

State of Arizona
House of Representatives
Forty-fifth Legislature
First Regular Session
2001

HOUSE BILL 2259

AN ACT

AMENDING SECTIONS 16-168 AND 16-542, 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 16-168, Arizona Revised Statutes, is amended to
3 read:

4 16-168. Precinct registers; date of preparation; contents;
5 copies; reports; violation; classification

6 A. By the tenth day preceding the primary and general elections the
7 county recorder shall prepare from the original registration forms or from
8 electronic media at least four lists that are printed or typed on paper of
9 all qualified electors in each precinct in the county, and such lists shall
10 be the official precinct registers.

11 B. The official precinct registers for use at the polling place shall
12 contain at least the names in full, party preference, date of registration
13 and residence address of each qualified elector in the respective precincts.
14 Such names shall be in alphabetical order and, in a column to the left of the
15 names, such names shall be numbered consecutively beginning with number 1 in
16 each precinct register.

17 C. For purposes of transmitting voter registration information as
18 prescribed by this subsection, computer generated disks or computer software
19 with at least six hundred forty megabytes of storage in counties with a
20 population over five hundred thousand in the last decennial census shall be
21 the principal media. A county or state chairman who is eligible to receive
22 copies of precinct registers as prescribed by this subsection may request
23 that the recorder provide a paper copy of the precinct registers. The county
24 recorder shall, in addition to preparing the official precinct registers,
25 provide a means for mechanically or electronically reproducing the precinct
26 registers and shall unless otherwise agreed deliver within eight days after
27 the close of registration for the primary and general elections, without
28 charge, on the same day one electronic media copy of each precinct register
29 within the county to the county chairman and one electronic media copy to the
30 state chairman of each party which has at least four candidates other than
31 presidential electors appearing upon the ballot in that county at the current
32 election. The county recorder shall also, upon request and without charge,
33 deliver one electronic media copy of the precinct register to the Arizona
34 legislative council. The county recorder of a county with a population of
35 fewer than four hundred thousand persons shall, on the same day precinct
36 registers are delivered to county chairmen, deliver one electronic media copy
37 of each precinct register within the county to the state chairman of each
38 party which has at least four candidates other than presidential electors
39 appearing on the ballot in this state at the current election. The copies of
40 the precinct registers shall be on magnetic computer disks or computer
41 software with at least six hundred forty megabytes of storage which shall
42 include for each elector the following information:

- 43 1. Name in full and appropriate title.
- 44 2. Party preference.
- 45 3. Date of registration.

- 1 4. Residence address.
- 2 5. Mailing address, if different from residence address.
- 3 6. Zip code.
- 4 7. Telephone number if given.
- 5 8. Birth date.
- 6 9. Occupation.
- 7 10. Primary election and general election voting history for the prior
- 8 four years and any other information regarding registered voters which the
- 9 county recorder or city or town clerk maintains on magnetic computer disks or
- 10 computer software and which is public information.

11 D. The names on the precinct registers shall be in alphabetical order
12 and any changes, additions or deletions to the precinct registers shall
13 unless otherwise agreed be delivered to each county chairman and each state
14 chairman at least quarterly and within ten business days of the close of each
15 quarter in the same format and media as prescribed by subsection C of this
16 section.

17 E. Precinct registers and other lists and information derived from
18 registration forms may be used only for purposes relating to a political or
19 political party activity, a political campaign or an election, for revising
20 election district boundaries or for any other purpose specifically authorized
21 by law. The county recorder, on a request for an authorized use and within
22 thirty days from receipt of the request, shall prepare additional copies of
23 any precinct register and furnish them to any person requesting them on
24 payment of a fee equal to five cents for each name appearing on the register
25 for a printed list and ten cents for each name for an electronic data medium,
26 plus the cost of the blank computer disk or computer software if furnished by
27 the recorder, for each copy so furnished.

28 F. Any person in possession of a precinct register, in whole or part,
29 or any reproduction of a precinct register, shall not permit such register to
30 be used, bought, sold or otherwise transferred for any purpose except for
31 uses otherwise authorized by this section. A person in possession of
32 information derived from voter registration forms or precinct registers shall
33 not distribute, post or otherwise provide access to any portion of that
34 information through the internet **EXCEPT AS AUTHORIZED BY SUBSECTION J OF THIS**
35 **SECTION.** ~~without the prior written approval of the voter. Written approval~~
36 ~~of the voter is valid only if filed in the office of the county~~
37 ~~recorder. Any person violating this subsection is guilty of a class 6~~
38 ~~felony.~~ Nothing in this subsection shall preclude public inspection of voter
39 registration records.

40 G. The county recorder shall count the registered voters by political
41 party by precinct, legislative district and congressional district as
42 follows:

- 43 1. In even numbered years, the county recorder shall count all persons
44 who are registered to vote as of:

1 (a) January 1.

2 (b) March 1.

3 (c) The last day on which a person may register to be eligible to vote
4 in the next primary election.

5 (d) The last day on which a person may register to be eligible to vote
6 in the next general election.

7 (e) The last day on which a person may register to be eligible to vote
8 in the next presidential preference election.

9 2. In odd numbered years, the county recorder shall count all persons
10 who are registered to vote as of:

11 (a) January 1.

12 (b) April 1.

13 (c) July 1.

14 (d) October 1.

15 H. The county recorder shall report the totals to the secretary of
16 state as soon as is practicable following each of the dates prescribed in
17 subsection G of this section. The report shall include completed
18 registration forms returned in accordance with section 16-134, subsection B.

19 The county recorder shall also provide the report in a uniform electronic
20 computer media format that shall be agreed upon between the secretary of
21 state and all county recorders. The secretary of state shall then prepare a
22 summary report for the state and shall maintain that report as a permanent
23 record.

24 I. The county recorder shall provide to the secretary of state a list
25 of registered voters in the county, including the voter's name, date of birth
26 and state of birth along with the count of registered voters pursuant to
27 subsection G of this section. The list of registered voters is a public
28 record and shall be in a format agreed upon between the secretary of state
29 and each county recorder. The list shall be labeled to show that it is not
30 an official listing of registered voters. The secretary of state shall
31 compare the lists to identify persons registered in more than one county. If
32 a person is registered in more than one county, the secretary of state shall
33 notify, within fifteen days after receipt of the list, the county recorder in
34 each county in which the person is registered except the county recorder in
35 the county in which the person registered last. The notice shall include the
36 date of the person's latest registration. After receiving this notice the
37 county recorder shall cancel the person's registration as of the date of the
38 newest registration and notify the person of the cancellation at the address
39 provided by the secretary of state from the county of the latest
40 registration.

41 J. THE COUNTY RECORDER SHALL PROTECT ACCESS TO VOTER REGISTRATION
42 INFORMATION IN AN AUDITABLE FORMAT AND METHOD SPECIFIED IN THE SECRETARY OF
43 STATE'S ELECTRONIC VOTING SYSTEM INSTRUCTIONS AND PROCEDURES MANUAL THAT IS
44 ADOPTED PURSUANT TO SECTION 16-452.

1 Sec. 2. Section 16-542, Arizona Revised Statutes, is amended to read:

2 16-542. Request for ballot

3 A. Within ninety days next preceding the Saturday before any election
4 called pursuant to the laws of this state, an elector may make a verbal or
5 signed request to the county recorder, or other officer in charge of
6 elections for the applicable political subdivision of this state in whose
7 jurisdiction the elector is registered to vote, for an official early
8 ballot. In addition to name and address, the requesting elector shall
9 provide the date of birth and state or country of birth or other information
10 that if compared to the voter registration information on file would confirm
11 the identity of the elector. If the request indicates that the elector needs
12 a primary election ballot and a general election ballot, the county recorder
13 or other officer in charge of elections shall honor the request. For any
14 partisan primary election, if the elector is not registered as a member of a
15 political party that is entitled to continued representation on the ballot
16 pursuant to section 16-804, the elector shall designate the ballot of only
17 one of the political parties that is entitled to continued representation on
18 the ballot and the elector may receive and vote the ballot of only that one
19 political party. The county recorder may establish on-site early voting
20 locations at the recorder's office or any other locations in the county the
21 recorder deems necessary.

22 B. Notwithstanding subsection A of this section, a request for an
23 official early ballot from an absent uniformed services voter or overseas
24 voter as defined in the uniformed and overseas citizens absentee voting act
25 of 1986 (P.L. 99-410; 42 United States Code section 1973) that is received by
26 the county recorder or other officer in charge of elections more than ninety
27 days next preceding the Saturday before the election is valid.

28 C. The recorder or other officer in charge of elections shall mail
29 postage prepaid to the address provided by the requesting elector, which
30 address shall be the elector's residence address or the location where the
31 elector is temporarily residing while absent from the precinct, the early
32 ballot and the envelope for its return within five days after receipt of the
33 official early ballots from the officer charged by law with the duty of
34 preparing ballots pursuant to section 16-545. Only the elector may be in
35 possession of that elector's unvoted early ballot. If the request is made by
36 the elector within thirty days next preceding the Saturday before the
37 election, such mailing must be made within forty-eight hours after receipt of
38 the request. Saturdays, Sundays and other legal holidays are excluded from
39 the computation of the forty-eight hour period prescribed by this
40 subsection. **WITHIN TWENTY-FOUR HOURS AFTER RECEIPT OF A REQUEST FOR AN EARLY
41 BALLOT, THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF EARLY BALLOTING
42 SHALL MAKE AVAILABLE, AT NO COST TO POLITICAL PARTIES THAT ARE ENTITLED TO
43 CONTINUED REPRESENTATION ON THE BALLOT PURSUANT TO SECTION 16-804, A DAILY
44 LIST OF ALL PERSONS WHO HAVE REQUESTED EARLY BALLOTS. THE LIST SHALL NOT BE
45 USED FOR ANY PURPOSE OTHER THAN AN ELECTION PURPOSE.** If the request is made

1 by an absent uniformed services voter or an overseas voter more than ninety
2 days next preceding the Saturday before the election, the mailing shall be
3 made within twenty-four hours after the early ballots are delivered pursuant
4 to section 16-545, subsection B, excluding Sundays.

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

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

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

24 G. A candidate or political committee may distribute early ballot
25 request forms to voters. ~~If the early ballot request forms include a printed~~
26 ~~address for return to an addressee other than a political subdivision, the~~
27 ~~addressee shall be the candidate or political committee that paid for the~~
28 ~~printing and distribution of the request forms.~~ AN EARLY BALLOT REQUEST FORM
29 DISTRIBUTED BY A POLITICAL PARTY SHALL CONTAIN THE RETURN ADDRESS OF THE
30 COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS FOR THE APPROPRIATE
31 POLITICAL SUBDIVISION. A CANDIDATE OR POLITICAL COMMITTEE MAY COLLECT
32 COMPLETED EARLY BALLOT REQUEST FORMS, BUT all early ballot request forms that
33 are received by a candidate or political committee shall be transmitted ~~as~~
34 ~~soon as practicable~~ WITHIN TEN BUSINESS DAYS to the political subdivision
35 that will conduct the election, EXCEPT THAT A CANDIDATE OR POLITICAL
36 COMMITTEE THAT RECEIVES AN EARLY BALLOT REQUEST WITHIN THE THIRTY DAYS
37 IMMEDIATELY BEFORE THE SATURDAY BEFORE THE ELECTION SHALL TRANSMIT THAT EARLY
38 BALLOT REQUEST TO THE POLITICAL SUBDIVISION WITHIN NINETY-SIX HOURS AFTER
39 RECEIPT OF THE EARLY BALLOT REQUEST, AND IN ANY EVENT MUST BE DELIVERED TO
40 THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS NO LATER THAN
41 5:00 P.M. ON THE ELEVENTH DAY PRECEDING THE ELECTION. SATURDAYS, SUNDAYS AND
42 OTHER LEGAL HOLIDAYS ARE NOT INCLUDED IN THE COMPUTATION OF THE NINETY-SIX
43 HOURS.