Senate Engrossed

FILED

JANICE K. BREWER
SECRETARY OF STATE

State of Arizona
Senate
Forty-eighth Legislature
First Regular Session
2007

CHAPTER 168

SENATE BILL 1430

AN ACT

AMENDING SECTIONS 16-201, 16-242, 16-246 AND 16-542, ARIZONA REVISED STATUTES; RELATING TO ELECTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. Section 16-201, Arizona Revised Statutes, is amended to read:

16-201. Primary elections

On the ~~eighth~~ NINTH Tuesday prior to a general or special election at which candidates for public office are to be elected, a primary election shall be held.

Sec. 2. Section 16-242, Arizona Revised Statutes, is amended to read:

16-242. Qualifications for ballot; nomination paper

A. A person seeking nomination as a candidate for the office of president of the United States shall sign and cause to be filed with the secretary of state a nomination paper that contains the following information:

1. The name, residence address and mailing address of the candidate.

2. The name of the recognized political party from which the person seeks nomination.

3. The name and address of the chairman of the candidate's state committee.

4. The exact manner for printing the candidate's name on the presidential preference ballot pursuant to section 16-311.

B. The nomination paper shall be filed not less than ~~forty~~ FIFTY days nor more than seventy days before the presidential preference election and not later than 5:00 p.m. on the last day for filing.

C. Section 16-351 does not apply to a nomination paper filed pursuant to this section.

D. Within seventy-two hours after the close of filing the secretary of state shall certify to the officer in charge of elections the names of the candidates who are qualified for the presidential preference election ballot.

Sec. 3. Section 16-246, Arizona Revised Statutes, is amended to read:

16-246. Early balloting; satellite locations; additional procedures

A. Within ninety days preceding the Saturday before the presidential preference election and not later than 5:00 p.m. on the Friday preceding the election, any elector who is eligible to vote in the presidential preference election may make a verbal or signed, written request for an official early ballot to the county recorder or other officer in charge of elections for the county in which the elector is registered to vote. If the request is verbal, the requesting elector shall provide the date of birth and birthplace or other information that if compared to the voter registration records for that elector would confirm the identity of the elector.

B. Absent uniformed services voters or overseas voters who are otherwise eligible to vote in the election may vote as prescribed by sections 16-543, 16-543.01 and 16-543.02. The list of candidates that is sent as prescribed by section 16-543.01 shall be a list of all candidates who have

qualified for the presidential preference ballot by the thirty-sixth day before the presidential preference election.

C. The county recorder may establish on-site early voting locations at the office of the county recorder or at other locations in the county deemed necessary or appropriate by the recorder. Early voting shall begin ~~fifteen~~ TWENTY-SIX days before the presidential preference election and shall end on the Friday before the presidential preference election.

D. The county recorder shall send by first class mail with the endorsement "do not forward - address correction requested" any early ballots that are requested pursuant to subsections A and B of this section and shall include a preaddressed envelope for the elector to return the completed ballot.

E. The county recorder shall provide to each election board an appropriate alphabetized list of voters who have requested and have been sent an early ballot. Any person who is on that list of voters and who was sent an early ballot shall not vote at the polling place for that election precinct except as prescribed by section 16-579, subsection C.

F. The county recorder may provide for any of the following in the same manner prescribed by law for other elections:

1. Special election boards.

2. Emergency balloting for persons who experience an emergency after 5:00 p.m. on the Friday preceding the presidential preference election and before 5:00 p.m. on the Monday immediately preceding the presidential preference election.

G. Sections 16-550, 16-551 and 16-552 govern the use of early balloting for the presidential preference election.

Sec. 4. Section 16-542, Arizona Revised Statutes, is amended to read:

16-542. Request for ballot

A. Within ninety days next preceding the Saturday 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. The county recorder may establish on-site early voting

locations at the recorder's office or any other locations in the county the recorder deems necessary.

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; 42 United States Code section 1973ff) 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 days next preceding the Saturday 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 two regularly scheduled general elections for federal office immediately following receipt of the request.

C. The county recorder or other officer in charge of elections shall mail postage prepaid to the address provided by the requesting elector, which address shall be the elector's residence address or the location where the elector is temporarily residing while absent from the precinct, the early ballot and the envelope for its return 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. If a statewide voter registration database is not yet operational and if the requesting elector registered to vote for the first time in this state after January 1, 2003 and has not yet voted in this state or is reregistering after January 1, 2003 after moving from one county in this state to another county in this state and is voting for the first time at the new registration address, the early ballot materials shall include notice that the person shall submit a photocopy of a current form of identification that bears a photograph of the person and the name of the person or a photocopy of a current utility bill, bank statement, paycheck, government issued check or other government document that shows the name and registration address of the person and notice that if the person does not submit photocopies of the required documents, the person may only vote a provisional ballot.

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 ~~thirty~~ TWENTY-THREE days next preceding the Saturday 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 and permitted to vote at the on-site location. 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 prior to the election.

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

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

APPROVED BY THE GOVERNOR MAY 1, 2007.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 1, 2007.

Passed the House April 24, 20 07,

by the following vote: 54 Ayes,

0 Nays, 6 Not Voting

Speaker of the House

Chief Clerk of the House

Passed the Senate March 15, 20 07,

by the following vote: 21 Ayes,

5 Nays, 4 Not Voting

President of the Senate

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR
This Bill was received by the Governor this

26th day of April, 20 07

at 8:58 o'clock a M.

Secretary to the Governor

Approved this 1 day of

May, 20 07,

at 1:45 o'clock P M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 1st day of May, 20 7,

at 4:30 o'clock P. M.

Secretary of State

S.B. 1430