officer in charge of elections shall make reasonable efforts to contact  
 41 the elector, advise the elector of the missing signature and allow the  
 42 elector to add the elector's signature not later than 7:00 p.m. on  
 43 election day. If satisfied that the signatures correspond, the recorder  
 44 or other officer in charge of elections shall hold the envelope containing  
 45 the early ballot and the completed affidavit unopened in accordance with  
 46 the rules of the secretary of state.

1 B. The recorder or other officer in charge of elections shall  
2 thereafter safely keep the affidavits and early ballots in the recorder's  
3 or other officer's office and may deliver them for tallying pursuant to  
4 section 16-551. Tallying of ballots may begin immediately after the  
5 envelope and completed affidavit are processed pursuant to this section  
6 and delivered to the early election board.

7 C. The county recorder shall send a list of all voters who were  
8 issued early ballots to the election board of the precinct in which the  
9 voter is registered.

10 D. This section does not apply to:

11 1. A special taxing district that is authorized pursuant to section  
12 16-191 to conduct its own elections.

13 2. A special district mail ballot election that is conducted  
14 pursuant to article 8.1 of this chapter.

15 Sec. 5. Section 16-551, Arizona Revised Statutes, is amended to  
16 read:

17 16-551. Early election board; violation; classification

18 A. The board of supervisors or the governing body of the political  
19 subdivision shall appoint one or more early election boards to serve at  
20 places to be designated by the board of supervisors or the governing body  
21 to canvass and tally early election ballots. Members of early election  
22 boards shall be selected in accordance with the provisions for selecting  
23 members of regular election boards as provided in section 16-531.

24 B. If an electronic voting system is in use for early voting, the  
25 early election board shall consist of at least one inspector and two  
26 judges who shall perform the processing requirements in accordance with  
27 the rules issued by the secretary of state. The inspector and judges  
28 shall be appointed in the same manner by party as provided in section  
29 16-531.

30 C. All early ballots received **BY MAIL** by the county recorder or  
31 other officer in charge of elections before 7:00 p.m. on election day and  
32 the original affidavit of the voter shall be delivered to the early  
33 election boards for processing as provided in the rules of the secretary  
34 of state. The office of the county recorder or other officer in charge of  
35 elections shall remain open until 7:00 p.m. on election day for the  
36 purpose of receiving **MAILED** early ballots **BUT MAY NOT ACCEPT EARLY BALLOTS**  
37 **DELIVERED BY HAND TO POLLING PLACES OR OTHER VOTING LOCATIONS AFTER 5:00**  
38 **P.M. ON THE FRIDAY BEFORE ELECTION DAY**. Partial or complete tallies of  
39 the early election board shall not be released or divulged before all  
40 precincts have reported or one hour after the closing of the polls on  
41 election day, whichever occurs first. Any person who unlawfully releases  
42 information regarding vote tallies or who possesses a tally sheet or  
43 summary without authorization from the recorder or officer in charge of  
44 elections is guilty of a class 6 felony.

45 D. If practicable, the county recorder or other officer in charge  
46 of elections shall count the number of early ballots that are returned **at**



1 ~~voting locations~~ BY MAIL on election day and shall post on its website  
2 those totals with the last unofficial results that are released on  
3 election night pursuant to section 16-622. Beginning with the day  
4 following the election, the county recorder or other officer in charge of  
5 elections shall enter into the county's ballot tracking system, if  
6 established, early ballots that were ~~returned at the voting location~~  
7 RECEIVED BY MAIL on election day.

8 E. The necessary printed blanks for poll lists, tally lists, lists  
9 of voters, ballots, oaths and returns, together with envelopes in which to  
10 enclose the returns, shall be furnished by the board of supervisors or the  
11 governing body of the political subdivision to the early election board  
12 for each election precinct at the expense of the county or the political  
13 subdivision.

14 Sec. 6. Section 16-563, Arizona Revised Statutes, is amended to  
15 read:

16 16-563. Posting sample ballots, instruction cards and notice  
17 to voters before opening polls

18 Before opening the polls the inspector of elections shall direct the  
19 following postings:

20 1. One of the sample ballots provided for in section 16-510, one of  
21 the cards of instructions provided for in section 16-513 and one of the  
22 "right to vote a provisional ballot" notices provided for in section  
23 16-513.01 in plain view in the room where the ballots are cast. At least  
24 one other sample ballot, card of instruction and "right to vote a  
25 provisional ballot" notice shall be posted in a conspicuous place in and  
26 around the polling place.

27 2. Three seventy-five foot limit notices approximately seventy-five  
28 feet in different directions from the main outside entrance being used by  
29 voters to enter the building in which the election is being held.

30 3. In each voting booth, a notice to voters provided in section  
31 16-514 at general elections only.

32 ~~4. Any notices necessary for complying with early ballot on-site~~  
33 ~~tabulation procedures as prescribed in sections 16-579.01 and 16-579.02.~~

34 Sec. 7. Repeal

35 Sections 16-579.01 and 16-579.02, Arizona Revised Statutes, are  
36 repealed.