

House Engrossed Senate Bill

State of Arizona
Senate
Forty-sixth Legislature
First Regular Session
2003

CHAPTER 38

SENATE BILL 1023

AN ACT

AMENDING SECTIONS 16-452, 16-542, 16-543, 16-1018 AND 41-121, ARIZONA REVISED STATUTES; RELATING TO ELECTIONS AND ELECTORS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 16-452, Arizona Revised Statutes, is amended to
3 read:

4 16-452. Rules; instructions and procedures manual; approval of
5 manual; field check and review of systems; violation;
6 classification

7 A. After consultation with each county board of supervisors or other
8 officer in charge of elections, the secretary of state shall prescribe rules
9 to achieve and maintain the maximum degree of correctness, impartiality,
10 uniformity and efficiency on the procedures for early voting and voting, and
11 of producing, distributing, collecting, counting, tabulating and storing
12 ballots. THE SECRETARY OF STATE SHALL ALSO ADOPT RULES REGARDING FAX
13 TRANSMITTAL OF UNVOTED BALLOTS, BALLOT REQUESTS, VOTED BALLOTS AND OTHER
14 ELECTION MATERIALS TO AND FROM ABSENT UNIFORMED AND OVERSEAS CITIZENS AND
15 SHALL ADOPT RULES REGARDING INTERNET RECEIPT OF REQUESTS FOR FEDERAL POSTCARD
16 APPLICATIONS PRESCRIBED BY SECTION 16-543.

17 B. Such rules shall be prescribed in an official instructions and
18 procedures manual to be issued not later than thirty days prior to each
19 election. Prior to its issuance, the manual shall be approved by the
20 governor and the attorney general. The secretary of state shall submit the
21 manual to the governor and the attorney general not fewer than ninety days
22 before each election.

23 C. A person who violates any rule adopted pursuant to this section is
24 guilty of a class 2 misdemeanor.

25 D. The secretary of state shall provide personnel who are expert in
26 electronic voting systems and procedures and in electronic voting system
27 security to field check and review electronic voting systems and recommend
28 needed statutory and procedural changes.

29 Sec. 2. Section 16-542, Arizona Revised Statutes, is amended to read:
30 16-542. Request for ballot

31 A. Within ninety days next preceding the Saturday before any election
32 called pursuant to the laws of this state, an elector may make a verbal or
33 signed request to the county recorder, or other officer in charge of
34 elections for the applicable political subdivision of this state in whose
35 jurisdiction the elector is registered to vote, for an official early ballot.
36 In addition to name and address, the requesting elector shall provide the
37 date of birth and state or country of birth or other information that if
38 compared to the voter registration information on file would confirm the
39 identity of the elector. If the request indicates that the elector needs a
40 primary election ballot and a general election ballot, the county recorder
41 or other officer in charge of elections shall honor the request. For any
42 partisan primary election, if the elector is not registered as a member of
43 a political party that is entitled to continued representation on the ballot
44 pursuant to section 16-804, the elector shall designate the ballot of only
45 one of the political parties that is entitled to continued representation on

1 the ballot and the elector may receive and vote the ballot of only that one
2 political party. The county recorder may establish on-site early voting
3 locations at the recorder's office or any other locations in the county the
4 recorder deems necessary.

5 B. Notwithstanding subsection A of this section, a request for an
6 official early ballot from an absent uniformed services voter or overseas
7 voter as defined in the uniformed and overseas citizens absentee voting act
8 of 1986 (P.L. 99-410; 42 United States Code section 1973) that is received
9 by the county recorder or other officer in charge of elections more than
10 ninety days next preceding the Saturday before the election is valid. IF
11 REQUESTED BY THE ABSENT UNIFORMED SERVICES OR OVERSEAS VOTER, THE COUNTY
12 RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS SHALL PROVIDE TO THE
13 REQUESTING VOTER EARLY BALLOT MATERIALS THROUGH THE NEXT TWO REGULARLY
14 SCHEDULED GENERAL ELECTIONS FOR FEDERAL OFFICE IMMEDIATELY FOLLOWING RECEIPT
15 OF THE REQUEST.

16 C. The COUNTY recorder or other officer in charge of elections shall
17 mail postage prepaid to the address provided by the requesting elector, which
18 address shall be the elector's residence address or the location where the
19 elector is temporarily residing while absent from the precinct, the early
20 ballot and the envelope for its return within five days after receipt of the
21 official early ballots from the officer charged by law with the duty of
22 preparing ballots pursuant to section 16-545. Only the elector may be in
23 possession of that elector's unvoted early ballot. If the request is made
24 by the elector within thirty days next preceding the Saturday before the
25 election, such mailing must be made within forty-eight hours after receipt
26 of the request. Saturdays, Sundays and other legal holidays are excluded
27 from the computation of the forty-eight hour period prescribed by this
28 subsection. If the request is made by an absent uniformed services voter or
29 an overseas voter more than ninety days next preceding the Saturday before
30 the election, the mailing shall be made within twenty-four hours after the
31 early ballots are delivered pursuant to section 16-545, subsection B,
32 excluding Sundays.

33 D. In order to receive an early ballot by mail, an elector's request
34 that an early ballot be mailed to the elector's residence or temporary
35 address must be received by the county recorder or other officer in charge
36 of elections no later than 5:00 p.m. on the eleventh day preceding the
37 election. An elector who appears personally no later than 5:00 p.m. on the
38 Friday preceding the election at an on-site early voting location that is
39 established by the county recorder or other officer in charge of elections
40 shall be given a ballot and permitted to vote at the on-site location.

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

1 F. As a result of an emergency occurring between 5:00 p.m. on the
2 second Friday preceding the election and 5:00 p.m. on the Monday preceding
3 the election, qualified electors may request to vote early in the manner
4 prescribed by the county recorder of their respective county. For THE
5 purposes of this subsection, "emergency" means any unforeseen circumstances
6 which would prevent the elector from voting at the polls.

7 G. A candidate or political committee may distribute early ballot
8 request forms to voters. If the early ballot request forms include a printed
9 address for return to an addressee other than a political subdivision, the
10 addressee shall be the candidate or political committee that paid for the
11 printing and distribution of the request forms. All early ballot request
12 forms that are received by a candidate or political committee shall be
13 transmitted as soon as practicable to the political subdivision that will
14 conduct the election.

15 Sec. 3. Section 16-543, Arizona Revised Statutes, is amended to read:
16 16-543. Application for ballot; United States service

17 A. Any absent uniformed services voter or overseas voter as defined
18 in the uniformed and overseas citizens absentee voting act of 1986 (P.L.
19 99-410; 42 United States Code section 1973) may request an early ballot with
20 a federal postcard application that contains both an early voter registration
21 application and an early ballot application. THE SECRETARY OF STATE SHALL
22 PROVIDE FOR A CENTRALIZED SYSTEM FOR RECEIVING FEDERAL POSTCARD APPLICATIONS
23 BY WAY OF THE INTERNET OR FACSIMILE AND SHALL PROVIDE FOR TRANSMITTING
24 APPROPRIATE BALLOT MATERIALS IN RESPONSE TO TELEPHONE AND INTERNET REQUESTS
25 FOR FEDERAL POSTCARD APPLICATIONS. Upon ON receipt of such application, the
26 county recorder or other officer in charge of elections shall determine
27 whether or not the elector is registered. If the applicant is so registered,
28 the recorder or other officer in charge of elections shall forward to him THE
29 APPLICANT an official early ballot. If the applicant is not registered, and
30 the request is for a ballot for use in a county election but the federal
31 postcard application is complete, the recorder shall forward an official
32 early ballot to the applicant. If the applicant is not registered to vote
33 and the federal postcard application is not used or complete, the recorder
34 shall forward an affidavit of registration as provided in section 16-103 and
35 shall at the same time forward to the unregistered applicant an official
36 early ballot and affidavit.

37 B. THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS SHALL
38 TRANSMIT BY FAX EARLY BALLOT REQUEST FORMS, UNVOTED BALLOTS AND BALLOT
39 INFORMATION TO ELIGIBLE ABSENT UNIFORMED SERVICES VOTERS AND OVERSEAS VOTERS.
40 THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS SHALL PROVIDE FOR
41 RECEIPT OF COMPLETED EARLY BALLOT REQUESTS AND VOTED EARLY BALLOTS BY FAX AS
42 PRESCRIBED BY THE SECRETARY OF STATE IN THE INSTRUCTIONS AND PROCEDURES
43 MANUAL ISSUED PURSUANT TO SECTION 16-452.

1 Sec. 4. Section 16-1018, Arizona Revised Statutes, is amended to read:
2 16-1018. Additional unlawful acts by persons with respect to
3 voting; classification

4 A person who commits any of the following acts is guilty of a class 2
5 misdemeanor:

6 1. Knowingly electioneers on election day within a polling place or
7 in a public manner within seventy-five feet of the main outside entrance of
8 a polling place or on-site early voting location established by a county
9 recorder pursuant to section 16-542, subsection A.

10 2. Intentionally disables or removes from the polling place, on-site
11 early voting location or custody of an election official a voting machine or
12 a voting record.

13 3. Knowingly removes an official ballot from a polling place before
14 closing the polls.

15 4. Shows the voter's ballot or the machine on which the voter has
16 voted to any person after it is prepared for voting in such a manner as to
17 reveal the contents, except to an authorized person lawfully assisting the
18 voter.

19 5. Knowingly solicits a voter to show the voter's ballot, or receives
20 from a voter a ballot prepared for voting, unless the person is an election
21 official or unless otherwise authorized by law.

22 6. Knowingly receives an official ballot from a person other than an
23 election official having charge of the ballots.

24 7. Knowingly delivers an official ballot to a voter, unless the voter
25 is an election official.

26 8. EXCEPT FOR A COMPLETED BALLOT TRANSMITTED BY AN ELECTOR BY FAX
27 PURSUANT TO SECTION 16-543, knowingly places a mark upon ON the voter's
28 ballot by which it can be identified as the one voted by the voter.

29 9. After having received a ballot as a voter, knowingly fails to
30 return the ballot to the election official before leaving the polling place
31 or on-site early voting location.

32 Sec. 5. Section 41-121, Arizona Revised Statutes, is amended to read:
33 41-121. Duties

34 The secretary of state shall:

35 1. Receive bills and resolutions from the legislature, and perform
36 such other duties as devolve upon the secretary of state by resolution of the
37 two houses or either of them.

38 2. Keep a register of and attest the official acts of the governor.

39 3. Act as custodian of the great seal of this state.

40 4. Affix the great seal, with the secretary of state's attestation,
41 to public instruments to which the official signature of the governor is
42 attached.

43 5. File in the secretary of state's office receipts for all books
44 distributed by the secretary of state and direct the county recorder of each
45 county to do the same.

1 1. The delivery of voter registration and early ballot materials to
2 all uniformed service personnel, their families and other overseas citizens
3 who are residents of this state and who are absent from this state due to
4 military or other overseas service.

5 2. Changes in state law that would allow for greater participation by
6 absent uniformed service personnel, their families and other overseas
7 citizens in federal, state and local elections in this state.

8 B. The secretary of state shall consult with personnel in the federal
9 voting assistance office in the United States department of defense and with
10 county recorders and other county election officials in this state to develop
11 these recommendations.

~~APPROVED BY THE GOVERNOR APRIL 7, 2003.~~

~~FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 7, 2003.~~

SENATE CONCURS IN HOUSE AMENDMENTS
AND FINAL PASSAGE

Passed the Senate April 3, 2003

by the following vote: 28 Ayes,

0 Nays, 2 Not Voting

[Signature]
President of the Senate
[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

3 day of April, 2003

at 12:00 o'clock P. M.

[Signature]
Secretary to the Governor

Approved this 7 day of

April, 2003,

at 2³⁰ o'clock P. M.

[Signature]
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 7 day of April, 2003,

at 4:27 o'clock P. M.

[Signature]
Secretary of State