

REFERENCE TITLE: polling places; political parties; organization

State of Arizona  
Senate  
Fiftieth Legislature  
First Regular Session  
2011

# **SB 1331**

Introduced by  
Senator Antenori; Representatives Gowan, Stevens

AN ACT

AMENDING SECTIONS 16-411, 16-709, 16-821, 16-822, 16-823, 16-824 AND 16-825,  
ARIZONA REVISED STATUTES; RELATING TO ELECTIONS AND ELECTORS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 16-411, Arizona Revised Statutes, is amended to  
3 read:

4 16-411. Designation of election precincts and polling places:  
5 electioneering; wait times; bidding preference

6 A. Except as prescribed by subsection J of this section, the board of  
7 supervisors of each county, on or before December 1 of each year preceding  
8 the year of a general election, by an order, shall establish a convenient  
9 number of election precincts in the county and define the boundaries of the  
10 precincts. Such election precinct boundaries shall be so established as  
11 included within election districts prescribed by law for elected officers of  
12 the state and its political subdivisions including community college district  
13 precincts, except those elected officers provided for in titles 30 and 48.

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

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

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

29 3. On a specific finding of the board that the number of persons who  
30 are listed as permanent early voters pursuant to section 16-544 is likely to  
31 substantially reduce the number of voters appearing at one or more specific  
32 polling places at that election, adjacent precincts may be consolidated by  
33 combining polling places and precinct boards for that election. The board of  
34 supervisors shall ensure that a reasonable and adequate number of polling  
35 places will be designated for that election. Any consolidated polling places  
36 shall be listed in separate sections of the order or resolution of the board.

37 C. If the board fails to designate the place for holding the election,  
38 or if it cannot be held at or about the place designated, the justice of the  
39 peace in the precinct, two days before the election, by an order, copies of  
40 which the justice of the peace shall immediately post in three public places  
41 in the precinct, shall designate the place within the precinct for holding  
42 the election. If there is no justice of the peace in the precinct, or if the  
43 justice of the peace fails to do so, the election board of the precinct shall  
44 designate and give notice of the place within the precinct of holding the  
45 election. For any election in which there are no candidates for elected

1 office appearing on the ballot, the board may consolidate polling places and  
2 precinct boards and may consolidate the tabulation of results for that  
3 election if all of the following apply:

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

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

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

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

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

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

24 1. Space is not available at the school.

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

26 G. The board shall make available to the public as a public record a  
27 list of the polling places for all precincts in which the election is to be  
28 held including identification of polling place changes that were submitted to  
29 the United States department of justice for approval.

30 H. Except in the case of an emergency, any facility that is used as a  
31 polling place on election day shall allow persons to electioneer and engage  
32 in other political activity outside of the seventy-five foot limit prescribed  
33 by section 16-515 in public areas and parking lots used by voters. This  
34 subsection shall not be construed to permit the temporary or permanent  
35 construction of structures in public areas and parking lots or the blocking  
36 or other impairment of access to parking spaces for voters. **FOR THE PURPOSES  
37 OF THIS SUBSECTION, "EMERGENCY" MEANS AN IMMINENT THREAT TO THE HEALTH,  
38 WELFARE OR SAFETY OF THE NONELECTION USERS OR OCCUPANTS OF THE POLLING PLACE  
39 FACILITY.**

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



1 in the office of precinct committeeman. If a vacancy exists, the vacancy  
 2 shall be filled by the board of supervisors from a list of names submitted by  
 3 the county chairman of the appropriate political party. **THE BOARD OF**  
 4 **SUPERVISORS SHALL NOT FILL A VACANCY IN A PRECINCT COMMITTEEMAN POSITION**  
 5 **DURING THE PERIOD AFTER THE DATE OF THE PRIMARY ELECTION AND BEFORE THE DATE**  
 6 **THAT IS ONE DAY AFTER THE STATE PARTY ORGANIZATIONAL MEETING FOR THAT**  
 7 **POLITICAL PARTY.** Only a precinct committeeman elected at the primary  
 8 election prior to the date of a state or county committee organizing meeting  
 9 shall be permitted to vote at such meeting. The criteria used to establish  
 10 when a vacancy exists in the office of precinct committeeman shall be as  
 11 established in section 38-291.

12 Sec. 4. Section 16-822, Arizona Revised Statutes, is amended to read:  
 13 16-822. Precinct committeemen; eligibility; vacancy; duties;  
 14 term

15 A. Any member of a recognized political party who is a registered  
 16 voter in the precinct is eligible to seek the office of precinct committeeman  
 17 of his party in that precinct.

18 B. If the number of persons who file nominating petitions for an  
 19 election to fill precinct committeeman positions is less than or equal to the  
 20 number of precinct committeeman positions, the county board of supervisors  
 21 may cancel the election for those positions not sooner than seventy-five days  
 22 before the election and appoint the person who filed the nominating petition  
 23 to fill the position. If no person has filed a nominating petition to fill a  
 24 position, the position is deemed vacant and shall be filled as otherwise  
 25 provided by law. A precinct committeeman who is appointed pursuant to this  
 26 subsection after filing a nominating petition shall be deemed ~~and~~ AN elected  
 27 precinct committeeman.

28 C. If the number of persons who file nominating petitions for an  
 29 election to fill precinct committeeman positions is more than the number of  
 30 precinct committeeman positions for a recognized political party in a  
 31 precinct, a separate ballot shall be prepared for the election of precinct  
 32 committeemen for the political party in that precinct. The ballot shall  
 33 conform as nearly as practicable to ballot requirements in this title, and to  
 34 the official ballot prepared for that party in the primary election, but  
 35 shall be designated as the "official ballot for electing precinct  
 36 committeemen of the \_\_\_\_\_ party, primary election (date), \_\_\_\_\_  
 37 precinct, \_\_\_\_\_ county, state of Arizona." Only persons who are  
 38 registered as members of that political party in that precinct may vote that  
 39 precinct committeeman ballot. The election board or official shall provide  
 40 the partisan precinct committeeman ballot to voters who are registered with  
 41 that party in addition to the official ballot prepared for that party in the  
 42 primary election.

43 D. In addition to other provisions of law regarding removal from  
 44 office, a vacancy shall exist in the office of precinct committeeman when the

1 precinct committeeman moves from the precinct from which elected or changes  
2 his political party from the party in which he was elected.

3 E. The minimum duties of a precinct committeeman shall be to assist  
4 his political party in voter registration and to assist the voters of his  
5 political party to vote on election days. Additional duties shall be as  
6 provided for in the state committee bylaws of the party of which he is a  
7 member.

8 F. THE TERM OF OFFICE OF A PRECINCT COMMITTEEMAN IS TWO YEARS AND  
9 BEGINS ON THE DATE THAT THE COUNTY BOARD OF SUPERVISORS CANVASSES THE  
10 ELECTION OF THAT PRECINCT COMMITTEEMAN.

11 Sec. 5. Section 16-823, Arizona Revised Statutes, is amended to read:  
12 16-823. Legislative district committee; organization; boundary  
13 change; reorganization

14 A. A political party entitled, pursuant to section 16-801 or 16-804,  
15 to representation on the ballot may establish a district party committee for  
16 any legislative district as prescribed by law.

17 B. A district party committee established pursuant to subsection A of  
18 this section shall consist of the precinct committeemen residing in the  
19 district and elected pursuant to section 16-821, **INCLUDING ANY PRECINCT**  
20 **COMMITTEEMEN WHO ARE DEEMED ELECTED AS A RESULT OF CANCELLATION OF THE**  
21 **ELECTION AS PRESCRIBED IN SECTION 16-822.**

22 C. Each district party committee established pursuant to subsection A  
23 of this section shall meet no earlier than the second Saturday after the  
24 general election provided for in section 16-211 and no later than the first  
25 Saturday in the following December and organize by electing from its  
26 membership a chairman, two vice-chairmen, a secretary and a treasurer. The  
27 latter two offices may be filled by the same person. The chairman of the  
28 district committee is ex officio a member of the county committee of the  
29 county in which a plurality of the district's registered voters resides.

30 D. Each district party committee established pursuant to subsection A  
31 of this section shall meet after the effective date of reapportionment  
32 legislation that realigns or changes legislative district boundaries and  
33 organize according to the new boundaries, electing from its membership a  
34 chairman, two vice-chairmen, a secretary and a treasurer. The latter two  
35 offices may be filled by the same person. The chairman of the district  
36 committee is ex officio a member of the county committee of the county in  
37 which a plurality of the district's registered voters resides. The effective  
38 date for reapportionment legislation as provided in this subsection shall be  
39 as provided in article IV, part 1, section 1, Constitution of Arizona.

40 E. In the event the reapportionment legislation is challenged in court  
41 or by the United States justice department, the district organizations in  
42 effect before the passage of the reapportionment legislation shall continue  
43 to function along with the new district organizations created in accordance  
44 with subsection D of this section until the final settlement or adjudication  
45 of any legal challenge to the reapportionment legislation. Upon the final

1 settlement or adjudication of any legal challenge to the reapportionment  
2 legislation, the district organizations in effect before the enactment of the  
3 reapportionment legislation are considered dissolved.

4 F. If the boundaries of any district are changed as a result of legal  
5 action, each district party committee in that district shall meet as soon as  
6 possible and organize according to the boundaries that result from the legal  
7 action. Upon organization pursuant to this subsection all prior district  
8 organizations are dissolved.

9 G. For purposes of the election prescribed in subsection D of this  
10 section, the district committee shall consist of all precinct committeemen  
11 residing in the district who were serving in such position at least thirty  
12 days prior to the enactment of reapportionment legislation.

13 Sec. 6. Section 16-824, Arizona Revised Statutes, is amended to read:

14 16-824. Meeting, organization and officers of county committee

15 A. The county committee shall meet for the purpose of organizing no  
16 earlier than ten days after the last organizing meeting of the legislative  
17 districts which are part of the county, and in any event no later than the  
18 second Saturday in January of the year following a general election. The  
19 county committee shall elect from its membership a chairman, a first  
20 vice-chairman, a second vice-chairman, a secretary and a treasurer. The  
21 latter two offices may be filled by the same person. The chairman of the  
22 county committee shall be ex officio a member of the state committee.

23 B. The chairman of the county committee shall give notice of the time  
24 and place of such meeting by mail to each precinct committeeman at least ten  
25 days prior to the date of such meeting.

26 C. ONLY THOSE PERSONS WHO ARE ELECTED PRECINCT COMMITTEEMEN OR WHO ARE  
27 DEEMED ELECTED PRECINCT COMMITTEEMEN PURSUANT TO SECTION 16-822 ARE ELIGIBLE  
28 TO VOTE FOR OR SERVE IN ANY ELECTED OFFICE OF THE COUNTY COMMITTEE.

29 Sec. 7. Section 16-825, Arizona Revised Statutes, is amended to read:

30 16-825. State committee

31 A. The state committee of each party shall consist, in addition to the  
32 chairman of the several county committees, of one member of the county  
33 committee for every three members of the county committee elected pursuant to  
34 section 16-821, EXCEPT THAT FOR LEGISLATIVE DISTRICTS WITH A POPULATION OF  
35 MORE THAN FIVE HUNDRED THOUSAND PERSONS, THE LEGISLATIVE DISTRICT COMMITTEE  
36 SHALL ELECT ONE MEMBER TO THE STATE COMMITTEE FOR EVERY THREE MEMBERS OF THE  
37 LEGISLATIVE DISTRICT COMMITTEE ELECTED PURSUANT TO SECTION 16-822 INSTEAD OF  
38 ONE MEMBER OF THE COUNTY COMMITTEE FOR EVERY THREE MEMBERS OF THE COUNTY  
39 COMMITTEE. The state committeemen shall be chosen at the first meeting of  
40 the county committee OR LEGISLATIVE DISTRICT COMMITTEE from the COUNTY OR  
41 LEGISLATIVE DISTRICT committee's elected membership, AS APPROPRIATE.

42 B. ONLY THOSE PERSONS WHO ARE ELECTED PRECINCT COMMITTEEMEN OR WHO ARE  
43 DEEMED ELECTED PRECINCT COMMITTEEMEN PURSUANT TO SECTION 16-822 ARE ELIGIBLE  
44 TO VOTE FOR OR SERVE IN ANY ELECTED OFFICE OF THE STATE COMMITTEE.