



## Arizona

Updated March 23, 2021

If enacted in its current form, the For the People Act (H.R.1/S.1) would make changes to federal elections in Arizona that would strengthen the freedom to vote and make it more difficult to enact voter suppression laws in the future. Several of the requirements of H.R.1/S.1—including those relating to universal mail-in or absentee voting and independent redistricting commissions—already exist in some form in Arizona. Other requirements, such as those relating to same day registration, would more fundamentally change Arizona’s procedures for conducting federal elections.

Here are the most salient ways in which H.R.1/S.1 would affect voting in Arizona:

### Expanding & Protecting Voter Registration Opportunities

- Requires Arizona to implement automatic voter registration using data reported by contributing agencies and makes available grants to assist Arizona in doing so.<sup>1</sup>
- Allows same-day registration on Election Day and during in-person early voting. Arizona currently requires registration to be received before midnight of the 29<sup>th</sup> day preceding the date of the election.<sup>2</sup>
- Mandates new minimum age for voter pre-registration from 17 years and six months to 16 years old. Arizona currently allows registration by any individual who will be 18 at the time of the next general election.<sup>3</sup> This change will allow voter registration drives during a general election to register voters for the election thereafter.
- Requires universities to serve as voter registration agencies and to appoint “Campus Vote Coordinators” responsible for disseminating voter registration information.<sup>4</sup>
- Allows voters to submit sworn affidavits in lieu of government-issued identification when voting. Arizona already allows voters to register as “federal-only” voters without documentary proof of citizenship but requires voters (with a limited exception for certain members of federally recognized Native American tribes) otherwise to prove identity in order to cast a ballot.<sup>5</sup>
- Prohibits the removal of a voter from the rolls based on the failure of a registered voter to respond to any notice sent under the National Voter Registration Act (NVRA) process, unless the notice is returned as undeliverable. Arizona already relies principally on this method and requires more than one piece of returned official election mail. Consistent with the NVRA, Arizona prohibits systematic cancellations of registration records within 90 days of a primary or general election.<sup>6</sup>

### Mandating Secure, Accessible Early Voting & Absentee Voting

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<sup>1</sup> H.R. 1, Title I, Subtitle A, Part 2.

<sup>2</sup> H.R. 1, Title I, Subtitle A, Part 3; *cf.* A.R.S. § 16-120.

<sup>3</sup> H.R. 1, Title I, Subtitle A, Part 10; *cf.* AZ Procedures Manual, Ch.1, II.B; A.R.S. § 16-101(A)(2).

<sup>4</sup> H.R. 1, Title I, Subtitle N, Part 1, § 1901.

<sup>5</sup> H.R. 1, Title I, Subtitle G; *cf.* AZ Procedures Manual, Ch. 1, II.A(4); *id.* at Ch. 9, IV; A.R.S. § 16-579(A).

<sup>6</sup> H.R. 1, Title II, Subtitle F; *cf.* AZ Procedures Manual, Ch. 1, VIII(C), (D).



- Requires Arizona to make in-person early voting available for 15 days before Election Day and imposes certain minimum requirements on the hours during which early voting is open during this time period.
- Requires that early voting polling places be accessible by public transportation “to the greatest extent practicable” and ensures certain levels of access in rural areas. Arizona currently has generous rules for early mail-in voting but leaves early in-person voting availability to the discretion of local officials.<sup>7</sup>
- Requires secure drop boxes be available 24 hours a day, for 45 days before Election Day, and that the number of drop boxes be based on county population.<sup>8</sup>
- Requires drop boxes be distributed on a non-discriminatory basis and sufficiently available in rural and Tribal communities. Tribal leaders must be consulted before determining the number and location of drop boxes on Tribal lands in a county. Arizona currently allows counties and municipalities to exercise discretion in choosing whether to establish drop box and drop-off locations. Such locations must be approved by the Board of Supervisors.<sup>9</sup>
- Requires Arizona to count mail-in ballots received up to ten days after Election Day if postmarked on or before Election Day. Arizona currently only counts ballots received on or before Election Day.<sup>10</sup>
- Allows Indian Tribes to designate one building per precinct at which ballots can be dropped off and allows certain voters to use the address of that building as their residential and mailing address for voter registration purposes.<sup>11</sup>

### Protecting & Expanding Ballot Access

- Makes Election Day a federal holiday.<sup>12</sup>
- Requires Arizona to take steps to ensure that voters wait no more than 30 minutes to vote. Arizona already requires the establishment of a wait time reduction plan intended to “ensure that voters do not have to wait in lines at the voting location for more than 30 minutes.”<sup>13</sup> In the 2016 General Election, Maricopa County agreed to adopt a Wait Time Reduction Plan to settle claims prompted by hours-long waits in that year’s primaries.<sup>14</sup>
- Mandates any changes to polling place locations be announced seven days before Election Day.<sup>15</sup> Arizona currently has no minimum notice requirement.

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<sup>7</sup> H.R. 1, Title I, Subtitle H; *cf.* AZ Procedures Manual, Ch. 2, II; A.R.S. § 16-246(C).

<sup>8</sup> H.R. 1, Title I, Subtitle N, Part 1.

<sup>9</sup> H.R. 1, Title I, Subtitle N, Part 1, § 1907; *cf.* AZ Procedures Manual, Ch. 2, I; *id.* at (C)(3).

<sup>10</sup> H.R. 1, Title I, Subtitle I; *cf.* A.R.S. §§ 16-547(C), 16-551(C).

<sup>11</sup> H.R. 1, Title I, Subtitle N, Part 1, § 1904

<sup>12</sup> H.R. 1, Title I, Subtitle N, Part 1.

<sup>13</sup> H.R. 1, Title I, Subtitle N, Part 1, § 1906; AZ Procedures Manual Ch. 8, IX; ARS 16-411.

<sup>14</sup> Adam DeRose, “Voting groups welcome Maricopa County plan to cut poll wait times,” *Cronkite News*, October 20, 2016, available at <https://cronkitenews.azpbs.org/2016/10/20/voting-groups-welcome-maricopa-county-plan-to-cut-polling-wait-times/>.

<sup>15</sup> H.R. 1, Title I, Subtitle N, Part 1, § 1902.



- Prohibits challenges to a voter's eligibility based on race, ethnicity, or age by non-election officials. Requires all challenges to be submitted formally in writing, "supported by personal knowledge," and "subject to an oath or attestation under penalty of perjury."

Arizona currently allows any qualified elector in the county to challenge a voter's eligibility orally on Election Day. Under current practice, a challenged voter must affirm their eligibility under penalty of perjury even if they appear to be registered or vote a provisional ballot.<sup>16</sup>

- Requires that provisional ballots from eligible voters in the wrong precinct or polling place still be counted for those races in common with the correct precinct. The United States Supreme Court recently heard arguments on a challenge to Arizona's current practice of not counting any portion of such ballots.<sup>17</sup>
- Requires Arizona to restore civil rights to people with felony convictions upon release from prison, and to offer voter registration materials upon eligibility. Arizona already allows those with only misdemeanor convictions to register to vote, but only allows ex-felons to have their voting rights restored upon certain conditions.<sup>18</sup>

### Strengthening Election Security & Trust in Elections

- Requires Arizona to begin pre-processing early voter ballots at least 14 days prior to the date of the election involved.<sup>19</sup>
- Requires the U.S. Postal Service to sweep its facilities and post offices daily to ensure that ballots are expeditiously transmitted to local election officials.<sup>20</sup>
- Prevents the U.S. Postal Service from enacting any new operational change that slows the delivery of voting materials in the 120 day period before an election. Prevents the U.S. Postal Service from enacting any new operational change that slows the delivery of voting materials in the 120 day period before an election.<sup>21</sup>
- Requires the U.S. Postal Service to appoint Election Mail Coordinators to assist election officials with any voting material questions.<sup>22</sup>
- Requires the voting system to produce a paper ballot that is verified by the voter before the vote is cast. Arizona currently requires direct-recording electronic voting machines to produce a paper ballot for audit purposes but does not require that the paper ballot be verified by the voter before being cast or that the paper ballot constitute the vote that is cast.<sup>23</sup>
- Permits the security of drop boxes through remote or electronic surveillance.<sup>24</sup>

<sup>16</sup> H.R. 1, Title I, Subtitle C; *cf.* AZ Procedures Manual, Ch. 9, VII.

<sup>17</sup> H.R. 1, Title I, Subtitle G; *cf. Brnovich v. Democratic National Committee*, Docket No. 19-1257 (argument heard Mar. 2, 2021).

<sup>18</sup> H.R. 1, Title I, Subtitle E; *cf.* AZ Procedures Manual, Ch. 1, II.D.

<sup>19</sup> H.R. 1, Title I, Subtitle I.

<sup>20</sup> Amendment 5 to H.R.1, Part B.

<sup>21</sup> Amendment 26 to H.R.1, Part B.

<sup>22</sup> Amendment 27 to H.R.1, Part B.

<sup>23</sup> H.R. 1, Title I, Subtitle F; *cf.* AZ Procedures Manual, Ch. 4 I.(A)(2)(3)(e)

<sup>24</sup> Amendment 9 to H.R.1, Part B.