Senate Engrossed House Bill

FILED

JANICE K. BREWER
SECRETARY OF STATE

State of Arizona
House of Representatives
Forty-eighth Legislature
First Regular Session
2007

CHAPTER 183

HOUSE BILL 2106

AN ACT

AMENDING SECTIONS 16-242, 16-245, 16-246 AND 16-312, ARIZONA REVISED STATUTES; AMENDING TITLE 16, CHAPTER 4, ARTICLE 8, ARIZONA REVISED STATUTES, BY ADDING SECTION 16-544; 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 16-242, 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. 2. Section 16-245, Arizona Revised Statutes, is amended to read:

16-245. Form and content of ballot

A. Ballots and ballot labels for the presidential preference election shall be printed on different colored paper or white paper with a different colored stripe for each party represented on the presidential preference election ballot. Only one party may be represented on each ballot. At the top ~~and above the heading shall be a stub separated from the ballot by a perforated line on which is printed "stub no._____ to be torn off by an elections official". Above the perforated line~~ shall be printed "official ballot of the _____ party, presidential preference election (date), county of _____, state of Arizona".

B. The order of the names of certified candidates on the ballot shall be determined by lots drawn at a public meeting called by the secretary of state for that purpose. Rotation of candidate names is prohibited. The certified candidates shall be listed under the title "_____ party candidates for president of the United States". Immediately below shall be printed "vote for not more than one". The ballot may also contain printed instructions to voters as prescribed for other elections.

C. The officer in charge of elections shall provide a sample ballot proof to the state committee chairman of each qualified candidate's state committee no later than five days after receipt of the certification from the secretary of state.

D. The officer in charge of elections shall mail one sample ballot of each party represented on the presidential preference election ballot to each household that contains a registered voter of that political party. The return address on the sample ballot mailer shall not contain the name of any elected or appointed official, and the name of an appointed or elected official shall not be used to indicate who produced the sample ballot.

E. The mailing face of each sample ballot shall be imprinted with the great seal of the state of Arizona with the words "official voting materials---presidential preference election". The polling place for that household may also be designated on the mailing face of the sample 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~~ ELEVENTH DAY 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~~ FORTY-SIXTH day before the presidential preference election.

C. The county recorder OR OTHER OFFICER IN CHARGE OF ELECTIONS 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 days before the presidential preference election and shall end on the Friday before the presidential preference election~~ WITHIN THE TIME LIMITS PRESCRIBED IN SECTION 16-542 UNLESS OTHERWISE PRESCRIBED BY THIS SECTION.

D. The county recorder OR OTHER OFFICER IN CHARGE OF ELECTIONS shall send by ~~first class mail with the endorsement "do not forward - address correction requested"~~ NONFORWARDABLE MAIL THAT IS MARKED WITH THE STATEMENT REQUIRED BY THE POSTMASTER TO RECEIVE AN ADDRESS CORRECTION NOTIFICATION 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 OR OTHER OFFICER IN CHARGE OF ELECTIONS 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 OR OTHER OFFICER IN CHARGE OF ELECTIONS 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 16-312, Arizona Revised Statutes, is amended to read:

16-312. Filing of nomination papers for write-in candidates

A. ~~Except for an election that has been canceled,~~ Any person desiring to become a write-in candidate for an elective office in any election shall file a nomination paper, signed by the candidate, giving the person's actual residence address or description of place of residence and post office address, age, length of residence in the state and date of birth.

B. A write-in candidate shall file the nomination paper ~~no~~ NOT later than 5:00 p.m. on the fortieth day prior to the election, except that:

1. A candidate running as a write-in candidate as provided in section 16-343, subsection D shall file the nomination paper ~~no~~ NOT later than 5:00 p.m. on the fifth day before the election.

2. A CANDIDATE RUNNING AS A WRITE-IN CANDIDATE FOR AN ELECTION THAT MAY BE CANCELED PURSUANT TO SECTIONS 15-424, 16-822, 48-802, 48-1012, 48-1208, 48-1404, 48-1908, 48-2010, 48-2107 OR 48-2208 SHALL FILE THE NOMINATION PAPER NOT LATER THAN 5:00 P.M. ON THE SEVENTY-SIXTH DAY BEFORE THE ELECTION.

C. The write-in filing procedure shall be in the same manner as prescribed in section 16-311. Any person who does not file a timely nomination paper shall not be counted in the tally of ballots. The filing officer shall not accept the nomination paper of a candidate for state or local office unless the candidate provides or has provided both of the following:

1. A political committee statement of organization or the five hundred dollar threshold exemption statement for that office.

2. The financial disclosure statement as prescribed for candidates for that office.

~~C.~~ D. The secretary of state shall notify the various boards of supervisors as to write-in candidates filing with the secretary of state's office. The county school superintendent shall notify the appropriate board of supervisors as to write-in candidates filing with the superintendent's

office. The board of supervisors shall notify the appropriate election board inspector of all candidates who have properly filed such statements. In the case of a city or town election, the city or town clerk shall notify the appropriate election board inspector of candidates properly filed. No other write-ins shall be counted. The election board inspector shall post the notice of official write-in candidates in a conspicuous location within the polling place.

~~D.~~ E. Except as provided in section 16-343, subsection E, a candidate may not file pursuant to this section if any of the following applies:

1. For a candidate in the general election, the candidate ran in the immediately preceding primary election and failed to be nominated to the office sought in the current election.

2. For a candidate in the general election, the candidate filed a nomination petition for the immediately preceding primary election for the office sought and failed to provide a sufficient number of valid petition signatures as prescribed by section 16-322.

3. For a candidate in the primary election, the candidate filed a nomination petition for the current primary election for the office sought and failed to provide a sufficient number of valid petition signatures as prescribed by section 16-322.

4. For a candidate in the general election, the candidate filed a nomination petition for nomination other than by primary for the office sought and failed to provide a sufficient number of valid petition signatures as prescribed by section 16-341.

~~E.~~ F. A person who files a nomination paper pursuant to this section for the office of president of the United States shall designate in writing to the secretary of state at the time of filing the name of the candidate's vice-presidential running mate, the names of presidential electors who will represent that candidate and a statement signed by the vice-presidential running mate and designated presidential electors that indicates their consent to be designated. A nomination paper for each presidential elector designated shall be filed with the candidate's nomination paper. The number of presidential electors shall equal the number of United States senators and representatives in Congress from this state.

Sec. 5. Title 16, chapter 4, article 8, Arizona Revised Statutes, is amended by adding section 16-544, to read:

16-544. <u>Permanent early voting list</u>

A. ANY VOTER MAY REQUEST TO BE INCLUDED ON A PERMANENT LIST OF VOTERS TO RECEIVE AN EARLY BALLOT FOR ANY ELECTION FOR WHICH THE COUNTY VOTER REGISTRATION ROLL IS USED TO PREPARE THE ELECTION REGISTER. THE COUNTY RECORDER OF EACH COUNTY SHALL MAINTAIN THE PERMANENT EARLY VOTING LIST AS PART OF THE VOTER REGISTRATION ROLL.

B. IN ORDER TO BE INCLUDED ON THE PERMANENT EARLY VOTING LIST, THE VOTER SHALL MAKE A WRITTEN REQUEST SPECIFICALLY REQUESTING THAT THE VOTER'S NAME BE ADDED TO THE PERMANENT EARLY VOTING LIST FOR ALL ELECTIONS IN WHICH

THE APPLICANT IS ELIGIBLE TO VOTE. THE APPLICATION SHALL ALLOW FOR THE VOTER TO PROVIDE THE VOTER'S NAME, RESIDENCE ADDRESS, MAILING ADDRESS IN THE VOTER'S COUNTY OF RESIDENCE, DATE OF BIRTH AND SIGNATURE. THE VOTER SHALL NOT LIST A MAILING ADDRESS THAT IS OUTSIDE OF THE VOTER'S COUNTY OF RESIDENCE FOR THE PURPOSE OF THE PERMANENT EARLY VOTING LIST UNLESS THE VOTER IS 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). IN LIEU OF THE APPLICATION, THE APPLICANT MAY SUBMIT A WRITTEN REQUEST THAT CONTAINS THE REQUIRED INFORMATION.

C. ON RECEIPT OF A REQUEST TO BE INCLUDED ON THE PERMANENT EARLY VOTING LIST, THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS SHALL COMPARE THE SIGNATURE ON THE REQUEST FORM WITH THE VOTER'S SIGNATURE ON THE VOTER'S REGISTRATION FORM AND, IF THE REQUEST IS FROM THE VOTER, SHALL MARK THE VOTER'S REGISTRATION FILE AS A PERMANENT EARLY BALLOT REQUEST.

D. NOT LESS THAN ONE HUNDRED TWENTY DAYS BEFORE ANY ELECTION SCHEDULED IN MARCH OR SEPTEMBER, THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS SHALL MAIL TO ALL VOTERS WHO ARE ELIGIBLE FOR THE ELECTION AND WHO ARE INCLUDED ON THE PERMANENT EARLY VOTING LIST AN ELECTION NOTICE BY NONFORWARDABLE MAIL THAT IS MARKED WITH THE STATEMENT REQUIRED BY THE POSTMASTER TO RECEIVE AN ADDRESS CORRECTION NOTIFICATION. THE NOTICE SHALL INCLUDE THE DATES OF THE ELECTIONS THAT ARE THE SUBJECT OF THE NOTICE, THE DATES THAT THE VOTER'S BALLOT IS EXPECTED TO BE MAILED AND THE ADDRESS WHERE THE BALLOT WILL BE MAILED. IF THE UPCOMING ELECTION IS A PARTISAN OPEN PRIMARY ELECTION AND THE VOTER IS NOT REGISTERED AS A MEMBER OF ONE OF THE POLITICAL PARTIES THAT IS RECOGNIZED FOR PURPOSES OF THAT PRIMARY, THE NOTICE SHALL INCLUDE INFORMATION ON THE PROCEDURE FOR THE VOTER TO DESIGNATE A POLITICAL PARTY BALLOT. THE NOTICE SHALL BE DELIVERED WITH RETURN POSTAGE PREPAID AND SHALL ALSO INCLUDE A MEANS FOR THE VOTER TO DO ANY OF THE FOLLOWING:

1. CHANGE THE MAILING ADDRESS FOR THE VOTER'S BALLOT TO ANOTHER LOCATION IN THE VOTER'S COUNTY OF RESIDENCE.

2. UPDATE THE VOTER'S RESIDENCE ADDRESS IN THE VOTER'S COUNTY OF RESIDENCE.

3. REQUEST THAT THE VOTER NOT BE SENT A BALLOT FOR THE UPCOMING ELECTION OR ELECTIONS INDICATED ON THE NOTICE.

E. IF THE NOTICE THAT IS MAILED TO THE VOTER IS RETURNED UNDELIVERABLE BY THE POSTAL SERVICE, THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS SHALL TAKE THE NECESSARY STEPS TO CONTACT THE VOTER AT THE VOTER'S NEW RESIDENCE ADDRESS IN ORDER TO UPDATE THAT VOTER'S ADDRESS OR TO MOVE THE VOTER TO INACTIVE STATUS AS PRESCRIBED IN SECTION 16-166, SUBSECTION A. IF A VOTER IS MOVED TO INACTIVE STATUS, THE VOTER SHALL BE REMOVED FROM THE PERMANENT EARLY VOTING LIST. IF THE VOTER IS REMOVED FROM THE PERMANENT EARLY VOTING LIST, THE VOTER SHALL ONLY BE ADDED TO THE PERMANENT EARLY VOTING LIST AGAIN IF THE VOTER SUBMITS A NEW REQUEST PURSUANT TO THIS SECTION.

F. NOT LATER THAN ON THE FIRST DAY OF EARLY VOTING, THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS SHALL MAIL AN EARLY BALLOT TO ALL ELIGIBLE VOTERS INCLUDED ON THE PERMANENT EARLY VOTING LIST IN THE SAME MANNER PRESCRIBED IN SECTION 16-542, SUBSECTION C. IF THE VOTER HAS NOT RETURNED THE NOTICE OR OTHERWISE NOTIFIED THE ELECTION OFFICER WITHIN FORTY-FIVE DAYS BEFORE THE ELECTION THAT THE VOTER DOES NOT WISH TO RECEIVE AN EARLY BALLOT BY MAIL FOR THE ELECTION OR ELECTIONS INDICATED, THE BALLOT SHALL AUTOMATICALLY BE SCHEDULED FOR MAILING.

G. IF A VOTER WHO IS ON THE PERMANENT EARLY VOTING LIST IS NOT REGISTERED AS A MEMBER OF A RECOGNIZED POLITICAL PARTY AND FAILS TO NOTIFY THE COUNTY RECORDER OF THE VOTER'S CHOICE FOR POLITICAL PARTY BALLOT WITHIN FORTY-FIVE DAYS BEFORE A PARTISAN OPEN PRIMARY ELECTION, THE FOLLOWING APPLY:

1. THE VOTER SHALL NOT AUTOMATICALLY BE SENT A BALLOT FOR THAT PARTISAN OPEN PRIMARY ELECTION ONLY AND THE VOTER'S NAME SHALL REMAIN ON THE PERMANENT EARLY BALLOT LIST FOR FUTURE ELECTIONS.

2. TO RECEIVE AN EARLY BALLOT FOR THE PRIMARY ELECTION, THE VOTER SHALL SUBMIT THE VOTER'S CHOICE FOR POLITICAL PARTY BALLOT TO THE COUNTY RECORDER.

H. AFTER A VOTER HAS REQUESTED TO BE INCLUDED ON THE PERMANENT EARLY VOTING LIST, THE VOTER SHALL BE SENT AN EARLY BALLOT BY MAIL AUTOMATICALLY FOR ANY ELECTION AT WHICH A VOTER AT THAT RESIDENCE ADDRESS IS ELIGIBLE TO VOTE UNTIL ANY OF THE FOLLOWING OCCURS:

1. THE VOTER REQUESTS IN WRITING TO BE REMOVED FROM THE PERMANENT EARLY BALLOT LIST.

2. THE VOTER'S REGISTRATION OR ELIGIBILITY FOR REGISTRATION IS MOVED TO INACTIVE STATUS OR CANCELED AS OTHERWISE PROVIDED BY LAW.

3. THE NOTICE SENT BY THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS IS RETURNED UNDELIVERABLE AND THE COUNTY RECORDER OR OFFICER IN CHARGE OF ELECTIONS IS UNABLE TO CONTACT THE VOTER TO DETERMINE THE VOTER'S CONTINUED DESIRE TO REMAIN ON THE LIST.

I. A VOTER MAY MAKE A WRITTEN REQUEST AT ANY TIME TO BE REMOVED FROM THE PERMANENT EARLY VOTING LIST. THE REQUEST SHALL INCLUDE THE VOTER'S NAME, RESIDENCE ADDRESS, DATE OF BIRTH AND SIGNATURE. ON RECEIPT OF A COMPLETED REQUEST TO REMOVE A VOTER FROM THE PERMANENT EARLY VOTING LIST, THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS SHALL REMOVE THE VOTER'S NAME FROM THE LIST AS SOON AS PRACTICABLE.

J. 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) IS ELIGIBLE TO BE PLACED ON THE PERMANENT EARLY VOTING LIST PURSUANT TO THIS SECTION.

K. A VOTER'S FAILURE TO VOTE AN EARLY BALLOT ONCE RECEIVED DOES NOT CONSTITUTE GROUNDS TO REMOVE THE VOTER FROM THE PERMANENT EARLY VOTING LIST.

APPROVED BY THE GOVERNOR MAY 8, 2007.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 9, 2007.

Passed the House March 13, 2007

by the following vote: 57 Ayes,

0 Nays, 3 Not Voting

Speaker of the House

Norman L. Joyce

Chief Clerk of the House

Passed the Senate April 30, 2007

by the following vote: 20 Ayes,

9 Nays, 1 Not Voting

Timothy S. Bee

President of the Senate

Charmion Billington

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

_____ day of _____, 20_____

at _____ o'clock _____M.

_____
Secretary to the Governor

Approved this _____day of

_____

at _____o'clock _____M.

_____
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this _____ day of _____, 20_____

at _____ o'clock _____M.

_____
Secretary of State

H.B. 2106

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

May 2, 2007,

by the following vote: 54 Ayes,

0 Nays, 6 Not Voting

Speaker of the House

Pro Tempore

Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

2nd day of May, 2007

at 11:03 o'clock a. M.

Secretary to the Governor

Approved this 8 day of

May, 2007,

at 4:50 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 9th day of May, 2007,

at 8:35 A o'clock A. M.

Secretary of State

H.B. 2106