

REFERENCE TITLE: election procedures; workers; precincts; provisionals

State of Arizona
Senate
Fifty-second Legislature
Second Regular Session
2016

SB 1032

Introduced by
Senator Quezada; Representative Andrade

AN ACT

AMENDING SECTIONS 16-411, 16-531 AND 16-584, ARIZONA REVISED STATUTES;
RELATING TO CONDUCT OF ELECTIONS.

(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 voting centers; electioneering; wait times

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. The 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 that 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 The 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 3. THE BOARD SHALL DESIGNATE AT LEAST ONE-HALF OF THE TOTAL NUMBER OF
38 THE COUNTY'S PRECINCTS FOR THE USE OF ELECTRONIC MEDIA POLL LISTS, REGISTERS
39 AND SIGNATURE ROSTERS.

40 4. ~~On a specific resolution of the board,~~ The board ~~may~~ SHALL
41 authorize the use of voting centers in place of or in addition to
42 specifically designated polling places. A voting center shall allow any
43 voter in that county to receive the appropriate ballot for that voter on
44 election day and lawfully cast the ballot. Voting centers may be established

1 in coordination and consultation with the county recorder, at other county
2 offices or at other locations in the county deemed appropriate.

3 C. If the board fails to designate the place for holding the election,
4 or if it cannot be held at or about the place designated, the justice of the
5 peace in the precinct, two days before the election, by an order, copies of
6 which the justice of the peace shall immediately post in three public places
7 in the precinct, shall designate the place within the precinct for holding
8 the election. If there is no justice of the peace in the precinct, or if the
9 justice of the peace fails to do so, the election board of the precinct shall
10 designate and give notice of the place within the precinct of holding the
11 election. For any election in which there are no candidates for elected
12 office appearing on the ballot, the board may consolidate polling places and
13 precinct boards and may consolidate the tabulation of results for that
14 election if all of the following apply:

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

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

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

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

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

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

35 1. Space is not available at the school.

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

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

41 H. Except in the case of an emergency, any facility that is used as a
42 polling place on election day or that is used as an early voting site during
43 the period of early voting shall allow persons to electioneer and engage in
44 other political activity outside of the seventy-five foot limit prescribed by
45 section 16-515 in public areas and parking lots used by voters. This

1 subsection shall not be construed to permit the temporary or permanent
 2 construction of structures in public areas and parking lots or the blocking
 3 or other impairment of access to parking spaces for voters. The county
 4 recorder or other officer in charge of elections shall post on its website at
 5 least two weeks before election day a list of those polling places in which
 6 emergency conditions prevent electioneering and shall specify the reason the
 7 emergency designation was granted and the number of attempts that were made
 8 to find a polling place before granting an emergency designation. If the
 9 polling place is not on the website list of polling places with emergency
 10 designations, electioneering and other political activity shall be permitted
 11 outside of the seventy-five foot limit. If an emergency arises after the
 12 county recorder or other officer in charge of elections' initial website
 13 posting, the county recorder or other officer in charge of elections shall
 14 update the website as soon as is practicable to include any new polling
 15 places, shall highlight the polling place location on the website and shall
 16 specify the reason the emergency designation was granted and the number of
 17 attempts that were made to find a polling place before granting an emergency
 18 designation.

19 I. For the purposes of this section, a county recorder or other
 20 officer in charge of elections shall designate a polling place as an
 21 emergency polling place and thus prohibit persons from electioneering and
 22 engaging in other political activity outside of the seventy-five foot limit
 23 prescribed by section 16-515 but inside the property of the facility that is
 24 hosting the polling place if any of the following occurs:

- 25 1. An act of god renders a previously set polling place as unusable.
- 26 2. A county recorder or other officer in charge of elections has
 27 exhausted all options and there are no suitable facilities in a precinct that
 28 are willing to be a polling place unless a facility can be given an emergency
 29 designation.

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

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

44 ~~K. The board of supervisors of a county shall not change precinct~~
 45 ~~lines during the period after July 31, 2008 and before January 1, 2011. The~~

~~board of supervisors may subdivide an election precinct for administrative purposes or may provide for more than one polling place within the boundaries of the election precincts established for use in voting in elections held after July 31, 2008 and before January 1, 2011. In providing for multiple polling places within a precinct, the board of supervisors shall consider the particular population characteristics of each precinct in order to provide the voters the most reasonable access to the polls possible.~~

Sec. 2. Section 16-531, Arizona Revised Statutes, is amended to read:

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

A. When an election is ordered, and not less than twenty days before a general or primary election, the board of supervisors shall appoint for each election precinct one inspector, one marshal, two judges and as many clerks of election as deemed necessary. The inspector, marshal, judges and clerks shall be qualified voters of the precinct for which appointed, unless there is not a sufficient number of persons available to provide the number of appointments required. The inspector, marshal and judges shall not have changed their political party affiliation or their no party preference affiliation since the last preceding general election, and if they are members of the two political parties that cast the highest number of votes in the state at the last preceding general election, they shall be divided equally between these two parties. There shall be an equal number of inspectors in the various precincts in the county who are members of the two largest political parties. In each precinct where the inspector is a member of one of the two largest political parties, the marshal in that precinct shall be a member of the other of the two largest political parties. Whenever possible, any person appointed as an inspector shall have had previous experience as an inspector, judge, marshal or clerk of elections. If there is no qualified person in a given precinct, the appointment of an inspector may be made from names provided by the county party chairman. If not less than ninety days before the election the chairman of the county committee of either of the parties designates qualified voters of the precinct, or of another precinct if there are not sufficient members of his party available in the precinct to provide the necessary representation on the election board as judge, such designated qualified voters shall be appointed. The judges, together with the inspector, shall constitute the board of elections. Any registered voter in the election precinct, or in another election precinct if there are not sufficient persons available in the election precinct for which the clerks are being appointed, may be appointed as clerk.

B. BEFORE THE APPOINTMENT OF ELECTION WORKERS PURSUANT TO SUBSECTION A OF THIS SECTION, THE COUNTY OFFICER IN CHARGE OF ELECTIONS SHALL REVIEW THE NEEDS OF EACH PRECINCT TO DETERMINE WHETHER EACH PRECINCT IS LIKELY TO COMPLY WITH A THIRTY MINUTE MAXIMUM ALLOWABLE WAIT TIME AT THE POLLING PLACE FOR

1 THAT PRECINCT. THE OFFICER IN CHARGE OF ELECTIONS SHALL DO ALL OF THE
2 FOLLOWING:

3 1. DETERMINE FOR EACH PRECINCT WHETHER BILINGUAL BOARD WORKERS WOULD
4 REDUCE LIKELY VOTER WAIT TIMES AT THE POLLING PLACE AND THE NUMBER OF
5 BILINGUAL BOARD WORKERS NEEDED FOR THAT PURPOSE IN EACH PRECINCT.

6 2. DETERMINE FOR EACH PRECINCT THE LIKELY VOTER TURNOUT FOR THAT
7 PRECINCT, INCLUDING THE NUMBER OF PERSONS LIKELY TO VOTE WITH EARLY BALLOTS,
8 THE NUMBER OF PROVISIONAL BALLOTS CAST BY VOTERS IN THAT PRECINCT AND THE
9 LIKELY EFFECT ON WAIT TIMES FOR THAT PRECINCT.

10 3. DETERMINE FOR EACH PRECINCT WHETHER A REVISION TO PRECINCT LINES
11 AND POLLING PLACE LOCATIONS WOULD ADEQUATELY REDUCE WAIT TIMES FOR VOTERS IN
12 EACH PRECINCT.

13 4. HOLD A HEARING AT LEAST ONE HUNDRED TWENTY DAYS BEFORE AN ELECTION
14 TO CONSIDER A PLAN THAT INCORPORATES THE USE OF ADDITIONAL BILINGUAL BOARD
15 WORKERS AND REVISIONS TO PRECINCT LINES AND LOCATIONS OF POLLING PLACES IN
16 ORDER TO REDUCE WAIT TIMES.

17 5. AT LEAST THIRTY DAYS BEFORE THE HEARING, PRODUCE AND PUBLICIZE THE
18 PLAN, ALONG WITH ALL SUPPORTING DATA.

19 6. WITHIN THIRTY DAYS AFTER THE HEARING, MODIFY AND FINALIZE THE PLAN
20 AS APPROPRIATE TO ENSURE COMPLIANCE WITH THE MAXIMUM ALLOWABLE WAIT TIMES.
21 ANY QUALIFIED ELECTOR MAY CONTEST THE PLAN BY FILING AN ACTION IN SUPERIOR
22 COURT WITHIN TEN DAYS AFTER THE PUBLIC HEARING ALLEGING THAT THE PLAN DOES
23 NOT ADEQUATELY PROVIDE FOR COMPLIANCE WITH THE MAXIMUM ALLOWABLE WAIT TIMES.

24 ~~B-~~ C. If the election precinct consists of fewer than three hundred
25 qualified electors, the board of supervisors may appoint not fewer than one
26 inspector and two judges. The board of supervisors shall give notice of
27 election precincts consisting of fewer than three hundred qualified electors
28 to the county chairmen of the two largest political parties not later than
29 thirty days before the election. The inspector and judges shall be appointed
30 in the same manner by party as provided in subsection A of this section.

31 ~~C-~~ D. If a nonpartisan election is ordered, not less than twenty days
32 before the election the governing board holding the election shall appoint,
33 without consideration for political party, a minimum of three election
34 workers for each polling place. The election workers shall consist of at
35 least one inspector and two judges. Whenever possible, they shall be
36 qualified electors of the precinct located within the district, without
37 consideration for political party.

38 ~~D-~~ E. Where the election precinct consists of three hundred fifty or
39 more qualified electors, the board of supervisors may in addition to the
40 board of elections appoint a similar board to be known as the tally board.
41 The tally board shall take custody of the ballots from the closing of the
42 polls until the tally of the ballots is completed. The tally board shall
43 consist of the inspector of the board of elections, two judges and not less
44 than two clerks. The inspector and two judges shall be appointed to provide
45 as equal as practicable representation of members of the two largest

1 political parties on the board in the same manner as provided for the
2 election boards. Any registered voter in the election precinct, or in
3 another election precinct if there are not sufficient persons available in
4 the election precinct for which the clerks are being appointed, may be
5 appointed as clerk. A member appointed to serve on the tally board, with the
6 exception of the inspector of the board of elections, shall not be appointed
7 to serve on the board of elections. The inspector of the board of elections
8 shall be a member of the tally board and during such time shall act as the
9 supervisor of the tally board. No United States, state, county or precinct
10 officer, nor a candidate for office at the election, other than a precinct
11 committeeman or a candidate for the office of precinct committeeman, is
12 qualified to act as judge, inspector, marshal or clerk.

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

17 ~~F.~~ G. At least ten days before a special election, the governing body
18 conducting the election may in like manner appoint a special tally board or
19 boards for the specific purpose of tallying the ballots on the closing of the
20 polls. The tally boards shall consist of at least one inspector and two
21 judges. The inspector of the board of elections shall act as the supervisor
22 of the tally board.

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

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

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

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

32 4. The person has received training provided by the officer in charge
33 of elections.

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

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

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

1 ~~J~~ K. Nothing in this section shall prevent the board of supervisors
2 or governing body from refusing for cause to reappoint, or from removing for
3 cause, an election or tally board member.

4 Sec. 3. Section 16-584, Arizona Revised Statutes, is amended to read:
5 16-584. Qualified elector not on precinct register; recorder's
6 certificate; verified ballot; procedure

7 A. A qualified elector whose name is not on the precinct register and
8 who presents a certificate from the county recorder showing that the elector
9 is entitled by law to vote in the precinct shall be entered on the signature
10 roster on the blank following the last printed name and shall be given the
11 next consecutive register number, and the qualified elector shall sign in the
12 space provided.

13 B. A qualified elector whose name is not on the precinct register,
14 ~~upon~~ ON presentation of identification verifying the identity of the elector
15 that includes the voter's given name and surname and the complete residence
16 address that is verified by the election board to be in the precinct or on
17 signing an affirmation that states that the elector is a registered voter in
18 that jurisdiction and is eligible to vote in that jurisdiction, shall be
19 allowed to vote a provisional ballot.

20 C. If a voter has moved to a new address within the county and has not
21 notified the county recorder of the change of address before the date of an
22 election, the voter shall be permitted to correct the voting records for
23 purposes of voting in future elections at the appropriate polling place for
24 the voter's new address. The voter shall be permitted to vote a provisional
25 ballot. The voter shall present a form of identification that includes the
26 voter's given name and surname and the voter's complete residence address.
27 The residence address must be within the precinct in which the voter is
28 attempting to vote, and the voter shall affirm in writing that the voter is
29 registered in that jurisdiction and is eligible to vote in that jurisdiction.

30 D. **EACH POLLING PLACE SHALL PROVIDE A SEPARATE LINE FOR VOTERS WHO ARE**
31 **VOTING BY PROVISIONAL BALLOT.** On completion of the ballot, the election
32 official shall remove the ballot stub, shall place the ballot in a
33 provisional ballot envelope and shall deposit the envelope in the ballot
34 box. Within ten calendar days after a general election that includes an
35 election for a federal office and within five business days after any other
36 election or no later than the time at which challenged early voting ballots
37 are resolved, the signature shall be compared to the precinct signature
38 roster of the former precinct where the voter was registered. If the voter's
39 name is not signed on the roster and if there is no indication that the voter
40 voted an early ballot, the provisional ballot envelope shall be opened and
41 the ballot shall be counted. If there is information showing the person did
42 vote, the provisional ballot shall remain unopened and shall not be
43 counted. When provisional ballots are confirmed for counting, the county
44 recorder shall use the information supplied on the provisional ballot
45 envelope to correct the address record of the voter.

1 E. When a voter is allowed to vote a provisional ballot, the elector's
2 name shall be entered on a separate signature roster page at the end of the
3 signature roster. Voters' names shall be numbered consecutively beginning
4 with the number V-1. The elector shall sign in the space provided. The
5 ballot stub shall be removed and the ballot shall be placed in a separate
6 envelope, the outside of which shall contain the precinct name or number, a
7 sworn or attested statement of the elector that the elector resides in the
8 precinct, is eligible to vote in the election and has not previously voted in
9 the election, the signature of the elector and the voter registration number
10 of the elector, if available. The ballot shall be verified for proper
11 registration of the elector by the county recorder before being counted. The
12 verification shall be made by the county recorder within ten calendar days
13 after a general election that includes an election for a federal office and
14 within five business days following any other election, and the voter receipt
15 card, notification or identification card, if any, from the county recorder
16 used therefor, if valid, shall be returned to the elector within a reasonable
17 time thereafter. Verified ballots shall be counted by depositing the ballot
18 in the ballot box and showing on the records of the election that the elector
19 has voted. If registration is not verified the ballot shall remain unopened
20 and shall be retained in the same manner as voted ballots.

21 F. FOR ANY PROSPECTIVE VOTER WHO APPEARS AT AN INCORRECT POLLING
22 PLACE, THE BOARD WORKER AT THAT POLLING PLACE SHALL COMPLETE A FORM IN
23 DUPLICATE THAT CONTAINS THE NAME OF THE PRECINCT AT WHICH THE VOTER APPEARED
24 AND THE NAME AND LOCATION OF THE VOTER'S CORRECT VOTING PRECINCT AND POLLING
25 PLACE, SHALL RETAIN A COPY OF THE FORM AND SHALL PROVIDE TO THE VOTER A COPY
26 OF THE FORM. THE VOTER SHALL PRESENT THE COMPLETED FORM AT THE POLLING PLACE
27 AT WHICH THE VOTER WAS DIRECTED TO APPEAR AND SHALL VOTE A PROVISIONAL BALLOT
28 AS PRESCRIBED BY THIS SECTION. ON COMPLETION OF THE VERIFICATION PROCESS FOR
29 THAT VOTER'S PROVISIONAL BALLOT, IF THE VOTER WAS DIRECTED TO THE INCORRECT
30 PRECINCT, THE VOTER'S PROVISIONAL BALLOT SHALL BE COUNTED FOR ONLY THOSE
31 CANDIDATES AND ISSUES THAT ARE NOT PRECINCT SPECIFIC FOR THAT VOTER.

32 ~~F.~~ G. For any person who votes a provisional ballot, the county
33 recorder or other officer in charge of elections shall provide for a method
34 of notifying the provisional ballot voter at no cost to the voter whether the
35 voter's ballot was verified and counted and, if not counted, the reason for
36 not counting the ballot. The notification may be in the form of notice by
37 mail to the voter, establishment of a toll free telephone number, internet
38 access or other similar method to allow the voter to have access to this
39 information. The method of notification shall provide reasonable
40 restrictions that are designed to limit transmittal of the information only
41 to the voter.