

REFERENCE TITLE: permanent early voting list; eligibility

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

## **SB 1069**

Introduced by  
Senator Ugenti-Rita

AN ACT

AMENDING SECTION 16-544, 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 16-544, Arizona Revised Statutes, is amended to  
3 read:

4 16-544. Permanent early voting list; civil penalty;  
5 violation; classification

6 A. Any voter may request to be included on a permanent list of  
7 voters to receive an early ballot for any election for which the county  
8 voter registration roll is used to prepare the election register. The  
9 county recorder of each county shall maintain the permanent early voting  
10 list as part of the voter registration roll.

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

28 C. On receipt of a request to be included on the permanent early  
29 voting list, the county recorder or other officer in charge of elections  
30 shall compare the signature on the request form with the voter's signature  
31 on the voter's registration form and, if the request is from the voter,  
32 shall mark the voter's registration file as a permanent early ballot  
33 request.

34 D. Not less than ninety days before any polling place election  
35 scheduled in March or August, the county recorder or other officer in  
36 charge of elections shall mail to all voters who are eligible for the  
37 election and who are included on the permanent early voting list an  
38 election notice by nonforwardable mail that is marked with the statement  
39 required by the postmaster to receive an address correction notification.  
40 If an election is not formally called by a jurisdiction by the one hundred  
41 twentieth day before the election, the recorder or other officer in charge  
42 of elections is not required to send the election notice. The notice  
43 shall include the dates of the elections that are the subject of the  
44 notice, the dates that the voter's ballot is expected to be mailed and the  
45 address where the ballot will be mailed. If the upcoming election is a

1 partisan open primary election and the voter is not registered as a member  
2 of one of the political parties that is recognized for purposes of that  
3 primary, the notice shall include information on the procedure for the  
4 voter to designate a political party ballot. The notice shall be  
5 delivered with return postage prepaid and shall also include a means for  
6 the voter to do any of the following:

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

9 2. Update the voter's residence address in the voter's county of  
10 residence.

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

13 E. If the notice that is mailed to the voter is returned  
14 undeliverable by the postal service, the county recorder or other officer  
15 in charge of elections shall take the necessary steps to contact the voter  
16 at the voter's new residence address in order to update that voter's  
17 address or to move the voter to inactive status as prescribed in section  
18 16-166, subsection A. If a voter is moved to inactive status, the voter  
19 shall be removed from the permanent early voting list. If the voter is  
20 removed from the permanent early voting list, the voter shall only be  
21 added to the permanent early voting list again if the voter submits a new  
22 request pursuant to this section.

23 F. Not later than the first day of early voting, the county  
24 recorder or other officer in charge of elections shall mail an early  
25 ballot to all eligible voters included on the permanent early voting list  
26 in the same manner prescribed in section 16-542, subsection C. If the  
27 voter has not returned the notice or otherwise notified the election  
28 officer within forty-five days before the election that the voter does not  
29 wish to receive an early ballot by mail for the election or elections  
30 indicated, the ballot shall automatically be scheduled for mailing.

31 G. If a voter who is on the permanent early voting list is not  
32 registered as a member of a recognized political party and fails to notify  
33 the county recorder of the voter's choice for political party ballot  
34 within forty-five days before a partisan open primary election, the  
35 following apply:

36 1. The voter shall not automatically be sent a ballot for that  
37 partisan open primary election only and the voter's name shall remain on  
38 the permanent early voting list for future elections.

39 2. To receive an early ballot for the primary election, the voter  
40 shall submit the voter's choice for political party ballot to the county  
41 recorder.

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

1           1. The voter requests in writing to be removed from the permanent  
2 early voting list.

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

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

9           4. THE VOTER FAILS TO VOTE AN EARLY BALLOT IN BOTH THE PRIMARY  
10 ELECTION AND THE GENERAL ELECTION FOR TWO CONSECUTIVE PRIMARY AND GENERAL  
11 ELECTIONS FOR WHICH THERE WAS A FEDERAL, STATEWIDE OR LEGISLATIVE RACE ON  
12 THE BALLOT. THIS PARAGRAPH DOES NOT APPLY TO:

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

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

17           I. A voter may make a written request at any time to be removed  
18 from the permanent early voting list. The request shall include the  
19 voter's name, residence address, date of birth and signature. On receipt  
20 of a completed request to remove a voter from the permanent early voting  
21 list, the county recorder or other officer in charge of elections shall  
22 remove the voter's name from the list as soon as practicable.

23           J. An absent uniformed services voter or overseas voter as defined  
24 in the uniformed and overseas citizens absentee voting act of 1986  
25 (P.L. 99-410; ~~42~~ 52 United States Code section ~~1973fff-6~~ 20310) is eligible  
26 to be placed on the permanent early voting list pursuant to this section.

27           K. A voter's failure to vote an early ballot once received does not  
28 constitute grounds to remove the voter from the permanent early voting  
29 list, EXCEPT THAT A COUNTY RECORDER SHALL REMOVE A VOTER FROM THE  
30 PERMANENT EARLY VOTING LIST IF THE VOTER FAILS TO VOTE USING AN EARLY  
31 BALLOT IN BOTH THE PRIMARY ELECTION AND THE GENERAL ELECTION FOR TWO  
32 CONSECUTIVE PRIMARY AND GENERAL ELECTIONS FOR WHICH THERE WAS A FEDERAL,  
33 STATEWIDE OR LEGISLATIVE RACE ON THE BALLOT.

34           L. BY DECEMBER 1 OF EACH EVEN-NUMBERED YEAR, THE COUNTY RECORDER OR  
35 OTHER OFFICER IN CHARGE OF ELECTIONS SHALL SEND A NOTICE TO EACH VOTER WHO  
36 IS ON THE PERMANENT EARLY VOTING LIST AND WHO DID NOT VOTE AN EARLY BALLOT  
37 IN BOTH THE PRIMARY ELECTION AND THE GENERAL ELECTION FOR THE TWO MOST  
38 RECENT GENERAL ELECTIONS FOR FEDERAL OFFICE. THE NOTICE SHALL INFORM THE  
39 VOTER THAT IF THE VOTER WISHES TO REMAIN ON THE PERMANENT EARLY VOTING  
40 LIST, THE VOTER SHALL DO BOTH OF THE FOLLOWING WITH THE NOTICE RECEIVED:

41           1. CONFIRM IN WRITING THE VOTER'S DESIRE TO REMAIN ON THE PERMANENT  
42 EARLY VOTING LIST.

1           2. RETURN THE COMPLETED NOTICE TO THE COUNTY RECORDER OR OTHER  
2 OFFICER IN CHARGE OF ELECTIONS WITHIN THIRTY DAYS AFTER THE NOTICE IS SENT  
3 TO THE VOTER. THE NOTICE SHALL BE SIGNED BY THE VOTER AND SHALL CONTAIN  
4 THE VOTER'S ADDRESS AND DATE OF BIRTH.

5           M. IF A VOTER RECEIVES A NOTICE AS PRESCRIBED BY SUBSECTION L OF  
6 THIS SECTION AND THE VOTER FAILS TO RESPOND WITHIN THE THIRTY-DAY PERIOD,  
7 THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS SHALL REMOVE  
8 THE VOTER'S NAME FROM THE PERMANENT EARLY VOTING LIST.

9           ~~L.~~ N. A candidate, political committee or other organization may  
10 distribute permanent early voting list request forms to voters. If the  
11 permanent early voting list request forms include a printed address for  
12 return, that address shall be the political subdivision that will conduct  
13 the election. Failure to use the political subdivision as the return  
14 addressee is punishable by a civil penalty of up to three times the cost  
15 of the production and distribution of the permanent early voting list  
16 request.

17           ~~M.~~ O. All original and completed permanent early voting list  
18 request forms that are received by a candidate, political committee or  
19 other organization shall be submitted within six business days after  
20 receipt by a candidate or political committee or eleven days before the  
21 election day, whichever is earlier, to the political subdivision that will  
22 conduct the election. Any person, political committee or other  
23 organization that fails to submit a completed permanent early voting list  
24 request form within the prescribed time is subject to a civil penalty of  
25 up to ~~twenty-five dollars~~ \$25 per day for each completed form withheld  
26 from submittal. Any person who knowingly fails to submit a completed  
27 permanent early voting list request form before the submission deadline  
28 for the election immediately following the completion of the form is  
29 guilty of a class 6 felony.