

REFERENCE TITLE: motor voter; early ballot request

State of Arizona
House of Representatives
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HB 2451

Introduced by
Representatives Miranda, Burton Cahill, Carruthers, Weason, Brotherton,
Avelar, Senator Aguirre: Representatives Camarot, Cannell, Chase, Clark,
Foster, Giffords, Huffman, Landrum, Lopez L, Lugo, Maiorana, Norris,
Sedillo, Soltero, Tom, Senators Arzberger, Guenther, Hartley, Lopez J,
Nichols

AN ACT

AMENDING SECTIONS 16-112 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 16-112, Arizona Revised Statutes, is amended to
3 read:

4 16-112. Driver license voter registration

5 A. Every person who is applying for a ~~driver's~~ DRIVER license or
6 renewal and who is otherwise qualified to register to vote shall, at the same
7 time and place, be permitted to register to vote by providing the information
8 prescribed by section 16-152 AND SHALL BE PERMITTED TO REQUEST AN EARLY
9 BALLOT. The method used to register voters shall require only the minimum
10 information necessary to prevent duplicate registrations, to enable elections
11 officials to determine voter eligibility and to administer voter registration
12 and election laws. A registration form AND REQUEST FOR EARLY BALLOT FORM
13 shall be included for a person who is applying for a ~~driver's~~ DRIVER license
14 renewal by mail.

15 B. The director of the department of transportation and the secretary
16 of state shall consult at least every two years regarding voter registration
17 at ~~driver's~~ DRIVER license offices. The director of the department of
18 transportation and the secretary of state shall, after consultation with all
19 county recorders, adopt rules to implement a system permitting ~~driver's~~
20 DRIVER license applicants to register to vote at the same time and place as
21 they apply for ~~driver's~~ DRIVER licenses. ~~Such~~ THESE rules shall:

22 1. Bring the license application and voter registration application
23 forms into substantial conformity.

24 2. Permit the transfer of ~~driver's~~ DRIVER license application,
25 including renewal and change of address, and voter registration information
26 from the department of transportation to the voter registration rolls.

27 3. Respect all rules and statutes of this state concerning the
28 confidentiality of ~~driver's~~ DRIVER license application information.

29 4. Provide for the manual or electronic generation and transmittal of
30 voter registrations and provide for electronic generation of changes in voter
31 registration information, including address, in conformity with the
32 confidentiality requirements of the national voter registration act of 1993
33 (P.L. 103-31; 107 Stat. 77; 42 United States Code section 394).

34 C. The department of transportation shall provide to applicants a
35 statement that provides each eligibility requirement for voting, including
36 citizenship, an attestation that the applicant meets each requirement, for
37 the signature of the applicant under penalty of perjury and, in print that is
38 identical to that used in the attestation, the following:

39 1. A description of the penalties provided by law for the submission
40 of a false voter registration application.

41 2. A statement that if an applicant declines to register to vote the
42 fact that the applicant has declined to register will remain confidential and
43 will be used only for voter registration purposes.

1 3. A statement that if an applicant does register to vote the office
2 at which the applicant submits a voter registration application will remain
3 confidential and will be used only for voter registration purposes.

4 D. The department of transportation shall return or mail completed
5 registrations **AND REQUESTS FOR EARLY BALLOTS** to the county recorder of the
6 county in which the applicant resides within five days after receipt of a
7 completed registration **AND REQUEST FOR AN EARLY BALLOT**.

8 Sec. 2. Section 16-542, Arizona Revised Statutes, is amended to read:
9 **16-542. Request for ballot**

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

29 B. Notwithstanding subsection A of this section, a request for an
30 official early ballot from an absent uniformed services voter or overseas
31 voter as defined in the uniformed and overseas citizens absentee voting act
32 of 1986 (P.L. 99-410; 42 United States Code section 1973) **OR A REQUEST FOR AN**
33 **EARLY BALLOT THAT IS TRANSMITTED FROM THE DEPARTMENT OF TRANSPORTATION**
34 **PURSUANT TO SECTION 16-112** that is received by the county recorder or other
35 officer in charge of elections more than ninety days next preceding the
36 Saturday before the election is valid.

37 C. The recorder or other officer in charge of elections shall mail
38 postage prepaid to the address provided by the requesting elector, which
39 address shall be the elector's residence address or the location where the
40 elector is temporarily residing while absent from the precinct, the early
41 ballot and the envelope for its return within five days after receipt of the
42 official early ballots from the officer charged by law with the duty of
43 preparing ballots pursuant to section 16-545. Only the elector may be in
44 possession of that elector's unvoted early ballot. If the request is made by
45 the elector within thirty days next preceding the Saturday before the

1 election, such mailing must be made within forty-eight hours after receipt of
2 the request. Saturdays, Sundays and other legal holidays are excluded from
3 the computation of the forty-eight hour period prescribed by this
4 subsection. If the request is made by an absent uniformed services voter or
5 an overseas voter **OR HAS BEEN TRANSMITTED FROM THE DEPARTMENT OF**
6 **TRANSPORTATION PURSUANT TO SECTION 16-112** more than ninety days next
7 preceding the Saturday before the election, the mailing shall be made within
8 twenty-four hours after the early ballots are delivered pursuant to section
9 16-545, subsection B, excluding Sundays.

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

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

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

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

37 Sec. 3. **Effective date**

38 This act is effective from and after December 31, 2001.