

House Engrossed

early ballots; request required

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

CHAPTER 426

HOUSE BILL 2905

AN ACT

AMENDING SECTION 16-542, 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 16-542, Arizona Revised Statutes, is amended to
3 read:

4 16-542. Request for ballot; civil penalties; violation;
5 classification

6 A. Within ninety-three days before any election called pursuant to
7 the laws of this state, an elector may make a verbal or signed request to
8 the county recorder, or other officer in charge of elections for the
9 applicable political subdivision of this state in whose jurisdiction the
10 elector is registered to vote, for an official early ballot. In addition
11 to name and address, the requesting elector shall provide the date of
12 birth and state or country of birth or other information that if compared
13 to the voter registration information on file would confirm the identity
14 of the elector. If the request indicates that the elector needs a primary
15 election ballot and a general election ballot, the county recorder or
16 other officer in charge of elections shall honor the request. For any
17 partisan primary election, if the elector is not registered as a member of
18 a political party that is entitled to continued representation on the
19 ballot pursuant to section 16-804, the elector shall designate the ballot
20 of only one of the political parties that is entitled to continued
21 representation on the ballot and the elector may receive and vote the
22 ballot of only that one political party, which also shall include any
23 nonpartisan offices and ballot questions, or the elector shall designate
24 the ballot for nonpartisan offices and ballot questions only and the
25 elector may receive and vote the ballot that contains only nonpartisan
26 offices and ballot questions. The county recorder or other officer in
27 charge of elections shall process any request for an early ballot for a
28 municipal election pursuant to this subsection. The county recorder may
29 establish on-site early voting locations at the recorder's office, which
30 shall be open and available for use beginning the same day that a county
31 begins to send out the early ballots. The county recorder may also
32 establish any other early voting locations in the county the recorder
33 deems necessary. Any on-site early voting location or other early voting
34 location shall require each elector to present identification as
35 prescribed in section 16-579 before receiving a ballot. Notwithstanding
36 section 16-579, subsection A, paragraph 2, at any on-site early voting
37 location or other early voting location the county recorder or other
38 officer in charge of elections may provide for a qualified elector to
39 update the elector's voter registration information as provided for in the
40 secretary of state's ~~instruction~~ INSTRUCTIONS and procedures manual
41 adopted pursuant to section 16-452.

42 B. Notwithstanding subsection A of this section, a request for an
43 official early ballot from an absent uniformed services voter or overseas
44 voter as defined in the uniformed and overseas citizens absentee voting
45 act of 1986 (P.L. 99-410; 52 United States Code section 20310) or a voter

1 whose information is protected pursuant to section 16-153 that is received
2 by the county recorder or other officer in charge of elections more than
3 ninety-three days before the election is valid. If requested by the
4 absent uniformed services or overseas voter, or a voter whose information
5 is protected pursuant to section 16-153, the county recorder or other
6 officer in charge of elections shall provide to the requesting voter early
7 ballot materials through the next regularly scheduled general election for
8 federal office immediately following receipt of the request unless a
9 different period of time, which does not exceed the next two regularly
10 scheduled general elections for federal office, is designated by the
11 voter.

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

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

33 E. In order to be complete and correct and to receive an early
34 ballot by mail, an elector's request that an early ballot be mailed to the
35 elector's residence or temporary address must include all of the
36 information prescribed by subsection A of this section and must be
37 received by the county recorder or other officer in charge of elections no
38 later than 5:00 p.m. on the eleventh day preceding the election. An
39 elector who appears personally no later than 5:00 p.m. on the Friday
40 preceding the election at an on-site early voting location that is
41 established by the county recorder or other officer in charge of elections
42 shall be given a ballot after presenting identification as prescribed in
43 section 16-579 and shall be permitted to vote at the on-site location.
44 Notwithstanding section 16-579, subsection A, paragraph 2, at any on-site
45 early voting location the county recorder or other officer in charge of

1 elections may provide for a qualified elector to update the elector's
2 voter registration information as provided for in the secretary of state's
3 ~~instruction~~ INSTRUCTIONS and procedures manual adopted pursuant to section
4 16-452. If an elector's request to receive an early ballot is not
5 complete and correct but complies with all other requirements of this
6 section, the county recorder or other officer in charge of elections shall
7 attempt to notify the elector of the deficiency of the request.

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

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

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

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

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

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

13 L. EXCEPT FOR A VOTER WHO IS ON THE ACTIVE EARLY VOTING LIST
14 PRESCRIBED BY SECTION 16-544, A VOTER WHO REQUESTS A ONE-TIME EARLY BALLOT
15 PURSUANT TO SECTION 16-542 OR FOR AN ELECTION CONDUCTED PURSUANT TO
16 SECTION 16-409 OR ARTICLE 8.1 OF THIS CHAPTER, A COUNTY RECORDER, CITY OR
17 TOWN CLERK OR OTHER ELECTION OFFICER MAY NOT DELIVER OR MAIL AN EARLY
18 BALLOT TO A PERSON WHO HAS NOT REQUESTED AN EARLY BALLOT FOR THAT
19 ELECTION. AN ELECTION OFFICER WHO KNOWINGLY VIOLATES THIS SUBSECTION IS
20 GUILTY OF A CLASS 5 FELONY.

APPROVED BY THE GOVERNOR JULY 9, 2021.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JULY 9, 2021.