



ARIZONA STATE SENATE
Fifty-Fifth Legislature, Second Regular Session

AMENDED

FACT SHEET FOR S.B. 1460

election law amendments

Purpose

Modifies statutory requirements relating to the issuance of ballots at a polling place to persons that previously received an early ballot, procedures following redistricting, the filing of nomination papers and nomination petitions, the signing of nomination petitions, voter registration information and vacancies due to the withdrawal of a candidate.

Background

In order to vote a standard ballot at a voting location or voting center, a qualified elector must present valid identification. The name of each qualified elector must be numbered consecutively by the clerk in the order of applications of ballots. The qualified elector must be given a ballot and the elector's name must be checked on the precinct register. A qualified elector who is listed as having applied for an early ballot and who either states that the elector has not and will not vote an early ballot or surrenders the early ballot to the precinct inspector on election day must be allowed to vote a provisional ballot (A.R.S. §§ [16-579](#) and [16-584](#)).

An eligible person may request that the general public be prohibited from accessing any identifying information in the person's voter registration record by filing an affidavit in superior court. Upon receipt, the presiding judge of the superior court may order the sealing of the information for five years. A county recorder must remove the restrictions on voter records by January 5 in the year after the court order expires and notify the eligible person by mail at least six months before the order's expiration ([A.R.S. § 16-153](#)).

The Secretary of State (SOS) must provide a secure internet portal for qualified electors to sign nomination petitions for candidates for statewide, legislative, municipal, county and federal office or precinct committeemen. A candidate for statewide or legislative office may collect up to the full number of required signatures and a candidate for county or municipal office or precinct committeemen may collect up to the minimum number of required signatures through the portal (A.R.S. §§ [16-316](#), [16-317](#) and [16-318](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

Early Ballots and Polling Place Ballot Issuance

1. Allows, for elections using electronic poll books or similar systems with continuous voter usage updates, a voter to be issued a standard ballot after presenting identification if:
 - a) an electronic poll book or other system indicates that a voter's early ballot has not been returned or otherwise accepted by a county recorder; and
 - b) the voter is not otherwise required to be issued a provisional ballot.

2. Allows a voter who is not otherwise required to be issued a provisional ballot to be issued a standard ballot after the voter surrenders the voter's early ballot to a precinct inspector and presents required identification.
3. Requires a precinct inspector, if an early ballot is surrendered by a voter, to retain the surrendered early ballot unopened in its affidavit envelope.
4. Requires provisional ballots to be processed, rather than counted, if a voter's signature does not appear on the signature roster for a precinct and if there is no record of the voter having voted early in the election.

Adjustment of Precincts Following Redistricting

5. Directs a county board of supervisors (BOS), if redistricting makes it necessary to adjust county precinct boundaries after October 1, to adjust the precinct boundaries as soon as practicable.
6. Directs a county recorder, if redistricting requires the adjustment of county precinct boundaries after October 1 of the year preceding an election, to transfer all voters who reside in the new precinct within 60 days of adoption of the new boundaries.
7. Asserts that for the purposes of conducting an election, precincts adopted after October 1 of the year preceding a general election become effective by ____ in the year of the next general election.

Voter Registration Information

8. Requires a county recorder to send the required notice of the expiration of a court order that allows an eligible person to have the person's identifying voter registration information made confidential at least six months before the statutorily required January 5 removal date, rather than at least six months before the expiration of the court order.
9. Allows a county recorder to use the Electronic Voter Registration Information Center (ERIC) to identify registrants whose addresses may have changed.
10. Requires, if information provided by ERIC indicates that a registrant has moved to a different address, a county recorder to send the registrant a notice of the change by forwardable mail for the registrant to verify or correct the registration information.
11. Removes the requirement that a county recorder, if U.S. Postal Service National Change of Address information indicates a registrant has moved within the same county, automatically change the registration records to reflect the new address when sending required notice to the registrant.
12. Requires the SOS, when a person with an existing voter registration record becomes an Address Confidentiality Program (ACP) participant, to secure the participant's voter registration record and notify the appropriate county recorder of the participant's secured status, current residence address and substitute address for the county recorder to revise the participant's voter registration record.

13. Removes the requirement that the SOS, prior to sending notice of an ACP participant to a county recorder, check the statewide voter registration database to determine if the ACP participant's address is already protected according to the statutory process for an eligible person to file an action in superior court to have their voter registration record information made private.

Nomination Papers, Nomination Petitions and Petition Signatures

14. Requires write-in candidates to file nomination papers at least 106 days before an election, rather than at least 40 days before an election.
15. Removes the ability for write-in candidates for elections to fill a vacancy caused by death, incapacity or withdrawal of a candidate to file nomination papers up until five days before the election.
16. Requires a write-in candidate at a special taxing district election to file nomination papers by 5:00 p.m. on the 14th day before the elections, with certain exceptions.
17. Requires the secure nomination petition signature web portal to be provided by the SOS to all filing offices in Arizona to allow qualified electors to sign nomination petitions, rather than requiring the SOS to provide the portal to qualified electors to sign nomination petitions only for candidates for municipal office, county office, legislative office, statewide office, Congress or precinct committeemen.
18. Allows a candidate whose filing office participates in the secure web portal system to choose to collect any or all petition signatures using the portal, rather than only the minimum number of signatures using the portal.

Miscellaneous

19. Stipulates that if a deceased, withdrawn or incapacitated candidate receives the highest number of votes in an election, the office must be declared vacant and filled pursuant to statutory requirements for the filling of a vacancy in certain state or county offices.
20. Replaces the requirement that prospective candidates for a vacancy, due to voluntary or involuntary withdrawal after the printing of official ballots, comply with statutory requirements for write-in candidates with a requirement that the vacancy be filled according to statutory requirements for the filling of a vacancy in certain state or county offices.
21. Requires a legislative vacancy occurring due to voluntary or involuntary withdrawal of a candidate after the printing of ballots to be filled in the same manner as other legislative vacancies.
22. Requires a county BOS to give written notice regarding a consolidated election to certain jurisdictions 210 days, rather than 180 days, before a consolidated election.
23. Requires nonpartisan elections and elections held by a school district, city or town that are not held concurrently with a general election to be called 180 days, rather than 150 days, before the election.

24. Exempts an election regarding county or municipal indebtedness from the requirement that elections be called at least 180 days before the date of the election.
25. Requires the governing body of a school district, city or town, if there is not a newspaper of general circulation in the jurisdiction, to post the call of a nonpartisan election and notice of a nonpartisan election on the governing body's website and at other locations where the governing body customarily posts public meeting notices.
26. Requires a county BOS to post a notice that any votes cast for a candidate that withdrew after the printing of ballots will be tabulated.
27. Asserts that the powers and duties of the SOS devolve on the mayor or similar governing officer, board or commission and the powers and duties of a county BOS devolve on the city or town clerk in all municipal elections, rather than only municipal primary elections.
28. Requires a ballot to include a blank line below the name of other candidates for an office for a voter to indicate the voter's choice for the write-in candidate only for a write-in candidate that qualified to appear on the ballot, rather than requiring as many blank lines as there are offices to be filled to be included under each office.
29. Specifies that a county recorder or other officer in charge of elections is not required to send a 90-day Active Early Voting List notice if an election is not formally called by a jurisdiction 180 days, rather than 120 days, before the election.
30. Removes the requirement that the ballot, in an election to designate a groundwater basin as an Active Management Area, include a square in which a voter can place a cross to indicate the voter's preference.
31. Makes technical and conforming changes.
32. Becomes effective on the general effective date.

Amendments Adopted by Committee of the Whole

1. Exempts an election regarding county or municipal indebtedness from the requirement that elections be called at least 180 days before the date of the election.
2. Requires a write-in candidate at a special taxing district election to file nomination papers by 5:00 p.m. on the 14th day before the election, with certain exceptions.
3. Removes the requirement that a filing officer accept statements of interest, nomination papers and nomination petitions as valid filings from a candidate for office other than a federal, statewide or legislative office, that designates a district for the person's candidacy that was used in the previous election or designated in a redistricting plan.
4. Removes the requirement that a filing officer accept signatures from a candidate for office other than federal, statewide or legislative office if the signers are registered voters of the district used in the previous election or designated in a redistricting plan.

FACT SHEET – Amended

S.B. 1460

Page 5

5. Makes technical and conforming changes

Senate Action

GOV 2/14/22 DP 7-0-0

Prepared by Senate Research

March 14, 2022

MH/slp