

RESOLUTION OF THE  
NAVAJO NATION COUNCIL  
24<sup>th</sup> NAVAJO NATION COUNCIL - THIRD YEAR, 2021

AN ACTION

RELATING TO AN EMERGENCY FOR THE NAVAJO NATION; OPPOSING ARIZONA SENATE BILL 1485, "AN ACT AMENDING SECTIONS 16-168, 16-245, 16-411, 16-461, 16-510 AND 16-544, ARIZONA REVISED STATUTES RELATING TO ELECTIONS"; URGING GOVERNOR DOUG DUCEY TO VETO THE BILL

WHEREAS:


- A. Pursuant to 2 N.N.C. § 164(A)(16) "[m]atters constituting an emergency shall be limited to the cessation of law enforcement services, and disaster relief services, fire protection services or other direct services required as an entitlement under Navajo Nation or Federal law, or which directly threaten the sovereignty of the Navajo Nation. Such an emergency matter must arise due to the pressing public need for such resolution(s) and must be a matter requiring final action by the Council."
- B. Any proposed state action designed to purposely infringe basic rights under federal law, such as the right to vote, constitutes an emergency for the Navajo Nation.
- C. Arizona Senate Bill 1485 is entitled "An Act Amending Sections 16-168, 16-245, 16-411, 16-461, 16-510 and 16-544, Arizona Revised Statutes; Relating to Elections." See attached as **EXHIBIT A**. This bill, if signed into law, will remove from the state's early voter list those persons who did not vote early in the last two consecutive elections. It will take away the early mail-in voting option for many voters who otherwise are not able to vote in person, such as the elderly, the disabled, those who cannot take time off their jobs to vote and others. Arizona Senate Bill 1485 serves no purpose other than to disenfranchise voters lawfully entitled to vote.

NOW THEREFORE BE IT RESOLVED:

The Navajo Nation hereby OPPOSES Arizona Senate Bill 1485, "An Act Amending Sections 16-168, 16-245, 16-411, 16-461, 16-510 and 16-544, Arizona Revised Statutes; Relating to Elections." See attached as **EXHIBIT A**. The Navajo Nation strongly urges that Governor Doug Ducey veto Arizona Senate Bill 1485.

**CERTIFICATION**

I hereby certify that the foregoing resolution was duly considered by the 24<sup>th</sup> Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona), at which a quorum was present and that the same was passed by a vote of 19 in Favor, and 00 Opposed, on this 21<sup>th</sup> day of May 2021.

  
Honorable Seth Damon, Speaker  
24<sup>th</sup> Navajo Nation Council


5/24/2021

DATE

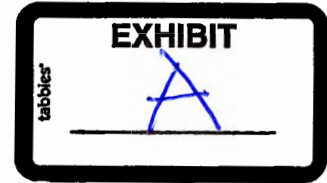
Motion: Honorable Daniel E. Tso  
Second: Honorable Nathaniel Brown

Speaker Seth Damon not voting

**House Engrossed Senate Bill**

~~elections; voting center tabulation~~  
(now:  early voting list; eligibility)

State of Arizona  
Senate  
Fifty-fifth Legislature  
First Regular Session  
2021



# SENATE BILL 1485

**AN ACT**

**AMENDING SECTIONS 16-168, 16-245, 16-411, 16-461, 16-510 AND 16-544, ARIZONA REVISED STATUTES;  
RELATING TO ELECTIONS.**

**(TEXT OF BILL BEGINS ON NEXT PAGE)**

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

Section 1. Section 16-168, Arizona Revised Statutes, is amended to read:

16-168. Precinct registers; date of preparation; contents; copies; reports; statewide database; violation; classification

A. By the tenth day preceding the primary and general elections the county recorder shall prepare from the original registration forms or from electronic media at least four lists that are printed or typed on paper, or at least two electronic media poll lists, or any combination of both, of all qualified electors in each precinct in the county, and the lists shall be the official precinct registers.

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

C. For the purposes of transmitting voter registration information as prescribed by this subsection, electronic media shall be the principal media. A county or state chairman who is eligible to receive copies of precinct lists as prescribed by this subsection may request that the recorder provide a paper copy of the precinct lists. In addition to preparing the official precinct lists, the county recorder shall provide a means for electronically reproducing the precinct lists. ♦ Unless otherwise agreed, the county recorder shall deliver one electronic media copy of each precinct list in the county without charge and on the same day within eight days after the close of registration for the primary and general elections to the county chairman and one electronic media copy to the state chairman of each party that has at least four candidates other than presidential electors appearing on the ballot in that county at the current election. ♦ The secretary of state shall establish a single format that prescribes the manner and template in which all county recorders provide this data to the secretary of state to ensure that the submissions are uniform from all counties in this state, that all submissions are identical in format, including the level of detail for voting history, and that information may readily be combined from two or more counties. The electronic media copies of the precinct lists that are delivered to the party chairmen shall include for each elector the following information:

1. Name in full and appropriate title.
2. Party preference.
3. Date of registration.
4. Residence address.
5. Mailing address, if different from residence address.
6. Zip code.
7. Telephone number if given.
8. Birth year.
9. Occupation if given.

10. Voting history for all elections in the prior four years and any other information regarding registered voters that the county recorder or city or town clerk maintains electronically and that is public information.

11. All data relating to ~~permanent early voters and nonpermanent early voters~~, including ballot requests and ballot returns.

D. The names on the precinct lists shall be in alphabetical order and the precinct lists in their entirety, unless otherwise agreed, shall be delivered to each county chairman and each state chairman within ten business days of the close of each date for counting registered voters prescribed by subsection G of this section other than the primary and general election registered voter counts in the same format and media as prescribed by subsection C of this section. ♦ During the thirty-three days immediately preceding an election and on request from a county or state chairman, the county recorder shall provide at no cost a daily list of persons who have requested an early ballot and shall provide at no cost a weekly listing of persons who have returned their early ballots. The recorder shall provide the daily and weekly information through the Friday preceding the election. On request from a county chairman or state chairman, the county recorder of a county with a population of more than eight hundred thousand persons shall provide at no cost a daily listing of persons who have returned their early ballots. The daily listing shall be provided Mondays through Fridays, beginning with the first Monday following the start of early voting and ending on the Monday before the election.

E. Precinct registers and other lists and information derived from registration forms may be used only for purposes relating to a political or political party activity, a political campaign or an election, for revising election district boundaries or for any other purpose specifically authorized by law and may not be used for a commercial purpose as defined in section 39-121.03. The sale of registers, lists and information derived from registration forms to a candidate or a registered political committee for a use specifically authorized by this subsection does not constitute use for a commercial purpose. The county recorder, the secretary of state and other officers in charge of elections, on a request for an authorized use and within thirty days from receipt of the request, shall prepare additional copies of an official precinct list and furnish them to any person requesting them on payment of a fee equal to the following amounts for the following number of voter registration records provided:

1. For one to one hundred twenty-four thousand nine hundred ninety-nine records, ~~ninety-three dollars seventy-five cents~~ \$93.75 plus \$0.0005 per record.

2. For one hundred twenty-five thousand to two hundred forty-nine thousand nine hundred ninety-nine records, ~~one hundred fifty-six dollars twenty-five cents~~ \$156.25 plus \$0.000375 per record.

3. For two hundred fifty thousand to four hundred ninety-nine thousand nine hundred ninety-nine records, ~~two hundred three dollars thirteen cents~~ \$203.13 plus \$0.00025 per record.

4. For five hundred thousand to nine hundred ninety-nine thousand nine hundred ninety-nine records, ~~two hundred sixty-five dollars sixty-three cents~~ \$265.63 plus \$0.000125 per record.

5. For one million or more records, ~~three hundred twenty-eight dollars thirteen cents~~ \$328.13 plus \$0.0000625 per record.

F. Any person in possession of a precinct register or list, in whole or part, or any reproduction of a precinct register or list, shall not permit the register or list to be used, bought, sold or otherwise transferred for any purpose except for uses otherwise authorized by this section. A person in possession of information derived from voter registration forms or precinct registers shall not distribute, post or otherwise provide access to any portion of that information through the internet except as authorized by subsection I of this section. ♦ Nothing in this section shall preclude public inspection of voter registration records at the office of the county recorder for the purposes prescribed by this section, except that the month and day of birth date, the social security number or any portion thereof, the driver license number or nonoperating identification license number, the Indian census number, the father's name or mother's maiden name, the state or country of birth and the records containing a voter's signature and a voter's e-mail address shall not be accessible or reproduced by any person other than the voter, by an authorized government official in the scope of the official's duties, for any purpose by an entity designated by the secretary of state as a voter registration agency pursuant to the national voter registration act of 1993 (P.L. 103-31; 107 Stat. 77), for signature verification on petitions and candidate filings, for election purposes and for news gathering purposes by a person engaged in newspaper, radio, television or reportorial work, or connected with or employed by a newspaper, radio or television station or pursuant to a court order. Notwithstanding any other law, a voter's e-mail address may not be released for any purpose. ♦ A person who violates this subsection or subsection E of this section is guilty of a class 6 felony.

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

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

(a) January 2.

(b) April 1.

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

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

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

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

(a) January 2.

(b) April 1.

(c) July 1.

(d) October 1.

H. The county recorder shall report the totals to the secretary of state as soon as is practicable following each of the dates prescribed in subsection G of this section. The report shall include completed registration forms returned in accordance with section 16-134, subsection B. The county recorder shall also provide the report in a uniform electronic computer media format that shall be agreed on between the secretary of state and all county recorders. The secretary of state shall then prepare a summary report for the state and shall maintain that report as a permanent record.

I. The county recorder and the secretary of state shall protect access to voter registration information in an auditable format and method specified in the secretary of state's electronic voting system instructions and procedures manual that is adopted pursuant to section 16-452.

J. The secretary of state shall develop and administer a statewide database of voter registration information that contains the name and registration information of every registered voter in this state. The statewide database is a matter of statewide concern and is not subject to modification or further regulation by a political subdivision. The database shall include an identifier that is unique for each individual voter. The database shall provide for access by voter registration officials and shall allow expedited entry of voter registration information after it is received by county recorders. ♦ As a part of the statewide voter registration database, county recorders shall provide for the electronic transmittal of that information to the secretary of state on a real time basis. The secretary of state shall provide for maintenance of the database, including provisions regarding removal of ineligible voters that are consistent with the national voter registration act of 1993 (P.L. 103-31; 107 Stat. 77; 52 United States Code sections 20501 through 20511) and the help America vote act of 2002 (P.L. 107-252; 116 Stat. 1666; 52 United States Code sections 20901 through 21145), provisions regarding removal of duplicate registrations and provisions to ensure that eligible voters are not removed in error. For the purpose of maintaining compliance with the help America vote act of 2002, each county voter registration system is subject to approval by the secretary of state for compatibility with the statewide voter registration database system.

K. Except as provided in subsection L of this section, for requests for the use of registration forms and access to information as provided in subsections E and F of this section, the county recorder shall receive and respond to requests regarding federal, state and county elections.

L. Beginning January 1, 2008, recognized political parties shall request precinct lists and access to information as

provided in subsections E and F of this section during the time periods prescribed in subsection C or D of this section and the county recorder shall receive and respond to those requests. If the county recorder does not provide the requested materials within the applicable time prescribed for the county recorder pursuant to subsection C or D of this section, a recognized political party may request that the secretary of state provide precinct lists and access to information as provided in subsections E and F of this section for federal, state and county elections. The secretary of state shall not provide access to precinct lists and information for recognized political parties unless the county recorder has failed or refused to provide the lists and materials as prescribed by this section. ♦ The secretary of state may charge the county recorder a fee determined by rule for each name or record produced.

M. For municipal registration information in those municipalities in which the county administers the municipal elections, county and state party chairmen shall request and obtain voter registration information and precinct lists from the city or town clerk during the time periods prescribed in subsection C or D of this section. If the city or town clerk does not provide that information within the same time prescribed for county recorders pursuant to subsection C or D of this section, the county or state party chairman may request and obtain the information from the county recorder. The county recorder shall provide the municipal voter registration and precinct lists within the time prescribed in subsection C or D of this section.

N. The county recorders and the secretary of state shall not prohibit any person or entity prescribed in subsection C of this section from distributing a precinct list to any person or entity that is deemed to be using the precinct list in a lawful manner as prescribed in subsections E and F of this section.

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 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 unless that registered voter is on the ~~permanent~~ ACTIVE early voting list established pursuant to section 16-544. 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 16-411, Arizona Revised Statutes, is amended to read:

**16-411. Designation of election precincts and polling places; voting centers; electioneering; wait times**

A. The board of supervisors of each county, on or before October 1 of each year preceding the year of a general election, by an order, shall establish a convenient number of election precincts in the county and define the boundaries of the precincts. ♦ The election precinct boundaries shall be so established SO as TO BE included within election districts prescribed by law for elected officers of the state and its political subdivisions including community college district precincts, except those elected officers provided for in titles 30 and 48.

B. ~~Not less than~~ AT LEAST twenty days before a general or primary election, and at least ten days before a special election, the board shall designate one polling place within each precinct where the election shall be held, except that:

1. On a specific finding of the board, included in the order or resolution designating polling places pursuant to this subsection, that no suitable polling place is available within a precinct, a polling place for that precinct may be designated within an adjacent precinct.

2. Adjacent precincts may be combined if boundaries so established are included in election districts prescribed by law for state elected officials and political subdivisions including community college districts but not including elected officials prescribed by titles 30 and 48. The officer in charge of elections may also split a precinct for administrative purposes. ♦ The polling places shall be listed in separate sections of the order or resolution.

3. On a specific finding of the board that the number of persons who are listed as ~~permanent~~ early voters pursuant to section 16-544 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 precinct boards for that election. The board of supervisors shall ensure that a reasonable and adequate number of polling places will be designated for that election. ♦ Any consolidated polling places shall be listed in separate sections of the order or resolution of the board.

4. On a specific resolution of the board, the board may authorize the use of voting centers in place of or in addition



to specifically designated polling places. A voting center shall allow any voter in that county to receive the appropriate ballot for that voter on election day after presenting identification as prescribed in section 16-579 and to lawfully cast the ballot. Voting centers may be established in coordination and consultation with the county recorder, at other county offices or at other locations in the county deemed appropriate.

5. On a specific resolution of the board of supervisors that is limited to a specific election date and that is voted on by a recorded vote, the board may authorize the county recorder or other officer in charge of elections to use emergency voting centers as follows:

(a) The board shall specify in the resolution the location and the hours of operation of the emergency voting centers.

(b) A qualified elector voting at an emergency voting center shall provide identification as prescribed in section 16-579, except that notwithstanding section 16-579, subsection A, paragraph 2, for any voting at an emergency voting center, 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 section 16-452.

(c) If an emergency voting center established pursuant to this section becomes unavailable and there is not sufficient time for the board of supervisors to convene to approve an alternate location for that emergency voting center, the county recorder or other officer in charge of elections may make changes to the approved emergency voting center location and shall notify the public and the board of supervisors regarding that change as soon as practicable. ♦ The alternate emergency voting center shall be as close in proximity to the approved emergency voting center location as possible.

C. If the board fails to designate the place for holding the election, or if it cannot be held at or about the place designated, the justice of the peace in the precinct, two days before the election, by an order, copies of which the justice of the peace shall immediately post in three public places in the precinct, shall designate the place within the precinct for holding the election. If there is no justice of the peace in the precinct, or if the justice of the peace fails to do so, the election board of the precinct shall designate and give notice of the place within the precinct of holding the election. For 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:

1. All affected voters are notified by mail of the change at least thirty-three days before the election.

2. Notice of the change in polling places includes notice of the new voting location, notice of the hours for voting on election day and notice of the telephone number to call for voter assistance.

3. All affected voters receive information on early voting that includes the application used to request an early voting ballot.

D. The board is not required to designate a polling place for special district mail ballot elections held pursuant to article 8.1 of this chapter, but the board may designate one or more sites for voters to deposit marked ballots until 7:00 p.m. on the day of the election.

E. Except as provided in subsection F of this section, a public school shall provide sufficient space for use as a polling place for any city, county or state election when requested by the officer in charge of elections.

F. The principal of the school may deny a request to provide space for use as a polling place for any city, county or state election if, within two weeks after a request has been made, the principal provides a written statement indicating a reason the election cannot be held in the school, including any of the following:

1. Space is not available at the school.

2. The safety or welfare of the children would be jeopardized.

G. The board shall make available to the public as a public record a list of the polling places for all precincts in which the election is to be held.

H. Except in the case of an emergency, any facility that is used as a polling place on election day or that is used as an early voting site during the period of early voting shall allow persons to electioneer and engage in other political activity outside of the seventy-five foot limit prescribed by section 16-515 in public areas and parking lots used by voters. This subsection shall not be construed to permit DOES NOT ALLOW the temporary or permanent construction of structures in public areas and parking lots or the blocking or other impairment of access to parking spaces for voters. ♦ 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. If the polling place is not on the website list of polling places with emergency designations, electioneering and other political activity shall be permitted ALLOWED outside of the seventy-five foot limit. ♦ If an emergency arises after the county recorder or other officer in charge of elections' initial website posting, the county recorder or other officer in charge of elections shall update the website as soon as is practicable to include any new polling places, shall highlight the polling place location on the website 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.

I. 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 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:

1. An act of God renders a previously set polling place as unusable.

2. A county recorder or other officer in charge of elections has exhausted all options and there are no suitable facilities in a precinct that are willing to be a polling place unless a facility can be given an emergency designation.

J. The secretary of state shall provide through the instructions and procedures manual adopted pursuant to section 16-452 the maximum allowable wait time for any election that is subject to section 16-204 and provide for a method to reduce voter wait time at the polls in the primary and general elections. The method shall consider at least all of the following for primary and general elections in each precinct:

1. The number of ballots voted in the prior primary and general elections.
2. The number of registered voters who voted early in the prior primary and general elections.
3. The number of registered voters and the number of registered voters who cast an early ballot for the current primary or general election.
4. The number of election board members and clerks and the number of rosters that will reduce voter wait time at the polls.

Sec. 4. Section 16-461, Arizona Revised Statutes, is amended to read:

16-461. Sample primary election ballots; submission to party chairmen for examination; preparation, printing and distribution of ballot

A. At least forty-five days before a primary election, the officer in charge of that election shall:

1. Prepare a proof of a sample ballot.
2. Submit the sample ballot proof of each party to the county chairman or in city or town primaries to the city or town chairman.

3. Mail a sample ballot proof to each candidate for whom a nomination paper and petitions have been filed.

B. Within five days after receipt of the sample ballot, the county chairman of each political party shall suggest to the election officer any change the chairman considers should be made in the chairman's party ballot, and if upon ON examination the election officer finds an error or omission in the ballot the officer shall correct it. ♦ The election officer shall cause the sample ballots to be printed and distributed as required by law, shall maintain a copy of each sample ballot and shall post a notice indicating that sample ballots are available on request. ♦ The official sample ballot shall be printed on colored paper or white paper with a different colored stripe for each party that is represented on that ballot. For voters who are not registered with a party that is entitled to continued representation on the ballot pursuant to section 16-804, the election officer may print and distribute the required sample ballots in an alternative format, including a reduced size format.

C. Not later than forty days before a primary election, the county chairman of a political party may request one sample primary election ballot of the chairman's party for each election precinct.

D. The board of supervisors shall have printed mailer-type sample ballots for a primary election and shall mail at least eleven days before the election one sample ballot of a political party to each household containing a registered voter of that political party unless that registered voter is on the permanent ACTIVE early voting list established pursuant to section 16-544. Each sample ballot shall contain the following statement: ♦ "This is a sample ballot and cannot be used as an official ballot under any circumstances". A certified claim shall be presented to the secretary of state by the board of supervisors for the actual cost of printing, labeling and postage of each sample ballot actually mailed, and the secretary of state shall direct payment of the authenticated claim from funds of the secretary of state's office.

E. For city and town elections, the governing body of a city or town may have printed mailer-type sample ballots for a primary election. ♦ If the city or town has printed such sample ballots, the city or town shall provide for the distribution of such ballots and shall bear the expense of printing and distribution DISTRIBUTE of such sample ballots.

F. The return address on the mailer-type sample ballots shall not contain the name of an appointed or elected public officer nor may the name of an appointed or elected public officer be used to indicate who produced the sample ballot.

G. The great seal of the state of Arizona shall be imprinted along with the words "official voting materials" on the mailing face of each sample ballot. ♦ In county, city or town elections the seal of such jurisdiction shall be substituted for the state seal.

Sec. 5. Section 16-510, Arizona Revised Statutes, is amended to read:

16-510. Sample ballots; preparation and distribution

A. Before printing the sample ballots for the general election the board of supervisors shall send to each candidate whose name did not appear on the preceding primary election ballot a ballot proof of the sample ballot for the candidate's review.

B. The board of supervisors shall print and distribute, for the information of voters at each polling place, a number of sample ballots as it deems necessary.

C. The board of supervisors shall have printed mailer-type sample ballots for a general election and shall mail at least eleven days before the election one such sample ballot to each household in the county containing a registered voter unless that registered voter is on the permanent ACTIVE early voting list established pursuant to section 16-544. ♦ Each sample ballot shall contain the following statement: "This is a sample ballot and cannot be used as an official ballot under any circumstances". A certified claim shall be presented to the secretary of state by the board of supervisors for the actual cost of printing, labeling and postage of each such sample ballot actually mailed, and the secretary of state shall direct payment of such THE authenticated claim from funds of his THE SECRETARY OF STATE'S office.



D. For city and town elections, the governing body of a city or town may have printed mailer-type sample ballots for a general election. If the city or town has printed such sample ballots, the city or town shall provide for the distribution of such ballots and shall bear the expense of printing and distributing such sample ballots.

E. For special district elections, the governing body of a special district may have printed mailer-type sample ballots. If the special district has printed such sample ballots, the special district shall provide for the distribution of such ballots and shall bear the expense of printing and distributing such sample ballots.

Sec. 6. Section 16-544, Arizona Revised Statutes, is amended to read:

16-544. Active early voting list; civil penalty; violation; classification; definition

A. Any voter may request to be included on a ~~permanent~~ list of voters to receive an early ballot BY MAIL 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~~ ACTIVE early voting list as part of the voter registration roll.

B. In order to be included on the ~~permanent~~ ACTIVE early voting list, the voter shall make a written request specifically requesting that the voter's name be added to the ~~permanent~~ ACTIVE early voting list for all elections in which the applicant is eligible to vote. ~~◆ A permanent AN~~ early voter request form shall conform to requirements prescribed in the instructions and procedures manual issued pursuant to section 16-452. ~~◆~~ 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 and shall state that the voter is attesting that the voter is a registered voter who is eligible to vote in the county of residence. The voter shall not list a mailing address that is outside of this state for the purpose of the ~~permanent~~ ACTIVE 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 52 United States Code section 1973ff-6 20310). 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~~ ACTIVE 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~~ AN ACTIVE early ballot request.

D. Not less than ninety days before any polling place election scheduled in March or August, 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~~ ACTIVE 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. ~~◆~~ If an election is not formally called by a jurisdiction by the one hundred twentieth day before the election, the recorder or other officer in charge of elections is not required to send the election notice. 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~~ ACTIVE early voting list. If the voter is removed from the ~~permanent~~ ACTIVE early voting list, the voter shall only be added to the ~~permanent~~ ACTIVE early voting list again if the voter submits a new request pursuant to this section.

F. Not later than 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~~ ACTIVE 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~~ ACTIVE 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~~ ACTIVE early voting 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~~ ACTIVE 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~~ ACTIVE early voting 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.

4. THE VOTER FAILS TO VOTE AN EARLY BALLOT IN ALL ELECTIONS FOR TWO CONSECUTIVE ELECTION CYCLES. FOR THE PURPOSES OF THIS PARAGRAPH, "ELECTION" MEANS ANY REGULAR PRIMARY OR REGULAR GENERAL ELECTION FOR WHICH THERE WAS A FEDERAL RACE ON THE BALLOT OR FOR WHICH A CITY OR TOWN CANDIDATE PRIMARY OR FIRST ELECTION OR CITY OR TOWN CANDIDATE SECOND, GENERAL OR RUNOFF ELECTION WAS ON THE BALLOT. THIS PARAGRAPH DOES NOT APPLY TO:

(a) A SPECIAL TAXING DISTRICT THAT IS AUTHORIZED PURSUANT TO SECTION 16-191 TO CONDUCT ITS OWN ELECTIONS.

(b) A SPECIAL DISTRICT MAIL BALLOT ELECTION THAT IS CONDUCTED PURSUANT TO ARTICLE 8.1 OF THIS CHAPTER.

I. A voter may make a written request at any time to be removed from the ~~permanent~~ ACTIVE 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~~ ACTIVE 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 52 United States Code section 4973ff-6 20310) is eligible to be placed on the ~~permanent~~ ACTIVE 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~~ ACTIVE early voting list, EXCEPT THAT A COUNTY RECORDER SHALL REMOVE A VOTER FROM THE ACTIVE EARLY VOTING LIST IF BOTH OF THE FOLLOWING APPLY:

1. THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS COMPLIES WITH SUBSECTION M OF THIS SECTION.

2. THE VOTER FAILS TO VOTE USING AN EARLY BALLOT IN ALL OF THE FOLLOWING ELECTIONS FOR TWO CONSECUTIVE ELECTION CYCLES:

(a) A REGULAR PRIMARY AND REGULAR GENERAL ELECTION FOR WHICH THERE WAS A FEDERAL RACE ON THE BALLOT.

(b) A CITY OR TOWN CANDIDATE PRIMARY OR FIRST ELECTION AND A CITY OR TOWN CANDIDATE SECOND, GENERAL OR RUNOFF ELECTION.

L. ON OR BEFORE JANUARY 15 OF EACH ODD-NUMBERED YEAR, THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS SHALL SEND A NOTICE TO EACH VOTER WHO IS ON THE ACTIVE EARLY VOTING LIST AND WHO DID NOT VOTE AN EARLY BALLOT IN ALL ELECTIONS FOR TWO CONSECUTIVE ELECTION CYCLES AS PRESCRIBED BY SUBSECTION K OF THIS SECTION. ♦ IF THE VOTER HAS PROVIDED THE VOTER'S TELEPHONE OR MOBILE PHONE NUMBER OR EMAIL ADDRESS TO THE COUNTY RECORDER, THE COUNTY RECORDER MAY ADDITIONALLY PROVIDE THE NOTICE TO THE VOTER BY TELEPHONE CALL, TEXT MESSAGE OR EMAIL. ♦ THE NOTICE SHALL INFORM THE VOTER THAT IF THE VOTER WISHES TO REMAIN ON THE ACTIVE EARLY VOTING LIST, THE VOTER SHALL DO BOTH OF THE FOLLOWING WITH THE NOTICE RECEIVED:

1. CONFIRM IN WRITING THE VOTER'S DESIRE TO REMAIN ON THE ACTIVE EARLY VOTING LIST.

2. RETURN THE COMPLETED NOTICE TO THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS WITHIN NINETY DAYS AFTER THE NOTICE IS SENT TO THE VOTER. THE NOTICE SHALL BE SIGNED BY THE VOTER AND SHALL CONTAIN THE VOTER'S ADDRESS AND DATE OF BIRTH.

M. IF A VOTER RECEIVES A NOTICE AS PRESCRIBED BY SUBSECTION L OF THIS SECTION AND THE VOTER FAILS TO RESPOND WITHIN THE NINETY-DAY PERIOD, THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS SHALL REMOVE THE VOTER'S NAME FROM THE ACTIVE EARLY VOTING LIST.

N. A candidate, political committee or other organization may distribute ~~permanent~~ ACTIVE early voting list request forms to voters. If the ~~permanent~~ ACTIVE early voting list request forms include a printed address for return, that address shall be the political subdivision that will conduct the election. Failure to use the political subdivision as the return addressee is punishable by a civil penalty of up to three times the cost of the production and distribution of the ~~permanent~~ ACTIVE early voting list request.

O. All original and completed ~~permanent~~ ACTIVE early voting list request forms that are received by a candidate, political committee or other organization shall be submitted within six business days after receipt by a candidate or political committee or eleven days before the election day, whichever is earlier, to the political subdivision that will conduct the election. Any person, political committee or other organization that fails to submit a completed ~~permanent~~ ACTIVE early voting list request form within the prescribed time is subject to a civil penalty of up to ~~twenty-five dollars~~ \$25 per day for each completed form withheld from submittal. Any person who knowingly fails to submit a completed ~~permanent~~ ACTIVE early voting list request form before the submission deadline for the election immediately following the

completion of the form is guilty of a class 6 felony.

**P. FOR THE PURPOSES OF THIS SECTION, "ELECTION CYCLE" MEANS THE TWO-YEAR PERIOD BEGINNING ON JANUARY 1 IN THE YEAR AFTER A STATEWIDE GENERAL ELECTION OR, FOR CITIES AND TOWNS, THE TWO-YEAR PERIOD BEGINNING ON THE FIRST DAY OF THE CALENDAR QUARTER AFTER THE CALENDAR QUARTER IN WHICH THE CITY'S OR TOWN'S SECOND, RUNOFF OR GENERAL ELECTION IS SCHEDULED AND ENDING ON THE LAST DAY OF THE CALENDAR QUARTER IN WHICH THE CITY'S OR TOWN'S IMMEDIATELY FOLLOWING SECOND, RUNOFF OR GENERAL ELECTION IS SCHEDULED, HOWEVER THAT ELECTION IS DESIGNATED BY THE CITY OR TOWN.**

**Sec. 7. Declaration of statewide concern; election integrity**

The Legislature finds and determines that integrity in all elections in this state is a matter of statewide concern and further declares that a person who requests to be on the active early voting list and who repeatedly fails to vote with the ballots that are mailed out by the county recorder increases the likelihood of fraudulent use of those unvoted ballots, and that the maintenance of an accurate active early voting list is therefore essential to maintaining the integrity of this state's elections.

**Sec. 8. Severability**

If a provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

## NAVAJO NATION

787

5/21/2021

Navajo Nation Council Special Session

12:09:22 PM

Amd# to Amd#	Legislation 0081-21: Opposing	PASSED
MOT Tso, D	Arizona Senate Bills 1485, "An	
SEC Brown	Act Amending Sections 16-168,	
	16-16-245, 16-411, 16-510....	

**Yeas : 19**

**Nays : 0**

**Excused : 1**

**Not Voting : 3**

### **Yea : 19**

Begay, E	Halona, P	Smith	Walker, T
Brown	Henio, J	Stewart, W	Wauneka, E
Charles-Newton	James, V	Tso	Yazzie
Daniels	Nez, R	Tso, D	Yellowhair
Freeland, M	Slater, C	Tso, E	

### **Nay : 0**

### **Excused : 1**

Crotty

### **Not Voting : 3**

Begay, K	Begay, P	Tso, C
----------	----------	--------

**Presiding Speaker: Damon**