

HB 2876 -- Redline

Amended to Engrossed -- elections; mailing; curing; canvassing; precincts

Deletions ~~struck~~ · Insertions underlined

~~HOUSE~~House ~~FLOOR~~Engrossed ~~AMENDMENT~~elections; ~~EXPLANATION~~ Bill Number:

~~HB~~mailing; ~~2876 Carbone Floor Amendment -- Conforms sections of existing law affected by the passing of Laws 2024, Chapter 1, an emergency measure.~~

~~Amendment~~curing; ~~explanation prepared by J.~~

~~Hobbins~~canvassing; ~~Phone Number 6-3649 jh 2/20/2024 Fifty-sixth Legislature Carbone Second Regular Session H.B.~~

~~2876~~precincts ~~CARBONE~~State ~~FLOOR~~of ~~AMENDMENT~~Arizona ~~House of Representatives Fifty-sixth Legislature Second Regular Session~~ ~~HOUSE OF~~BILL ~~REPRESENTATIVES~~2876 ~~AMENDMENTS~~SAN TOACT ~~H.B.~~AMENDING SECTIONS 16-411, 16-541, 16-542, 16-550, 16-558.01, 16-642 AND 16-648, ARIZONA REVISED STATUTES;

~~2876~~RELATING ~~(Reference~~TO ~~to~~CONDUCT ~~printed~~OF ~~bill)~~ELECTIONS. ~~Page 1, strike lines 4 through 44 Strike pages 2 and 3 Page 4, strike lines 1 through 37, insert:~~

~~"16-411.~~(TEXT OF BILL BEGINS ON NEXT PAGE) - i - H.B.

2876 Be it enacted by the Legislature of the State of Arizona:

Section 1.

Section 16-411, Arizona Revised Statutes, is amended to read:

16-411.

~~House~~B. ~~Amendments to H.B.~~

~~2876 B.~~

On a specific finding of the board that the number of persons who are listed as early voters pursuant to section 16-544 and who are not expected to have their ballots tabulated at the polling place as prescribed in section 16-579.02 is likely to substantially reduce the number of voters appearing at one or more specific polling places at that election, adjacent precincts may be consolidated by combining polling ~~places_ and 1 precinct_ boards~~H.B. for that election.

2876 places and precinct boards for that election.

Voting centers may be established in ~~-2 coordination~~ House and Amendments ~~consultation to with H.B. the~~ county recorder, at other county offices or at other locations in the county deemed appropriate.

~~2876 coordination and consultation with the county recorder, at other county offices or at other locations in the county deemed appropriate.~~

If there is no justice of the peace in the precinct, or if the justice of the peace fails to do so, the election ~~-3 board~~ House of Amendments ~~the to~~ precinct ~~H.B.~~ shall designate and give notice of the place within the precinct of holding the election.

~~2876 For board any of election the in precinct which shall there designate are and no give candidates notice for of elected the office place appearing within on the precinct ballot, of the holding board the may election. - 2 - H.B.~~

~~For 2876 any election in which there are no candidates for elected office appearing on the ballot, the board may consolidate polling places and precinct boards and may consolidate the tabulation of results for that election if all of the following apply:~~

Beginning in 2026, the department of administration shall coordinate with state agencies and counties to provide available and appropriate state-owned facilities for use as a voting location for any ~~-4 city,~~ House county Amendments or to state H.B. election when requested by the officer in charge of elections.

~~2876 city, county or state election when requested by the officer in charge of elections.~~

The county recorder or other officer in charge of elections shall post on its website at least two weeks before election day a list of those polling places in which emergency conditions prevent electioneering and shall specify the reason the emergency designation was granted and the number of attempts that were made to find a polling place before granting an ~~emergency_ designation~~ - 3 - H.B.

2876 emergency designation.

For the purposes of this section, a county recorder or other officer in charge of elections shall designate a polling place as an emergency polling place and thus prohibit persons from electioneering and ~~-5 engaging~~ House in Amendments other to political H.B. activity outside of the seventy-five foot limit prescribed by section 16-515 but inside the property of the facility that is hosting the polling place if any of the following occurs:

~~2876 engaging in other political activity outside of the seventy-five foot limit prescribed by section 16-515 but inside the property of the facility that is hosting the polling place if any of the following occurs:~~

The number of election board members and clerks and the number of rosters that will reduce voter wait

time at the ~~polls.~~polls. ~~Page 5, strike lines 26 through 44 Strike pages 6 through 9 -6- House Amendments to H.B.~~

~~2876Sec. Page 10, strike lines 1 through 7, insert:~~

~~"16-542,2.~~

Section 16-541, Arizona Revised Statutes, is amended to read:

16-541.

Early voting A.

Any election called pursuant to the laws of this state shall provide for early voting AS PRESCRIBED BY THIS SECTION, including voting - 4 - H.B.

2876 by the use of an accessible vote by United States mail option for persons who are blind or have a visual impairment.

Any qualified elector may vote by early ballot.

NOTWITHSTANDING ANY OTHER LAW, A QUALIFIED ELECTOR MAY VOTE BY EARLY BALLOT ONLY IF:

1.

THE QUALIFIED ELECTOR IS REGISTERED TO VOTE IN THIS STATE AND IS A STUDENT WHO IS TEMPORARILY ABSENT FROM THIS STATE FOR THE PURPOSE OF ATTENDING SCHOOL.

THE STUDENT SHALL PROVIDE DOCUMENTATION TO THE COUNTY RECORDER THAT DEMONSTRATES THE STUDENT IS TEMPORARILY ABSENT FROM THIS STATE TO ATTEND SCHOOL.

2.

THE QUALIFIED ELECTOR IS REGISTERED TO VOTE IN THIS STATE AND IS REQUIRED TO TEMPORARILY RESIDE OUTSIDE THIS STATE.

THE QUALIFIED ELECTOR SHALL PROVIDE DOCUMENTATION TO THE COUNTY RECORDER THAT DEMONSTRATES THAT THE QUALIFIED ELECTOR IS REQUIRED TO TEMPORARILY RESIDE OUTSIDE THIS STATE.

3.

THE QUALIFIED ELECTOR IS REQUIRED TO TRAVEL ON ELECTION DAY AND PROVIDES DOCUMENTATION TO THE COUNTY RECORDER THAT DEMONSTRATES THAT THE QUALIFIED ELECTOR IS REQUIRED TO TRAVEL.

4.

THE QUALIFIED ELECTOR IS ELDERLY OR IS A PERSON WITH A DISABILITY.

5.

THE QUALIFIED ELECTOR IS ELIGIBLE TO VOTE UNDER THE UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT (P.L.

99-410;

100 STAT.

924;

52 UNITED STATES CODE SECTION 20310).

B.

A qualified elector of a special district organized pursuant to title 48 shall be permitted to vote early in any special district mail ballot election as provided in article 8.1 of this chapter.

Sec.

3.

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

16-542.

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~~H.B. one political party, ~~which also shall include any nonpartisan offices and ballot questions, or the elector shall designate the ballot for nonpartisan offices and ballot questions only and the elector may receive and vote the ballot that contains only nonpartisan offices and ballot questions.~~

2876 ballot of only that one political party, which also shall include any nonpartisan offices and ballot questions, or the elector shall designate the ballot for nonpartisan offices and ballot questions only and the elector may receive and vote the ballot that contains only nonpartisan offices and ballot questions.

Any on-site early voting location or other early voting location shall require each elector ~~-7-to~~Housepresent Amendments ~~identification to as H.B.~~prescribed in section 16-579 before receiving a ballot.

~~2876 to present identification as prescribed in section 16-579 before receiving a ballot.~~

If an early ballot request is received on or before the thirty-first THIRTY-EIGHTH day before the election, the early ballot shall be distributed not earlier than the ~~twenty-seventh~~THIRTY-FOURTH ~~day~~-

~~-8- House Amendments to H.B.~~

2876 twenty-seventh THIRTY-FOURTH day before the election and not later than the twenty-fourth THIRTY-FIRST day before the election.

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~~ House of Amendments elections shall attempt to ~~H.B.~~ notify the elector of the deficiency of the request.

~~2876 charge of elections shall attempt to notify the elector of the deficiency of the request.~~

on the Monday preceding the election, qualified electors may request to vote in the manner ~~prescribed by the board~~ H.B. of supervisors of their respective county.

~~2876 prescribed by the board of supervisors of their respective county.~~

Notwithstanding section 16-579, subsection A, paragraph 2, for any voting pursuant to subsection H of this section, the county recorder or other officer in charge of elections may allow a qualified elector to update the elector's voter registration information as provided for in the ~~secretary of state's instructions and procedures manual adopted pursuant to H.B.~~ section 16-452.

~~2876 secretary of state's instructions and procedures manual adopted pursuant to section 16-452.~~

~~11- House Amendments to H.B.~~

If satisfied that the signatures correspond, the recorder or other officer in charge of elections shall hold the envelope containing the early ballot and the completed mail ~~affidavit~~ House unopened Amendments in to accordance H.B. with the rules of the secretary of state.

~~2876 affidavit unopened in accordance with the rules of the secretary of state.~~

Beginning on the Wednesday immediately following the election through the end of the signature cure period after a primary, general or special election that includes a federal office, or the third business day after the election for any other election, the county recorder or other ~~officer in charge of H.B. elections shall submit daily to the political parties that are qualified for continued representation on the state ballot an updated list of all voters whose signatures are inconsistent with the voter's signature on the voter's registration record and all voters who voted with a conditional provisional ballot.~~

2876 officer in charge of elections shall submit daily to the political parties that are qualified for continued representation on the state ballot an updated list of all voters whose signatures are inconsistent with the voter's signature on the voter's registration record and all voters who voted with a conditional provisional ballot.

Until election ~~13-day, House the Amendments early to election H.B.~~ board and the county recorder or other officer in charge of elections shall:

~~2876 day, the early election board and the county recorder or other officer in charge of elections shall:~~

The county recorder or other officer in charge of ~~elections shall~~ 10 provide voters H.B. with access to the early ballot tracking system on the county's website.

2876 elections shall provide voters with access to the early ballot tracking system on the county's website.

~~14-2- House Amendments to H.B.~~

2876A 2- special district mail ballot election that is conducted pursuant to article 8.1 of this chapter.

~~A Sec. special district mail ballot election that is conducted pursuant to article 8.1 of this chapter." Page 10, strike lines 28 through 42 Page 11, strike lines 1 through 19, insert:~~

~~"16-642-5.~~

Section 16-558.01, Arizona Revised Statutes, is amended to read:

16-558.01.

Mailing of ballots Not more than twenty-seven THIRTY-FOUR days before the election and not fewer than fifteen days before the election, the county recorder or other officer in charge of elections for the special district shall send by nonforwardable mail all official ballots with printed instructions and a return envelope bearing a printed ballot affidavit as described in section 16-547 to each qualified elector entitled to vote in the election.

The envelope in which the ballot is mailed shall be clearly marked with the statement required by the postmaster to receive an address correction and notification.

The district governing board shall determine whether the voter or the district governing board will pay for the postage for the return of electors' marked ballots.

An elector who votes in a special district mail ballot election shall return the elector's marked ballot to the recorder or other officer in charge of the election or to a designated depository site as provided in section 16-411 no NOT later than 7:00 p.m.

on the day of the election.

Sec.

6.

Section 16-642, Arizona Revised Statutes, is amended to read:

16-642.

~~B.~~ - 11 - H.B.

2876 B.

If, at the time of the meeting of the governing body, the returns from any polling place in the election district where the polls were opened and an election held are found to be missing, the canvass shall be ~~-15- postponed House from Amendments day to H.B. day until all the returns are received or until six postponements have been had.~~

~~2876 postponed from day to day until all the returns are received or until six postponements have been had.~~

The secretary of state, in the presence of the governor and the chief justice of the supreme court, shall canvass all proposed constitutional amendments and initiated or referred measures, as shown by the electronic or certified copies of the official canvass received from the several counties, and forthwith certify the result to the ~~governor.~~ governor. ~~Amend title to conform MICHAEL CARBONE~~

~~2876FloorCARBONE.docx 02/20/2024 03:22 PM C:~~

~~MRSec. -16-~~

8.

Conforming legislation The legislative council staff shall prepare proposed legislation conforming the Arizona Revised Statutes to the provisions of this act for consideration in the fifty-seventh legislature, first regular session.

Sec.

9.

Short title This act may be cited as the "Free, Fair and Transparent Elections Act".

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