

REFERENCE TITLE: elections; postings; mail balloting; amendments

State of Arizona  
Senate  
Fifty-first Legislature  
First Regular Session  
2013

## **SB 1276**

Introduced by  
Senators Crandell: Melvin; Representative Barton

AN ACT

AMENDING SECTIONS 16-248, 16-411, 16-466, 16-531 AND 16-563, 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 16-248, Arizona Revised Statutes, is amended to  
3 read:

4 16-248. Designation of polling places

5 A. Not less than twenty days before a presidential preference  
6 election, the board of supervisors shall designate a reasonable and adequate  
7 number of polling places where the election shall be held.

8 B. The number of polling places for the presidential preference  
9 election is to be determined according to the number of active registered  
10 voters as of January 1 of the year of the presidential preference election.

11 C. Each county with two hundred thousand or more active registered  
12 voters shall determine the number of polling places for the presidential  
13 preference election by using no more than one-half of the number of precincts  
14 as of January 1 of the year of the presidential preference election.

15 D. Each county with less than two hundred thousand active registered  
16 voters but ten thousand or more active registered voters shall determine the  
17 number of polling places for the presidential preference election by using no  
18 more than one polling place for every two thousand active registered voters  
19 as of January 1 of the year of the presidential preference primary.

20 E. Each county with less than ten thousand active registered voters  
21 shall determine the number of polling places for the presidential preference  
22 election by using no more than one polling place for every one thousand  
23 active registered voters as of January 1 of the year of the presidential  
24 preference election.

25 F. If ~~it is determined by~~ the secretary of state DETERMINES that  
26 compliance with state and federal regulations would be jeopardized, the  
27 secretary of state has the authority to release a county from the number of  
28 polling places prescribed by this section.

29 ~~G. This section does not apply to land located on an Indian~~  
30 ~~reservation.~~

31 ~~H. G.~~ In precincts ~~that contain fewer than three hundred active~~  
32 ~~registered voters~~ FOR WHICH THE BOARD OF SUPERVISORS MAKES A SPECIFIC FINDING  
33 THAT THE NUMBER OF REGISTERED VOTERS IN THE PRECINCT WHO ARE LISTED AS  
34 PERMANENT EARLY VOTERS PURSUANT TO SECTION 16-544, WHEN SUBTRACTED FROM THE  
35 NUMBER OF ACTIVE REGISTERED VOTERS IN THE PRECINCT, WILL RESULT IN A TOTAL OF  
36 THREE HUNDRED FIFTY OR FEWER ACTIVE REGISTERED VOTERS IN THAT PRECINCT, the  
37 officer in charge of elections may conduct a presidential preference election  
38 by mail.

39 Sec. 2. Section 16-411, Arizona Revised Statutes, is amended to read:

40 16-411. Designation of election precincts and polling places;  
41 voting centers; electioneering; wait times

42 A. Except as prescribed by subsection J of this section, the board of  
43 supervisors of each county, on or before December 1 of each year preceding  
44 the year of a general election, by an order, shall establish a convenient  
45 number of election precincts in the county and define the boundaries of the

1 precincts. Such election precinct boundaries shall be so established as  
2 included within election districts prescribed by law for elected officers of  
3 the state and its political subdivisions including community college district  
4 precincts, except those elected officers provided for in titles 30 and 48.

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

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

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

20 3. On a specific finding of the board that the number of persons who  
21 are listed as permanent early voters pursuant to section 16-544 is likely to  
22 substantially reduce the number of voters appearing at one or more specific  
23 polling places at that election, adjacent precincts may be consolidated by  
24 combining polling places and precinct boards for that election. The board of  
25 supervisors shall ensure that a reasonable and adequate number of polling  
26 places will be designated for that election. Any consolidated polling places  
27 shall be listed in separate sections of the order or resolution of the board.

28 4. On a specific ~~resolution~~ FINDING of the board, the board may  
29 authorize the use of voting centers in place of or in addition to  
30 specifically designated polling places. A voting center shall allow any  
31 voter in that county to receive the appropriate ballot for that voter on  
32 election day and lawfully cast the ballot. Voting centers may be established  
33 in coordination and consultation with the county recorder, at other county  
34 offices or at other locations in the county deemed appropriate. ON A  
35 SPECIFIC FINDING OF THE BOARD THAT THE NUMBER OF REGISTERED VOTERS IN THE  
36 PRECINCT WHO ARE LISTED AS PERMANENT EARLY VOTERS PURSUANT TO SECTION 16-544,  
37 WHEN SUBTRACTED FROM THE NUMBER OF ACTIVE REGISTERED VOTERS IN THE PRECINCT,  
38 WILL RESULT IN A TOTAL OF THREE HUNDRED FIFTY OR FEWER ACTIVE REGISTERED  
39 VOTERS IN THAT PRECINCT, THE OFFICER IN CHARGE OF ELECTIONS MAY CONDUCT THE  
40 ELECTION BY MAIL.

41 C. If the board fails to designate the place for holding the election,  
42 or if it cannot be held at or about the place designated, the justice of the  
43 peace in the precinct, two days before the election, by an order, copies of  
44 which the justice of the peace shall immediately post in three public places  
45 in the precinct, shall designate the place within the precinct for holding

1 the election. If there is no justice of the peace in the precinct, or if the  
2 justice of the peace fails to do so, the election board of the precinct shall  
3 designate and give notice of the place within the precinct of holding the  
4 election. For any election in which there are no candidates for elected  
5 office appearing on the ballot, the board may consolidate polling places and  
6 precinct boards and may consolidate the tabulation of results for that  
7 election if all of the following apply:

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

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

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

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

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

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

28 1. Space is not available at the school.

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

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

34 H. Except in the case of an emergency, any facility that is used as a  
35 polling place on election day or that is used as an early voting site during  
36 the period of early voting shall allow persons to electioneer and engage in  
37 other political activity outside of the seventy-five foot limit prescribed by  
38 section 16-515 in public areas and parking lots used by voters. This  
39 subsection shall not be construed to permit the temporary or permanent  
40 construction of structures in public areas and parking lots or the blocking  
41 or other impairment of access to parking spaces for voters. The county  
42 recorder shall post on its website at least two weeks before election day a  
43 list of those polling places in which emergency conditions prevent  
44 electioneering and shall specify the reason the emergency exemption was  
45 granted. If the polling place is not on the website list of polling places

1 with emergency conditions, electioneering and other political activity shall  
2 be permitted outside of the seventy-five foot limit. If an emergency arises  
3 after the county recorder's initial website posting, the county recorder  
4 shall update the website as soon as is practicable to include any new polling  
5 places, shall highlight the polling place location on the website and shall  
6 specify the reason the emergency exemption was granted.

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

13 1. The number of ballots voted in the prior primary and general  
14 elections.

15 2. The number of registered voters who voted early in the prior  
16 primary and general elections.

17 3. The number of registered voters and the number of registered voters  
18 who cast an early ballot for the current primary or general election.

19 4. The number of election board members and clerks and the number of  
20 rosters that will reduce voter wait time at the polls.

21 J. The board of supervisors of a county shall not change precinct  
22 lines during the period after July 31, 2008 and before January 1, 2011. The  
23 board of supervisors may subdivide an election precinct for administrative  
24 purposes or may provide for more than one polling place within the boundaries  
25 of the election precincts established for use in voting in elections held  
26 after July 31, 2008 and before January 1, 2011. In providing for multiple  
27 polling places within a precinct, the board of supervisors shall consider the  
28 particular population characteristics of each precinct in order to provide  
29 the voters the most reasonable access to the polls possible.

30 Sec. 3. Section 16-466, Arizona Revised Statutes, is amended to read:

31 16-466. Ballots, ballot labels and ballot screens:  
32 electromechanical

33 A. Ballots, ballot labels and ballot screens, as far as practicable,  
34 shall be in the same order of arrangement as provided for paper ballots,  
35 except that such information may be printed in vertical or horizontal rows,  
36 or in a number of separate pages or screens that are placed or displayed on  
37 the voting device.

38 B. Ballot labels shall be printed in plain clear type in black ink  
39 and, for use in a general election, ~~upon~~ ON clear white materials and be of  
40 such size and arrangement as to fit the construction of the voting device or  
41 the vote tabulating equipment. Ballots prepared for use in a primary  
42 election shall be printed on material of a different color designation for  
43 each political party represented. Ballots may contain printed code marks or  
44 punched holes which may be used for placing the ballots in correct reading  
45 positions in counting devices. The code marks or punched holes shall not be

1 used in any way that will reveal the identity of the voters voting the  
2 ballot.

3 C. The titles of offices may be arranged in vertical columns or in a  
4 series of separate pages or screens and shall be printed above or at the side  
5 of the names of candidates so as to indicate clearly the candidates for each  
6 office and the number to be elected. In case there are more candidates for  
7 an office than can be printed in one column or on one ballot page or screen,  
8 the ballot label shall be clearly marked that the list of candidates is  
9 continued on the following column, page or screen, and insofar as may be  
10 practicable, the same number of names shall be printed on each column, page  
11 or screen.

12 D. In primary and nonpartisan elections the names of candidates for  
13 each office shall appear on the ballot, ballot labels or ballot screens so  
14 that each candidate occupies each position substantially the same number of  
15 times insofar as may be practicable. If there are fewer or the same number  
16 of candidates seeking office than the number to be elected, rotation of names  
17 shall not be required and the names shall be placed in alphabetical order.

18 E. In primary elections for a judicial office if there are two or more  
19 candidates of the same political party their names shall be alternated on the  
20 ballots or ballot screens so that the name of each candidate shall appear  
21 substantially an equal number of times in each possible location on the  
22 ballot or screen.

23 F. ~~Two~~ ONE sample ~~ballots~~ **BALLOT**, which shall be **A** facsimile ~~copies~~  
24 **COPY** of the official ballot or ballot labels, shall be provided for each  
25 polling place and shall be posted on election day as provided for paper  
26 ballots **OR SHALL BE POSTED ON THE COUNTY'S WEBSITE**. Sample ballots may be  
27 printed on a single page or on a number of pages stapled together.

28 Sec. 4. Section 16-531, Arizona Revised Statutes, is amended to read:

29 16-531. Appointment of election boards and tally boards:  
30 qualifications

31 A. When an election is ordered, and not less than twenty days before a  
32 general or primary election, the board of supervisors shall appoint for each  
33 election precinct one inspector, one marshal, two judges and as many clerks  
34 of election as deemed necessary. The inspector, marshal, judges and clerks  
35 shall be qualified voters of the precinct for which appointed, unless there  
36 is not a sufficient number of persons available to provide the number of  
37 appointments required. ~~IF the inspector, marshal and judges shall not have~~  
38 ~~changed their political party affiliation or their no party preference~~  
39 ~~affiliation since the last preceding general election, and if they~~ are  
40 members of the two political parties that cast the highest number of votes in  
41 the state at the last preceding general election, they shall be divided  
42 equally between these two parties. There shall be an equal number of  
43 inspectors in the various precincts in the county who are members of the two  
44 largest political parties. In each precinct where the inspector is a member  
45 of one of the two largest political parties, the marshal in that precinct

1 shall be a member of the other of the two largest political parties.  
2 Whenever possible, any person appointed as an inspector shall have had  
3 previous experience as an inspector, judge, marshal or clerk of elections.  
4 If there is no qualified person in a given precinct, the appointment of an  
5 inspector may be made from names provided by the county party chairman. If  
6 not less than ninety days before the election the chairman of the county  
7 committee of either of the parties designates qualified voters of the  
8 precinct, or of another precinct if there are not sufficient members of his  
9 party available in the precinct to provide the necessary representation on  
10 the election board as judge, such designated qualified voters shall be  
11 appointed. The judges, together with the inspector, shall constitute the  
12 board of elections. Any registered voter in the election precinct, or in  
13 another election precinct if there are not sufficient persons available in  
14 the election precinct for which the clerks are being appointed, may be  
15 appointed as clerk.

~~16 B. If the election precinct consists of fewer than three hundred  
17 qualified electors, the board of supervisors may appoint not fewer than one  
18 inspector and two judges. The board of supervisors shall give notice of  
19 election precincts consisting of fewer than three hundred qualified electors  
20 to the county chairmen of the two largest political parties not later than  
21 thirty days before the election. The inspector and judges shall be appointed  
22 in the same manner by party as provided in subsection A of this section.~~

~~23 C.~~ B. If a nonpartisan election is ordered, not less than twenty days  
24 before the election the governing board holding the election shall appoint,  
25 without consideration for political party, a minimum of three election  
26 workers for each polling place. The election workers shall consist of at  
27 least one inspector and two judges. Whenever possible, they shall be  
28 qualified electors of the precinct located within the district, without  
29 consideration for political party.

~~30 D.~~ C. Where the election precinct consists of three hundred fifty or  
31 more qualified electors, the board of supervisors may in addition to the  
32 board of elections appoint a similar board to be known as the tally  
33 board. The tally board shall take custody of the ballots from the closing of  
34 the polls until the tally of the ballots is completed. The tally board shall  
35 consist of the inspector of the board of elections, two judges and not less  
36 than two clerks. The inspector and two judges shall be appointed to provide  
37 as equal as practicable representation of members of the two largest  
38 political parties on the board in the same manner as provided for the  
39 election boards. Any registered voter in the election precinct, or in  
40 another election precinct if there are not sufficient persons available in  
41 the election precinct for which the clerks are being appointed, may be  
42 appointed as clerk. A member appointed to serve on the tally board, with the  
43 exception of the inspector of the board of elections, shall not be appointed  
44 to serve on the board of elections. The inspector of the board of elections  
45 shall be a member of the tally board and during such time shall act as the

1 supervisor of the tally board. No United States, state, county or precinct  
2 officer, nor a candidate for office at the election, other than a precinct  
3 committeeman or a candidate for the office of precinct committeeman, is  
4 qualified to act as judge, inspector, marshal or clerk.

5 ~~E.~~ D. If an electronic voting system is in use the write-in ballots  
6 shall be tallied by a board of elections consisting of one inspector and two  
7 judges who are appointed in the same manner by party as provided in  
8 subsection A of this section.

9 ~~F.~~ E. At least ten days before a special election, the governing body  
10 conducting the election may in like manner appoint a special tally board or  
11 boards for the specific purpose of tallying the ballots on the closing of the  
12 polls. The tally boards shall consist of at least one inspector and two  
13 judges. The inspector of the board of elections shall act as the supervisor  
14 of the tally board.

15 ~~G.~~ F. Notwithstanding any other law, the board of supervisors may  
16 appoint to an election board to serve as a clerk of election a person who is  
17 not eligible to vote if all of the following conditions are met:

18 1. The person is a minor who will be at least sixteen years of age at  
19 the time of the election for which the person is named to the election board.

20 2. The person is a citizen of the United States at the time of the  
21 election for which the person is named to the election board.

22 3. The person is supervised by an adult who has been trained as an  
23 elections officer.

24 4. The person has received training provided by the officer in charge  
25 of elections.

26 5. The parent or guardian of the person has provided written  
27 permission for the person to serve.

28 ~~H.~~ G. A school district or charter school shall not be required to  
29 reduce its average daily membership, as defined in section 15-901, for any  
30 pupil who is absent from one or more instructional programs as a result of  
31 the pupil's service on an election board pursuant to subsection ~~G.~~ F of this  
32 section.

33 ~~I.~~ H. A school district or charter school shall not count any pupil's  
34 absence from one or more instructional programs as a result of the pupil's  
35 service on an election board pursuant to subsection ~~G.~~ F of this section  
36 against any mandatory attendance requirements for the pupil.

37 ~~J.~~ I. Nothing in this section shall prevent the board of supervisors  
38 or governing body from refusing for cause to reappoint, or from removing for  
39 cause, an election or tally board member.

40 Sec. 5. Section 16-563, Arizona Revised Statutes, is amended to read:

41 16-563. Posting sample ballots, instruction cards and notice to  
42 voters before opening polls

43 Before opening the polls the inspector of election shall direct the  
44 following postings:

- 1           1. One ~~of the~~ sample ~~ballots~~ **BALLOT** provided for in section 16-510,  
2 **WHICH SHALL BE A FACSIMILE COPY OF THE OFFICIAL BALLOT OR BALLOT LABELS, IN**  
3 **EACH POLLING PLACE AND SHALL BE POSTED ON ELECTION DAY AS PROVIDED FOR PAPER**  
4 **BALLOTS OR SHALL BE POSTED ON THE COUNTY'S WEBSITE,** one of the cards of  
5 instructions provided for in section 16-513 and one of the "Right to vote a  
6 provisional ballot" notices provided for in section 16-513.01 in plain view  
7 in the room where the ballots are cast. **SAMPLE BALLOTS MAY BE PRINTED ON A**  
8 **SINGLE PAGE OR ON A NUMBER OF PAGES STAPLED TOGETHER.** At least one other  
9 ~~sample ballot,~~ card of instruction and "Right to vote a provisional ballot"  
10 notice shall be posted in a conspicuous place in and around the polling  
11 place.
- 12           2. Three seventy-five foot limit notices approximately seventy-five  
13 feet in different directions from the main outside entrance being used by  
14 voters to enter the building in which the election is being held.
- 15           3. In each voting booth, a notice to voters provided in section 16-514  
16 at general elections only.