

Election Statute Navigator: Arizona

The Election Law Program prepared this Election Law Navigator to highlight state election statutes particularly relevant to the 2020 cycle. The Election Law Navigator is updated as of October 19, 2020. Please contact elect@wm.edu with questions or suggestions. To access COVID-specific legal information impacting this state's election process, please use this link: <https://ebenchmark.org/arizona/covid/#tracker>.

Voter Registration

- Voters (other than above) register prior to Election Day **§ 16-120**
 - Deadlines: Twenty-nine days before an election.
- Online registration available
 - [See official Arizona online registration website](#)
- Registration via mail available **§ 16-161**
- In-Person registration available **§ 16-112**
 - Locations: Department of Motor Vehicles
- Preregistration allowed **§ 16-101**
 - 18 by the election
- Residency requirement **§ 16-101**
 - Resident of the state twenty-nine days next preceding the election, except as provided in section 16-126
- Prior conviction eligibility **§ 16-101(A)(5)**
- Voters judged mentally incompetent or under guardianship for a mental disability cannot vote **§ 16-165**

State Absentee, Early, and Mail Voting

- Early voting allowed **§16-541; § 16-542**
 - 26 days before election until Friday before election
- No-excuse absentee voting **§ 16-541**
- Absentee ballot application is verified **§ 16-550**
- Permanent absentee voting options **§ 16-544(A)**



- Any voter
- Removal from permanent absentee list **§ 16-544(H)**
 - After a voter has requested to be included on the permanent 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 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.
- Absentee ballot verification details **§ 16-547; §16-550; §16-552(B)**
 - Absentee ballots include an affidavit that must be signed by the voter under penalty of perjury. Upon receipt, the signature on the affidavit is compared to the signature on the voter's registration form. The vote is counted only if the affidavit is found sufficient.
- State allows voters to correct signature discrepancies **§ 16-550**
- Someone other than the voter can return an absentee or mail ballot on behalf of the voter **§ 16-1005**
- Deadline by which election official must receive absentee/mailed ballots **§ 16-574**
 - Election Day (by 7 p.m.)
- Absentee/Mail ballot processing and counting procedures **§ 16-550; § 16-551**

In-Person Voter ID

- Photo ID not required **§ 16-579**
- Options for voters without ID **§ 16-579**
 - Two different items that contain the name and address of the elector that reasonably appear to be the same as the name and address in the precinct register, including a utility bill, a bank or credit union statement that is dated within ninety days of the date of the election, a valid Arizona vehicle registration, an Arizona vehicle insurance card, an Indian census card, tribal enrollment card or other form of tribal identification, a property tax statement, a recorder's certificate,



a voter registration card, a valid United States federal, state or local government issued identification or any mailing that is labeled as “official election material”.

Provisional Voting

- **Provisional ballot availability § 16-584**
 - A qualified elector whose name is not on the precinct register, on presentation of identification verifying the identity of the elector that includes the voter’s given name and surname and the complete residence address that is verified by the election board to be in the precinct or on signing an affirmation that states that the elector is a registered voter in that jurisdiction and is eligible to vote in that jurisdiction
 - If a voter has moved to a new address within the county and has not notified the county recorder of the change of address before the date of an election
- **Time allotted to determine the status of provisional ballot § 16-584**
 - Within ten calendar days after a general election that includes an election for a federal office and within five business days after any other election or no later than the time at which challenged early voting ballots are resolved
- **Provisional ballot rejection reasons § 16-584**
 - Not registered
 - No ballot in envelope
 - Registered after 29-day cut-off
 - No signature
 - Insufficient/illegible information
 - Signature does not match
 - Wrong party
 - Outside jurisdiction ballot
 - Voter challenge upheld
 - Voted in wrong precinct
 - Voted and returned an early ballot
 - Proper identification not provided by deadline
 - Administrative error
 - Not eligible
- **Method for informing voters whether provisional vote was counted § 16-584**



Polling Place

- Polling Place availability and requirements **§ 16-562**
- Electioneering or campaigning must not be closer than 75 feet to the entrance of the polling place **§ 16-515**
- Rules governing poll observers **§16-590; §16-311; §16-312; §16-341**
- Poll watcher qualifications **§ 16-590**
- The county party chairman may appoint one person per precinct; the parties must agree on the total number of people allowed per polling place. If they cannot agree, the rule is one person per party per polling place at a given time.
- Photography restrictions **§ 16-515**

State Emergency Rules and How Elections are Affected

- Secretary of State has authority to set rules and procedures (after declaring “election emergency”) **§ 16-543**
- Listed triggers for Emergency Rules **§ 16-543**
 - The occurrence of a national or local emergency that makes substantial compliance with the uniformed and overseas citizens absentee voting act impracticable, including occurrences of natural disasters or armed conflict or mobilization of the national guard or military reserve units of this state

Counting Rules

- Voting system requirements **§ 16-442.01**
- Counting procedures **§ 16-621**

Contest/Protest, Recount Rules

- Contest filing guidelines **§ 16-673**
- Challenging a candidate **§ 16-351**
- Challenging a voter **§ 16-591**
- Automatic recount **§ 16-661**
 - A recount of the vote is required when the canvass of returns in a primary or general election shows that the margin between the two candidates receiving the greatest number of votes for a particular office, or between the number of votes



cast for and against initiated or referred measures or proposals to amend the Constitution of Arizona, is less than or equal to the lesser of the following:

- 1. One-tenth of one per cent of the number of votes cast for both such candidates or upon such measures or proposals.
 - 2. Two hundred votes in the case of an office to be filled by state electors and for which the total number of votes cast is more than twenty-five thousand.
 - 3. Fifty votes in the case of an office to be filled by state electors and for which the total number of votes cast is twenty-five thousand or less.
 - 4. Two hundred votes in the case of an initiated or referred measure or proposal to amend the constitution.
 - 5. Fifty votes in the case of a member of the legislature.
 - 6. Ten votes in the case of an office to be filled by the electors of a city or town or a county or subdivision of a city, town or county.
- Contest/Protest recount **§ 16-672**
 - Any elector of the state may contest the election of any person declared elected to a state office, or declared nominated to a state office at a primary election, or the declared result of an initiated or referred measure, or a proposal to amend the Constitution of Arizona, or other question or proposal submitted to vote of the people, upon any of the following grounds:
 - 1. For misconduct on the part of election boards or any members thereof in any of the counties of the state, or on the part of any officer making or participating in a canvass for a state election.
 - 2. That the person whose right to the office is contested was not at the time of the election eligible to the office.
 - 3. That the person whose right is contested, or any person acting for him, has given to an elector, inspector, judge or clerk of election, a bribe or reward, or has offered such bribe or reward for the purpose of procuring his election, or has committed any other offense against the elective franchise.
 - 4. On account of illegal votes.
 - 5. That by reason of erroneous count of votes the person declared elected or the initiative or referred measure, or proposal to amend the constitution, or other question or proposal submitted, which has been declared carried, did not in fact receive the highest number of votes for the office or a sufficient number of votes to carry the measure, amendment, question or proposal.

