

**House Engrossed**  
**early ballots; request required**

**State of Arizona**  
**House of Representatives**  
**Fifty-fifth Legislature**  
**First Regular Session**  
**2021**

# **HOUSE BILL 2792**

**AN ACT**

**AMENDING SECTION 16-542, ARIZONA REVISED STATUTES; RELATING TO EARLY VOTING.**

**(TEXT OF BILL BEGINS ON NEXT PAGE)**



Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 16-542, Arizona Revised Statutes, is amended to read:

**16-542. Request for ballot; civil penalties; violation; classification**

A. Within ninety-three days before any election called pursuant to the laws of this state, an elector may make a verbal or signed request to the county recorder, or other officer in charge of elections for the applicable political subdivision of this state in whose jurisdiction the elector is registered to vote, for an official early ballot. In addition to name and address, the requesting elector shall provide the date of birth and state or country of birth or other information that if compared to the voter registration information on file would confirm the identity of the elector. If the request indicates that the elector needs a primary election ballot and a general election ballot, the county recorder or other officer in charge of elections shall honor the request. For any partisan primary election, if the elector is not registered as a member of a political party that is entitled to continued representation on the ballot pursuant to section 16-804, the elector shall designate the ballot of only one of the political parties that is entitled to continued representation on the ballot and the elector may receive and vote the ballot of only that one political party, which also shall include any nonpartisan offices and ballot questions, or the elector shall designate the ballot for nonpartisan offices and ballot questions only and the elector may receive and vote the ballot that contains only nonpartisan offices and ballot questions. The county recorder or other officer in charge of elections shall process any request for an early ballot for a municipal election pursuant to this subsection. The county recorder may establish on-site early voting locations at the recorder's office, which shall be open and available for use beginning the same day that a county begins to send out the early ballots. The county recorder may also establish any other early voting locations in the county the recorder deems necessary. Any on-site early voting location or other early voting location shall require each elector to present identification as prescribed in section 16-579 before receiving a ballot. Notwithstanding section 16-579, subsection A, paragraph 2, at any on-site early voting location or other early voting location the county recorder or other officer in charge of elections may provide for a qualified elector to update the elector's voter registration information as provided for in the secretary of state's **instruction INSTRUCTIONS** and procedures manual adopted pursuant to section 16-452.

B. Notwithstanding subsection A of this section, a request for an official early ballot from an absent uniformed services voter or overseas voter as defined in the uniformed and overseas citizens absentee voting act of 1986 (P.L. 99-410; 52 United States Code section 20310) or a voter whose information is protected pursuant to section 16-153 that is received by the county recorder or other officer in charge of elections more than ninety-three days before the election is valid. If requested by the absent uniformed services or overseas voter, or a voter whose information is protected pursuant to section 16-153, the county recorder or other officer in charge of elections shall provide to the requesting voter early ballot materials through the next regularly scheduled general election for federal office immediately following receipt of the request unless a different period of time, which does not exceed the next two regularly scheduled general elections for federal office, is designated by the voter.

C. The county recorder or other officer in charge of elections shall mail the early ballot and the envelope for its return postage prepaid to the address provided by the requesting elector within five days after receipt of the official early ballots from the officer charged by law with the duty of preparing ballots pursuant to section 16-545, except that early ballot distribution shall not begin more than twenty-seven days before the election. If an early ballot request is received on or before the thirty-first day before the election, the early ballot shall be distributed not earlier than the twenty-seventh day before the election and not later than the twenty-fourth day before the election.

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

E. In order to be complete and correct and to receive an early ballot by mail, an elector's request that an early ballot be mailed to the elector's residence or temporary address must include all of the information prescribed by subsection A of this section and must be received by the county recorder or other officer in charge of elections no later than 5:00 p.m. on the eleventh day preceding

the election.♦ An elector who appears personally no later than 5:00 p.m. on the Friday preceding the election at an on-site early voting location that is established by the county recorder or other officer in charge of elections shall be given a ballot after presenting identification as prescribed in section 16-579 and shall be permitted to vote at the on-site location.♦ Notwithstanding section 16-579, subsection A, paragraph 2, at any on-site early voting location the county recorder or other officer in charge of elections may provide for a qualified elector to update the elector's voter registration information as provided for in the secretary of state's **instruction INSTRUCTIONS** and procedures manual adopted pursuant to section 16-452. If an elector's request to receive an early ballot is not complete and correct but complies with all other requirements of this section, the county recorder or other officer in charge of elections shall attempt to notify the elector of the deficiency of the request.

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

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

H. As a result of experiencing an emergency between 5:00 p.m. on the Friday preceding the election and 5:00 p.m. on the Monday preceding the election, qualified electors may request to vote in the manner prescribed by the board of supervisors of their respective county. Before voting pursuant to this subsection, an elector who experiences an emergency shall provide identification as prescribed in section 16-579 and shall sign a statement under penalty of perjury that states that the person is experiencing or experienced an emergency after 5:00 p.m. on the Friday immediately preceding the election and before 5:00 p.m. on the Monday immediately preceding the election that would prevent the person from voting at the polls.♦ Signed statements received pursuant to this subsection are not subject to inspection pursuant to title 39, chapter 1, article 2.♦ For the purposes of this subsection, "emergency" means any unforeseen circumstances that would prevent the elector from voting at the polls.

I. Notwithstanding section 16-579, subsection A, paragraph 2, for any voting pursuant to subsection H of this section, the county recorder or other officer in charge of elections may allow a qualified elector to update the elector's voter registration information as provided for in the secretary of state's instructions and procedures manual adopted pursuant to section 16-452.

J. A candidate, political committee or other organization may distribute early ballot request forms to voters.♦ If the early ballot request forms include a printed address for return, the addressee shall be the political subdivision that will conduct the election.♦ Failure to use the political subdivision as the return addressee is punishable by a civil penalty of up to three times the cost of the production and distribution of the request.

K. All original and completed early ballot request forms that are received by a candidate, political committee or other organization shall be submitted within six business days after receipt by a candidate, political committee or other organization or eleven days before the election day, whichever is earlier, to the political subdivision that will conduct the election. Any person, political committee or other organization that fails to submit a completed early ballot request form within the prescribed time is subject to a civil penalty of up to \$25 per day for each completed form withheld from submittal. Any person who knowingly fails to submit a completed early ballot request form before the submission deadline for the election immediately following the completion of the form is guilty of a class 6 felony.

**L. EXCEPT FOR A VOTER WHO IS ON THE PERMANENT EARLY VOTING LIST, A VOTER WHO REQUESTS A ONE-TIME EARLY BALLOT PURSUANT TO SECTION 16-542 OR FOR AN ELECTION CONDUCTED PURSUANT TO SECTION 16-409 OR ARTICLE 8.1 OF THIS CHAPTER, A COUNTY RECORDER, CITY OR TOWN CLERK OR OTHER ELECTION OFFICER MAY NOT DELIVER OR MAIL AN EARLY BALLOT TO A PERSON WHO HAS NOT REQUESTED AN EARLY BALLOT FOR THAT ELECTION.♦ AN ELECTION OFFICER WHO KNOWINGLY VIOLATES THIS SUBSECTION IS GUILTY OF A CLASS 5 FELONY.**