State of Arizona  
Senate  
Fifty-third Legislature  
Second Regular Session  
2018

CHAPTER 261  
SENATE BILL 1437  

AN ACT  

AMENDING SECTIONS 16-193, 16-405, 16-407 AND 16-411, ARIZONA REVISED STATUTES; REPEALING TITLE 16, CHAPTER 4, ARTICLE 3, ARIZONA REVISED STATUTES; AMENDING SECTIONS 16-442, 16-444, 16-446, 16-447, 16-448, 16-449 AND 16-462, ARIZONA REVISED STATUTES; REPEALING SECTIONS 16-463 AND 16-466, ARIZONA REVISED STATUTES; AMENDING SECTIONS 16-468 AND 16-502, ARIZONA REVISED STATUTES; REPEALING SECTIONS 16-504, 16-505 AND 16-506, ARIZONA REVISED STATUTES; AMENDING SECTIONS 16-511, 16-514, 16-517, 16-531, 16-532, 16-534, 16-535 AND 16-536, ARIZONA REVISED STATUTES; REPEALING SECTION 16-546, ARIZONA REVISED STATUTES; AMENDING SECTION 16-552, ARIZONA REVISED STATUTES; REPEALING SECTION 16-561, ARIZONA REVISED STATUTES; AMENDING SECTIONS 16-565, 16-566 AND 16-570, ARIZONA REVISED STATUTES; REPEALING SECTION 16-578, ARIZONA REVISED STATUTES; AMENDING SECTIONS 16-580, 16-584 AND 16-585, ARIZONA REVISED STATUTES; REPEALING SECTION 16-601, ARIZONA REVISED STATUTES; AMENDING SECTION 16-603, ARIZONA REVISED STATUTES; REPEALING SECTIONS 16-604, 16-605 AND 16-606, ARIZONA REVISED STATUTES; AMENDING SECTIONS 16-609, 16-612, 16-615 AND 16-617, ARIZONA REVISED STATUTES; REPEALING SECTIONS 16-618, 16-619, 16-620 AND 16-641, ARIZONA REVISED STATUTES; AMENDING SECTIONS 16-675 AND 16-1018, ARIZONA REVISED STATUTES; RELATING TO ELECTIONS AND ELECTORS.

(TEXT OF BILL BEGINS ON NEXT PAGE)
Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 16-193, Arizona Revised Statutes, is amended to read:

16-193. Active registered voters; applicability
The terms "registered voters", "persons who are registered to vote", "registered electors" and "voters registered" as used in the following sections include only active registered voters for purposes of the following:

1. Calculating petition signature requirements pursuant to sections 11-133, 16-322, 16-341, 45-415, 45-433, 48-4433 and 48-4832.


3. Furnishing ballots pursuant to sections 16-508 and 48-685.

4. Determining qualification for political parties' continued representation on the ballot pursuant to sections 16-244 and 16-804.

5. Choosing political party officers pursuant to sections 16-821 and 16-823.

Sec. 2. Section 16-405, Arizona Revised Statutes, is amended to read:

16-405. Preparation for elections
The board of supervisors or other authority in charge of elections shall provide voting or marking devices, voting booths, ballots, early ballots as prescribed by section 16-545, ballot boxes, ballot labels, ballot cards, write-in ballots and other supplies as required. Where ballot cards are used each ballot card may have a serially numbered stub which shall be removed before the ballot card is deposited in the ballot box. The precinct number and, in primary elections, the party designation shall be printed on each ballot card.

Sec. 3. Section 16-407, Arizona Revised Statutes, is amended to read:

16-407. Election officers; qualifications; certificates; certification programs; plan; exemption; election training fund
A. Except as provided in subsection E OF THIS SECTION, no person may perform the duties or exercise the authority of an election officer or of the clerk of the board of supervisors or the county recorder in performance of election duties in or on behalf of any county unless the person is the holder of an election officer's certificate issued by the secretary of state before January 1 of each general election year.

B. The secretary of state shall provide for the examination of applicants for election officer certificates. The secretary of state may not issue a certificate to a person who has not demonstrated to the
satisfaction of the secretary of state that the person is competent to perform the work of an election officer or of the clerk of the board of supervisors or the county recorder in the performance of election duties.

C. The secretary of state shall provide for election officer certification programs of which successful completion by a person attests to the attendance at, participation in and completion of a course of instruction in the technical, legal and administrative aspects of conducting elections within this state.

D. On or before December 31 of each year of a general election, the secretary of state shall submit an election officer education, training and certification plan to the election officer education, training and certification advisory committee and to the president of the senate and the speaker of the house of representatives. The plan shall outline the achievements and problems of the previous two year period and specify the expected education, training and certification activities of the coming two year period.

E. Subsection A OF THIS SECTION does not apply to elected officials, clerical and secretarial personnel, counting center personnel — AND precinct election board and tally board members and election officials in cities or towns.

F. For city and town employees who work on elections, if the city or town chooses to enroll the city or town employees in the certification program prescribed by this section, the city or town shall reimburse the secretary of state for the costs of conducting the training. An election training fund is established consisting of monies received pursuant to this subsection. The secretary of state shall administer the fund. Monies in the fund are continuously appropriated and the secretary of state shall use monies in the fund to pay the costs of training officials from cities and towns pursuant to this subsection.

Sec. 4. Section 16-411, Arizona Revised Statutes, is amended to read:

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

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

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

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

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

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

4. On a specific resolution of the board, the board may authorize the use of voting centers in place of or in addition to specifically designated polling places. A voting center shall allow any voter in that county to receive the appropriate ballot for that voter on election day and lawfully cast the ballot. Voting centers may be established in coordination and consultation with the county recorder, at other county offices or at other locations in the county deemed appropriate.

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

1. All affected voters are notified by mail of the change at least thirty-three days before the election.
2. Notice of the change in polling places includes notice of the new voting location, notice of the hours for voting on election day and notice of the telephone number to call for voter assistance.

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

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

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

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

1. Space is not available at the school.
2. The safety or welfare of the children would be jeopardized.

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

H. Except in the case of an emergency, any facility that is used as a polling place on election day or that is used as an early voting site during the period of early voting shall allow persons to electioneer and engage in other political activity outside of the seventy-five foot limit prescribed by section 16-515 in public areas and parking lots used by voters. This subsection shall not be construed to permit the temporary or permanent construction of structures in public areas and parking lots or the blocking or other impairment of access to parking spaces for voters. The county recorder or other officer in charge of elections shall post on its website at least two weeks before election day a list of those polling places in which emergency conditions prevent electioneering and shall specify the reason the emergency designation was granted and the number of attempts that were made to find a polling place before granting an emergency designation. If the polling place is not on the website list of polling places with emergency designations, electioneering and other political activity shall be permitted outside of the seventy-five foot limit. If an emergency arises after the county recorder or other officer in charge of elections' initial website posting, the county recorder or other officer in charge of elections shall update the website as soon as practicable to include any new polling places, shall highlight the polling place location on the website and shall specify the reason the
emergency designation was granted and the number of attempts that were made to find a polling place before granting an emergency designation.

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

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

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

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

K. The board of supervisors of a county shall not change precinct 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. 5. Repeal
Title 16, chapter 4, article 3, Arizona Revised Statutes, is repealed.
Sec. 6. Heading change
The article heading of title 16, chapter 4, article 4, Arizona Revised Statutes, is changed from "VOTING EQUIPMENT; ELECTROMECHANICAL" to "VOTING EQUIPMENT".

Sec. 7. Section 16-442, Arizona Revised Statutes, is amended to read:

16-442. Committee approval; adoption of vote tabulating equipment; experimental use; emergency

A. The secretary of state shall appoint a committee of three persons, to consist of a member of the engineering college at one of the universities, a member of the state bar of Arizona and one person familiar with voting processes in the state, no more than two of whom shall be of the same political party, and at least one of whom shall have at least five years of experience with and shall be able to render an opinion based on knowledge of, training in or education in electronic voting systems, procedures and security. The committee shall investigate and test the various types of vote recording or tabulating machines or devices that may be used under this article. They THE COMMITTEE shall submit their ITS recommendations to the secretary of state who shall make final adoption of the type or types, make or makes, model or models to be certified for use in this state. The committee shall serve without compensation.

B. On completion of acquisition of machines or devices that comply with the help America vote act of 2002 (P.L. 107-252), Machines or devices used at any election for federal, state or county offices may only be certified for use in this state and may only be used in this state if they comply with the help America vote act of 2002 and if those machines or devices have been tested and approved by a laboratory that is accredited pursuant to the help America vote act of 2002.

C. After consultation with the committee prescribed by subsection A OF THIS SECTION, the secretary of state shall adopt standards that specify the criteria for loss of certification for equipment that was used at any election for federal, state or county offices and that was previously certified for use in this state. On loss of certification, machines or devices used at any election may not be used for any election for federal, state or county offices in this state unless recertified for use in this state.

D. The secretary of state may revoke the certification of any voting system or device for use in a federal, state or county election in this state or may prohibit for up to five years the purchase, lease or use of any voting system or device leased, installed or used by a person or firm in connection with a federal, state or county election in this state, or both, if either of the following occurs:

1. The person or firm installs, uses or permits the use of a voting system or device that is not certified for use or approved for experimental use in this state pursuant to this section.
2. The person or firm uses or includes hardware, firmware or software in a version that is not certified for use or approved for experimental use pursuant to this section in a certified voting system or device.

E. The governing body of a city or town or the board of directors of an agricultural improvement district may adopt for use in elections any kind of electronic voting system or vote tabulating device approved by the secretary of state, and thereupon the voting or marking device and vote tabulating equipment may be used at any or all elections for voting, recording and counting votes cast at an election.

F. The secretary of state or the governing body may provide for the experimental use of a voting system or device without a final adoption thereof OF THE VOTING SYSTEM OR DEVICE, and its use at the election is as valid as if the machines had been permanently adopted.

G. After consultation with the committee prescribed by subsection A OF THIS SECTION, the secretary of state may approve for emergency use an upgrade or modification to a voting system or device that is certified for use in this state if the governing body establishes in an open meeting that the election cannot be conducted without the emergency certification. Any such emergency certification shall be limited to no more than six months. At the conclusion of the certification period the voting system or device shall be decertified and unavailable for future use unless certified in accordance with this section.

Sec. 8. Section 16-444, Arizona Revised Statutes, is amended to read:

16-444. Definitions; applicability of general laws
A. In this article, unless the context otherwise requires:
1. "Ballot" means a paper ballot on which votes are recorded, or alternatively may mean ballot cards and ballot labels.
2. "Ballot card" means a tabulating card on which votes may be recorded by means of punching or marking.
3. "Ballot labels" means the cards, papers, booklet, pages or other material containing the names of offices and candidates and the statements of measures to be voted on, which are placed on the voting device.
4. "Computer program" includes all programs and documentation adequate to process the ballots at an equivalent counting center.
5. "Counting center" means one or more locations selected by the board of supervisors for the automatic counting of ballots.
6. "Electronic voting system" means a system in which votes are recorded on a paper ballot or ballot cards by means of marking or punching, and such votes are subsequently counted and tabulated by vote tabulating equipment at one or more counting centers.
7. "E-POLLBOOK" MEANS AN ELECTRONIC SYSTEM IN WHICH A VOTER IS CHECKED IN AND THROUGH WHICH A VOTER'S SIGNATURE IS RECORDED TO INDICATE THAT THE VOTER HAS VOTED.
7. 6. "Instructions and procedures manual" means the manual prepared for use as a guide for the conduct of elections by an approved electronic voting system, including, but not limited to, detailed instructions for the performance of each task relating to the collection of ballots and the counting of votes in a manner which will provide maximum security, efficiency and accuracy.

8. 7. "Vote tabulating equipment" includes apparatus necessary to automatically examine and count votes as designated on ballots or ballot cards and tabulate the results.

9. 8. "Voting device" means an apparatus which the voter uses to record his votes by marking or punching a hole in a paper ballot or tabulating card, which votes are subsequently counted by electronic tabulating equipment.

B. The provisions of all state laws relating to elections not inconsistent with this article apply to all elections where electronic or electromechanical tabulating devices are used. Any provision of law which conflicts with this article shall not apply to the elections in which electronic or electromechanical tabulating devices are used.

Sec. 9. Section 16-446, Arizona Revised Statutes, is amended to read:

16-446. Specifications of electronic voting system
A. An electronic voting system consisting of a voting or marking device in combination with vote tabulating equipment shall provide facilities for voting for candidates at both primary and general elections.

B. An electronic voting system shall:
1. Provide for voting in secrecy when used with voting booths.
2. Permit each elector to vote at any election for any person for any office whether or not nominated as a candidate, to vote for as many persons for an office as he is entitled to vote for and to vote for or against any question on which he is entitled to vote, and the vote tabulating equipment shall reject choices recorded on his ballot card or paper ballot if the number of choices exceeds the number that he is entitled to vote for the office or on the measure.
3. Prevent the elector from voting for the same person more than once for the same office.
4. Be suitably designed for the purpose used and be of durable construction, and may be used safely, efficiently and accurately in the conduct of elections and counting ballots.
5. Be provided with means for sealing the voting or marking device against any further voting after the close of the polls and the last voter has voted.
6. When properly operated, record correctly and count accurately every vote cast.
7. Provide a durable paper document that visually indicates the voter's selections, that the voter may use to verify the voter's choices, that may be spoiled by the voter if it fails to reflect the voter's choices and that permits the voter to cast a new ballot. This paper document shall be used in manual audits and recounts.

8. To the extent practicable, provide for the ballot layout to be in the same order of arrangement, including rotation, as provided for paper ballots, except that information may be printed in vertical or horizontal rows, or in a number of separate pages or screens that are placed or displayed on the voting device. The titles of offices may be arranged in vertical columns or in a series of separate pages or screens and shall be printed above or at the side of the names of candidates so as to indicate clearly the candidates for each office and the number to be elected. If there are more candidates for an office than can be printed in one column or on one ballot page or screen, the ballot shall be clearly marked that the list of candidates is continued on the following column, page or screen, and to the extent practicable, the same number of names shall be printed on each column, page or screen.

9. Provide for a color designation for use in the primary election for each political party represented.

Sec. 10. Section 16-447, Arizona Revised Statutes, is amended to read:

16-447. Voting devices; inspection; specifications and number of booths

A. Beginning on January 1, 2006. The board of supervisors shall provide at each polling place at least one device that complies with the Help America Vote Act of 2002 (P.L. 107-252) and that is certified by the secretary of state for use by voters with disabilities.

B. Before any election at which electronic voting devices are used, the board of supervisors or other authority in charge of elections shall have the voting devices prepared for the election and shall mail a notice to the chairmen of the county committees of the different political parties, stating when and where the voting devices may be inspected before they are sealed and delivered to the polling places.

C. The board of supervisors or other authority in charge of elections shall have delivered to each polling place a sufficient number of voting booths and voting or marking devices. The voting booths shall be durably constructed and shall be of sufficient size and so designed as to enable the voter to mark the voter's ballot in secrecy.

D. In any election, the election officer in charge of the election shall determine the number of voting devices to be used.

E. The board of supervisors shall designate a person to observe the installation and modification of any election management software or computer programming used for county election administration. The board of supervisors shall also designate a person to act as a substitute if the
primary designee is unavailable. The persons designated may be county
employees but may not be employed by or under the supervision of the
officer in charge of elections.

Sec. 11. Section 16-448, Arizona Revised Statutes, is amended to
read:

16-448. Write-in votes; instructions
A. Whenever ballots are to be counted by electronic data processing
equipment, all write-in votes for candidates, to be counted, shall be
marked by the voter with the rubber stamp or other marking device in the
space provided opposite the names of the write-in candidates. The
instructions to voters printed on the ballots shall instruct the voter
that the vote will not be counted unless the rubber stamp or other marking
device is used in marking the ballot THE VOTER PROPERLY MARKS THE BALLOT
when writing in a candidate's name.

B. When ballot cards are used to record votes, write-in votes may
be recorded by writing the name of the candidate and the office title on a
separate ballot, which may be in the form of a card or envelope.

Sec. 12. Section 16-449, Arizona Revised Statutes, is amended to
read:

16-449. Required test of equipment and programs; notice;
procedures manual
A. Within the period of time before the election day prescribed by
the secretary of state in the instructions and procedures manual adopted
pursuant to section 16-452, the board of supervisors or other election
officer in charge, or for an election involving state or federal
candidates, the secretary of state, shall have the automatic tabulating
equipment and programs tested to ascertain that the equipment and programs
will correctly count the votes cast for all offices and on all measures.
Public notice of the time and place of the test shall be given at least
forty-eight hours prior thereto by publication once in one or more daily
or weekly newspapers published in the town, city or village using such
equipment, if a newspaper is published therein, otherwise in a newspaper
of general circulation therein. The test shall be observed by at least
two election inspectors, who shall not be of the same political party, and
shall be open to representatives of the political parties, candidates, the
press and the public. The test shall be conducted by processing a
preadjudged group of ballots so punched or marked as to record a
predetermined number of valid votes for each candidate and on each measure
and shall include for each office one or more ballots that have votes in
excess of the number allowed by law in order to test the ability of the
automatic tabulating equipment and programs to reject such votes. If any
error is detected, the cause therefor shall be ascertained and corrected
and an errorless count shall be made before the automatic tabulating
equipment and programs are approved. A copy of a revised program shall be
filed with the secretary of state within forty-eight hours after the
If the error was created by automatic tabulating equipment malfunction, a report shall be filed with the secretary of state within forty-eight hours after the correction is made, stating the cause and the corrective action taken. The test shall be repeated immediately before the start of the official count of the ballots in the same manner as set forth above. After the completion of the count, the programs used and the ballots shall be sealed, retained and disposed of as provided for paper ballots.

B. Electronic ballot tabulating systems shall be tested for logic and accuracy within seven days before their use for early balloting pursuant to the instructions and procedures manual for electronic voting systems that is adopted by the secretary of state as prescribed by section 16-452. The instructions and procedures manual shall include procedures for the handling of ballots, the electronic scanning of ballots and any other matters necessary to ensure the maximum degree of correctness, impartiality and uniformity in the administration of an electronic ballot tabulating system.

C. Notwithstanding subsections A and B of this section, if a county uses accessible voting equipment to mark ballots and that accessible voting equipment does not independently tabulate or tally votes, the secretary of state in cooperation with the county officer in charge of elections may designate a single date to test the logic and accuracy of both the accessible voting equipment and electronic ballot tabulating systems.

Sec. 13. Section 16-462, Arizona Revised Statutes, is amended to read:

16-462. Form of paper ballot

The ballots for a primary election shall be printed with a different color designation for each political party that is included on the ballot. Unless otherwise provided by law, at the top and above the heading there shall be a stub on which shall be printed, "stub no. ________, register no. ________, to be torn off by inspector", separated from the ballot by a perforated line. Below the perforated line THE BALLOT shall be printed, "official ballot of the ________ party, primary election (date), ________ precinct, county (or city or town) of ________, state of Arizona.-- " Below the heading shall be placed the title of each office to be voted for, and an instruction to the voter as to how many are to be voted for the particular office, thus: "vote for not more than ________" (insert the number to be elected), under which shall be placed alphabetically and alternated, as provided by law, the names of all the party's candidates to be voted for in each precinct of the county or precinct or ward of the city or town for whom nomination papers have been filed for such office, leaving as many blank lines as there are offices under that title to be filled, followed by a square PLACE FOR THE VOTER TO MAKE A MARK TO INDICATE THE VOTER'S CHOICE EITHER to the right OR THE LEFT
of the candidate's name, and of the blank line. Double or more columns may be arranged on the ballot. In other respects the ballot shall conform as nearly as possible to the ballot prescribed for general elections.

Sec. 14. Repeal
Sections 16-463 and 16-466, Arizona Revised Statutes, are repealed.
Sec. 15. Section 16-468, Arizona Revised Statutes, is amended to read:

16-468. Form of ballot; optical scanning system; sample ballots

For any ballots intended for use in an optical scanning system, the following apply:

1. As nearly as is practicable, ballots shall have material printed in the same order as provided for paper ballots, except that material may be printed in vertical or horizontal rows or on separate pages. A ballot stub is not required.

2. Ballots shall be printed in plain clear type in black ink, and for a general election, on clear white materials, and shall be of a size and arrangement to fit the construction of the vote tabulating equipment or other voting device. For a primary election, ballots shall have a different color indicator for each political party that is represented. Ballots may contain printed code marks that may be used for placing the ballots in the correct position for tabulating devices. The code marks shall not be printed or used in any manner that will disclose the identity of the voter who votes that ballot.

3. The titles of offices may be arranged in vertical columns or in a series of separate pages and shall be printed above or at the side of the names of candidates in order to clearly indicate the candidates for each office and the number to be elected. If there are more candidates for an office than can be printed in one column or on one ballot page, the ballot label shall be clearly marked to indicate that the list of candidates is continued on the following column or page and, as nearly as is practicable, so that the same number of names is printed in each column or on each page.

4. As nearly as is practicable, in primary and nonpartisan elections, the names of candidates for each office shall appear on the ballot so that each candidate occupies each position on the ballot the same number of times. If there are fewer or the same number of candidates seeking office than the number to be elected, rotation of names is not required and the names shall be placed in alphabetical order.

5. As nearly as is practicable, in a primary election for a judicial office, if there are two or more candidates of the same political party, the candidate names shall be alternated on the ballot so that the name of each candidate appears an equal number of times in each possible location on the ballot.
6. Two sample ballots shall be provided for each polling place and shall be posted at the polling place on election day. Sample ballots may be printed on a single page or on a number of pages that are assembled together. A sample ballot shall be a facsimile copy of the official ballot.

7. The secretary of state shall establish a procedure pursuant to section 16-452 for the elimination of stubs for official ballots.

Sec. 16. Section 16-502, Arizona Revised Statutes, is amended to read:

16-502. Form and contents of ballot
A. Ballots shall be printed with black ink on white paper of sufficient thickness to prevent the printing thereon from being discernible from the back, and the same type shall be used for the names of all candidates. The ballots shall be headed "official ballot" in bold-faced plain letters, with a heavy rule above and below the heading. Immediately below shall be placed the words "type of election, (date of election)" and the name of the county and state in which the election is held. The name or number of the precinct in which the election is held shall be placed on the ballot in a uniform location for all ballots. No other matter shall be placed or printed at the head of any ballot, except above the heading there may be a stub that contains the words "stub no. _____, register no. _____, to be torn off by inspector." The stub shall be separated from the ballot by a perforated line, so that it may be easily detached from the ballot. Instructions to the voter on marking the ballot may be printed below the heading. The official ballots shall be bound together in blocks of not less than five nor more than one hundred. AS FOLLOWS:

1. PUT A MARK ACCORDING TO THE INSTRUCTIONS NEXT TO THE NAME OF EACH CANDIDATE FOR EACH OFFICE FOR WHOM YOU WISH TO VOTE.
2. IF YOU WISH TO VOTE FOR A PERSON WHOSE NAME IS NOT PRINTED ON THE BALLOT, WRITE SUCH NAME IN THE BLANK SPACE PROVIDED ON THE BALLOT AND PUT A MARK ACCORDING TO THE INSTRUCTIONS NEXT TO THE NAME SO WRITTEN.
3. PUT A MARK ACCORDING TO THE INSTRUCTIONS NEXT TO THE WORD "YES" OR "FOR" FOR EACH PROPOSITION OR QUESTION YOU WISH TO BE ADOPTED. PUT A MARK ACCORDING TO THE INSTRUCTIONS NEXT TO THE WORD "NO" OR "AGAINST" FOR EACH PROPOSITION OR QUESTION YOU WISH NOT TO BE ADOPTED.

B. Immediately below the ballot heading INSTRUCTIONS shall be placed the following:

Section One
Partisan Ballot

1. Put a mark according to the instructions next to the name of each candidate for each partisan office for whom you wish to vote.
2. If you wish to vote for a person whose name is not printed on the ballot, write such name in the blank space provided on the ballot or write in envelope and put a mark according to the instructions next to the name so written.

C. Immediately below the instructions for voting in section one there shall be placed in columns the names of the candidates of the several political parties. Next to each candidate's name there shall be printed in bold-faced letters the name of the political party. At the head of each column shall be printed the names of the offices to be filled with the name of each office being of uniform type size. At the head of each column shall be printed in the following order the names of candidates for:

1. Presidential electors, which shall be enclosed in a bracketed list and next to the bracketed list shall be printed in bold type the surname of the presidential candidate, and the surname of the vice-presidential candidate who is seeking election jointly with the presidential candidate shall be listed directly below the name of the presidential candidate. The indicator for the selection of the presidential and vice-presidential candidates shall be directly next to the surname of the presidential candidate, and one mark directly next to a presidential candidate's surname shall be counted as a vote for each elector in the bracketed list next to the presidential and vice-presidential candidates.

2. United States senator.

3. Representatives in Congress.

4. The several state offices.

5. The several county and precinct offices.

D. The names of candidates for the offices of state senator and state representative along with the district number shall be placed within the heading of each column to the right of the office name for state offices and immediately below the candidates for the office of governor. The number of the supervisorial district of which a candidate is a nominee shall be printed within the heading of each column to the right of the name of the office.

E. The lists of the candidates of the several parties shall be arranged with the names of the parties in descending order according to the votes cast for governor for that county in the most recent general election for the office of governor, commencing with the left-hand column. In the case of political parties which did not have candidates on the ballot in the last general election, such parties shall be listed in alphabetical order below the parties which did have candidates on the ballot in the last general election. The names of all candidates nominated under section 16-341 shall be placed in a single column below that of the recognized parties. Next to the name of each candidate, in parentheses, shall be printed a three-letter abbreviation that is taken
from the three words prescribed in the candidate's certificate of
nomination.

F. Immediately below the designation of the office to be voted for
shall appear the words: "Vote for not more than ________" (insert the
number to be elected).

G. In each column at the right OR LEFT of the name of each
candidate and on the same line there shall be a place for the voter to put
a mark. Below the name of the last named candidate for each office there
shall be as many blank lines as there are offices of the same title to be
filled, with a place for the voter to put a mark unless write-in envelopes
are provided for that purpose. Upon ON the blank line the voter may write
the name of any person for whom the VOTER desires to vote whose name is
not printed, and next to the name so written the VOTER shall designate
his choice by a mark as in the case of printed names.

H. When there are two or more candidates of the same political
party for the same office, or more than one candidate for a judicial
office, the names of all such candidates shall be so alternated on the
ballots used in each election district that the name of each candidate
shall appear substantially an equal number of times in each possible
location. If there are fewer or the same number of candidates seeking
office than the number to be elected, the rotation of names is not
required and the names shall be placed in alphabetical order.

I. Immediately below section one of the ballot shall be placed the
following:

Section Two
Nonpartisan Ballot

1. Put a mark according to the instructions next to the
name of each candidate for each nonpartisan office for whom
you wish to vote.

2. If you wish to vote for a person whose name is not
printed on the ballot, write such name in the blank space
provided on the ballot or write-in envelope and put a mark
according to the instructions next to the name so written.

3. Put a mark according to the instructions next to the
word 'yes' (or for) for each proposition or question you wish
to be adopted. Put a mark according to the instructions next
to the word 'no' (or against) for each proposition or question
you wish not to be adopted.

J. Immediately below the instructions for voting in HEADING FOR
section two shall be placed the names of the candidates for judges of the
superior court standing for election pursuant to article VI, section 12,
Constitution of Arizona, school district officials, justices of the
supreme court, judges of the court of appeals, judges of the superior
court standing for retention or rejection pursuant to article VI, section
38, Constitution of Arizona, JUDGES OF THE SUPERIOR COURT STANDING FOR
ELECTION PURSUANT TO ARTICLE VI, SECTION 12, CONSTITUTION OF ARIZONA.

SCHOOL DISTRICT OFFICIALS and other nonpartisan officials in a column or in columns without partisan or other designation except the title of office in an order determined by the officer in charge of the election.

K. Immediately below the offices listed in subsection J of this section, the ballot shall contain a separate heading of any nonpartisan office for a vacant unexpired term and shall include the expiration date of the term of the vacated office.

L. All proposed constitutional amendments and other propositions or questions to be submitted to the voters shall be printed immediately below the names of candidates for nonpartisan positions in such order as the secretary of state, or if a city or town election, the city or town clerk, designates. Placement of county and local charter amendments, propositions or questions shall be determined by the officer in charge of the election. Except as provided by section 19-125, each proposition or question shall be followed by the words "yes" and "no" or "for _____" and "against _____" as the nature of the proposition or question requires, and at the right OR LEFT of and next to each of such words shall be a place for the voter to put a mark according to the instructions that is similar in size to those places appearing opposite the names of the candidates, in which the voter may indicate his vote for or against such proposition or question by a mark as defined in section 16-400.

M. Instead of printing the official and descriptive titles or the full text of each measure or question on the official ballot, the officer in charge of elections may print phrases on the official ballot that contain all of the following:

1. The number of the measure in reverse type and at least twelve point type.

2. The designation of the measure as prescribed by section 19-125, subsection C or as a question, proposition or charter amendment, followed by the words "relating to..." and inserting the subject.

3. Either the statement prescribed by section 19-125, subsection D that describes the effects of a "yes" vote and a "no" vote or, for other measures, the text of the question or proposition.

4. The words "yes" and "no" or "for" and "against", as may be appropriate and a place for the voter to put a mark.

N. For any ballot printed pursuant to subsection M of this section, the instructions on the official ballot shall direct the voter to the full text of the official and descriptive titles and the questions and propositions as printed on the sample ballot and posted in the polling place.

Sec. 17. Repeal

Sections 16-504, 16-505 and 16-506, Arizona Revised Statutes, are repealed.
Sec. 18. Section 16-511, Arizona Revised Statutes, is amended to read:

16-511. Duty of board of supervisors to furnish election supplies to precinct officers

A. If paper signature rosters are used in a polling place, the necessary printed blanks for poll lists, tally lists, lists of voters, ballots, oath and returns, together with envelopes in which to enclose the returns, shall be furnished by the board of supervisors to the officers of each election precinct at the expense of the county. For those elections over which the board of supervisors has no responsibility, the governing body of each election district is responsible for furnishing the necessary supplies for elections which THAT it calls.

B. If electronic poll book systems are used in a precinct, the board of supervisors shall furnish at least two electronic poll book systems for each polling place, each of which shall be capable of printing poll lists, tally lists and lists of voters.

C. For any election that is not held under the supervision of the board of supervisors, the governing body of each election district is responsible for furnishing the necessary supplies for that election.

Sec. 19. Section 16-514, Arizona Revised Statutes, is amended to read:

16-514. Notice to voters; form

The board of supervisors shall furnish, to be placed in each voting booth, unless the information is printed on the sample ballot, a card or poster printed in English in large plain type containing the following:

Notice to Voters.

Section one of this ballot is comprised of partisan candidates. To vote for the candidates for the partisan offices, mark or punch the ballot next to the name of the candidate for each partisan office for whom you wish to vote. If you wish to vote for a person whose name is not printed on the ballot, write such name in the blank space provided and put a mark THE BALLOT next to the name according to the instructions, except that if a write-in ballot envelope is provided for such purpose, write the name and title of office of such person.

Section two of this ballot is comprised of nonpartisan candidates including judicial candidates, school district candidates and initiative or referendum propositions. To vote for the candidates for the nonpartisan offices, mark or punch the ballot opposite the name of the candidate for each nonpartisan office for which you wish to vote. If you wish to vote for a person whose name is not printed on the ballot, write such name in the blank space provided and put a mark THE BALLOT next to the name according to the instructions, except
that when a write-in ballot envelope is provided for such purpose, write the name and title of the office of such person. Mark or punch the ballot by the word "yes" (or "for") for each proposition or question which THAT you wish to be adopted. Mark or punch the ballot by the word "no" (or "against") for each proposition or question which THAT you wish not to be adopted.

When marking a paper ballot the voter shall do so by placing a mark next to the printed name or in the square following the name written in:

When punching a ballot card the voter shall do so by punching the position next to the name of the candidate or the position next to the 'yes' or 'no' for the measures submitted to the voters."

Sec. 20. Section 16-517, Arizona Revised Statutes, is amended to read:

16-517. Form of tally list

The tally list shall be in the following form: We hereby certify the following to be a true tally of the votes for the candidates and offices shown herein cast at the election held on the day of ,  in election precinct, county, Arizona:

<table>
<thead>
<tr>
<th>Names of offices and candidates:</th>
<th>Tally of votes</th>
</tr>
</thead>
<tbody>
<tr>
<td>(to be tallied in blocks of five as:)</td>
<td>Total vote (as:)</td>
</tr>
</tbody>
</table>

For representative in Congress:

John Doe ///// Ninety-nine

We further certify that the total vote set opposite the name of each candidate is the total number of votes received by him THAT CANDIDATE in the precinct of election.

(Leaving lines with designation, for signatures of clerks and board of election or tally board.)

Sec. 21. Heading change

The article heading of title 16, chapter 4, article 7, Arizona Revised Statutes, is changed from "ELECTION BOARDS AND TALLY BOARDS" to "ELECTION BOARDS".
Sec. 22. Section 16-531, Arizona Revised Statutes, is amended to read:

16-531. Appointment of election 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. If the election precinct consists of fewer than three hundred qualified electors, the board of supervisors may appoint not fewer than one inspector and two judges. The board of supervisors shall give notice of election precincts consisting of fewer than three hundred qualified electors to the county chairmen of the two largest political parties not later than thirty days before the election. The inspector and judges shall be appointed in the same manner by party as provided in subsection A of this section.

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

D. Where the election precinct consists of three hundred fifty or
more qualified electors, the board of supervisors may in addition to the
board of elections appoint a similar board to be known as the tally
board. The tally board shall take custody of the ballots from the closing
of the polls until the tally of the ballots is completed. The tally board
shall consist of the inspector of the board of elections, two judges and
not less than two clerks. FOR ELECTION BOARDS ESTABLISHED PURSUANT TO
SUBSECTION B OF THIS SECTION, the inspector and two judges shall be
appointed to provide as equal as practicable representation of members of
the two largest political parties on the board in the same manner as
provided for the election boards PRESCRIBED BY SUBSECTION A OF THIS
SECTION. 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. A member appointed to serve on the tally board, with
the exception of the inspector of the board of elections, shall not be
appointed to serve on the board of elections. The inspector of the board
of elections shall be a member of the tally board and during such time
shall act as the supervisor of the tally board. No United States, state,
county or precinct officer, nor a candidate for office at the election,
other than a precinct committeeman or a candidate for the office of
precinct committeeman, is qualified to act as judge, inspector, marshal or
clerk.

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

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

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

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

2. The person is a citizen of the United States at the time of the
election for which the person is named to the election board.
3. The person is supervised by an adult who has been trained as an elections officer.
4. The person has received training provided by the officer in charge of elections.
5. The parent or guardian of the person has provided written permission for the person to serve.

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

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

Sec. 23. Section 16-532, Arizona Revised Statutes, is amended to read:

16-532. **Instruction of election board inspectors and judges; certificate of qualification; optional training; instruction of counting center election officials**
A. Not more than forty-five days **prior before** to an election the board of supervisors or other authority in charge of elections shall conduct a class for the instruction of inspectors and judges of the election board in their duties, which shall include instruction in the voting system to be used and the election laws applicable to such election. Each election board member receiving instructions and properly qualified shall receive a certificate of qualification. Only inspectors and judges of the election board who have received the required instruction class shall serve at any election, except as provided pursuant to sections 16-533 and 16-534. Other members of the election board may be trained at the same time.

B. The instructor of election board members shall be qualified in election law and shall have had practical experience in the election process such person is teaching.

C. The election authority in charge of the instructional classes may conduct multiple sessions to **ensure ensure** that election board members receive adequate instruction.

D. The board of supervisors or other officer in charge of elections may approve an alternate method of instruction and testing for election board members. Each election board member who successfully completes the instruction shall be certified as a premium board worker. This instruction may include at least eight classroom hours of instruction and
shall include a written examination on election law and election procedures. Except as provided in subsection E of this section, a certified premium board worker shall not be required to receive additional instruction for at least thirty months from the date of that worker's individual certification. The board of supervisors may approve additional compensation for certified premium board workers.

E. The board of supervisors or other authority in charge of elections may require additional training at any time for any or all election board workers, including premium board workers. The board of supervisors or other authority in charge of elections shall notify election board workers in writing of changes in the law regarding elections or changes in election procedures. This notification shall be made immediately preceding the election in which the statutory change or procedural change regarding election law becomes effective.

F. Not more than forty-five days prior to the day of an election utilizing a punch card method of voting and electromechanical tabulation of ballots, the board of supervisors or other authority in charge of elections shall conduct a class for the deputized counting center election officials in their duties.

Sec. 24. Section 16-534, Arizona Revised Statutes, is amended to read:

16-534. Inspector as chairman of board; powers; power of board and clerks to administer oaths; oath of members

A. The inspector shall be chairman of the election board, and supervisor of the tally board, and may appoint judges, clerks and a marshal if during the election a judge, clerk or marshal fails to act, or has not been appointed, and if the list of alternate board members as specified in section 16-533 is not available.

B. The inspector, any member of the election board or clerks thereof may administer and certify oaths required in the election.

C. Before opening the polls, each member of the board and each clerk shall take an oath to faithfully perform the duties imposed upon him ON EACH MEMBER AND CLERK by law. Any elector of the precinct may administer and certify the oath.

Sec. 25. Section 16-535, Arizona Revised Statutes, is amended to read:

16-535. Election marshal; appointment; powers and duties

A. The board of supervisors, at the time provided in section 16-531, shall appoint a qualified voter of the precinct as election marshal.

B. The election marshal shall preserve order at the polls and permit no violation of the election laws and for that purpose is vested with powers of a constable from the opening of the polls until the count of the ballots is completed. The election marshal shall also periodically
measure the length of waiting times at that polling place throughout the
day, and if the waiting time is thirty minutes or more, the marshal shall
inform the officer in charge of elections and shall request additional
voting machines, voting booths and board workers, as appropriate. The
election marshal may perform the duties of any other election board member
on a relief basis.

Sec. 26. Section 16-536, Arizona Revised Statutes, is amended to
read:

16-536. Compensation of election board officers
The compensation of the election and tally board officers shall be
fixed by the board of supervisors and shall be a county charge. In no
case shall an election or tally board member be paid less than thirty
dollars per day.

Sec. 27. Repeal
Section 16-546, Arizona Revised Statutes, is repealed.

Sec. 28. Section 16-552, Arizona Revised Statutes, is amended to
read:

16-552. Early ballots; processing; challenges
A. In a jurisdiction that uses punch card ballots, the early
election board, immediately upon receipt of the early ballots, shall, as
provided by this section, cast separately for each precinct the early
ballots which have been received. In a jurisdiction that uses optical
scan ballots, the officer in charge of elections may use the procedure
prescribed by this section or may request approval from the secretary of
state for a different method for processing early ballots. The request
shall be made in writing at least ninety days before the election for
which the procedure is intended to be used. After the election official
has confirmed with the secretary of state that all election equipment
passes the logic and accuracy test, the election official may begin to
count early ballots. No early ballot results may be released except as
prescribed by section 16-551.

B. The early election board shall check the voter's affidavit on
the envelope containing the early ballot. If it is found to be
sufficient, the vote shall be allowed. If the affidavit is insufficient,
the vote shall not be allowed.

C. The county chairman of each political party represented on the
ballot may, by written appointment addressed to the early election board,
MAY designate party representatives and alternates to act as early ballot
challengers for the party. No party may have more than the number of such
representatives or alternates which THAT were mutually agreed upon ON by
each political party to be present at one time. If such agreement cannot
be reached, the number of representatives shall be limited to one for each
political party.
D. An early ballot may be challenged on any grounds set forth in section 16-591. All challenges shall be made in writing with a brief statement of the grounds prior to BEFORE the early ballot being IS placed in the ballot box. A record of all challenges and resulting proceedings shall be kept in substantially the same manner as provided in section 16-594. If an early ballot is challenged, it shall be set aside and retained in the possession of the early election board or other officer in charge of early ballot processing until a time that the early election board sets for determination of the challenge, subject to the procedure in subsection E of this section, at which time the early election board shall hear the grounds for the challenge and shall decide what disposition shall be made of the early ballot by majority vote. If the early ballot is not allowed, it shall be handled pursuant to subsection G of this section.

E. Within twenty-four hours of receipt of a challenge, the early election board or other officer in charge of early ballot processing shall mail, by first class mail, a notice of the challenge including a copy of the written challenge, and also including the time and place at which the voter may appear to defend the challenge, to the voter at the mailing address shown on the request for an early ballot or, if none was provided, to the mailing address shown on the registration rolls. Notice shall also be mailed to the challenger at the address listed on the written challenge and provided to the county chairman of each political party represented on the ballot. The board shall meet to determine the challenge at the time specified by the notice but, in any event, not earlier than ninety-six hours after the notice is mailed, or forty-eight hours if the notifying party chooses to deliver the notice by overnight or hand delivery, and not later than 5:00 p.m. on the Monday following the election. The board shall provide the voter with an informal opportunity to make, or to submit, brief statements regarding the challenge. The board may decline to permit comments, either in person or in writing, by anyone other than the voter, the challenger and the party representatives. The burden of proof is on the challenger to show why the voter should not be permitted to vote. The fact that the voter fails to appear shall not be deemed to be an admission of the validity of the challenge. The early election board or other officer in charge of early ballot processing is not required to provide the notices described in this subsection if the written challenge fails to set forth at least one of the grounds listed in section 16-591 as a basis for the challenge. In that event, the challenge will be summarily rejected at the meeting of the board. Except for election contests pursuant to section 16-672, the board's decision is final and may not be appealed.

F. If the vote is allowed, the board shall open the envelope containing the ballot in such a manner that the affidavit thereon is not destroyed, take out the ballot without unfolding it or permitting it to be
opened or examined and show by the records of the election that the elector has voted.

G. If the vote is not allowed, the affidavit envelope containing the early ballot shall not be opened and the board shall mark across the face of such envelope the grounds for rejection. The affidavit envelope and its contents shall then be deposited with the opened affidavit envelopes and shall be preserved with official returns. If the voter does not enter an appearance, the board shall send the voter a notice stating whether the early ballot was disallowed and, if disallowed, providing the grounds for the determination. The notice shall be mailed by first class mail to the voter's mailing address as shown on the registration rolls within three days after the board's determination.

H. Party representatives and alternates may be appointed as provided in subsection C of this section to be present and to challenge the verification of questioned ballots pursuant to section 16-584 on any grounds permitted by this section. Questioned ballots which are challenged shall be presented to the early election board for decision under the provisions of this section.

Sec. 29. Repeal

Section 16-561, Arizona Revised Statutes, is repealed.

Sec. 30. Section 16-565, Arizona Revised Statutes, is amended to read:

16-565. Hours polls opened and closed; proclamation of opening and closing polls

A. For any election called pursuant to the laws of this state, the polls shall be opened in every precinct at 6:00 a.m. on the day of election and shall be closed at 7:00 p.m.

B. Before the election board receives any ballots, it shall proclaim aloud at the place of election that the polls are open and voting may thereupon commence and continue during the time the polls remain open.

C. The election marshal shall proclaim the opening of the polls at 6:00 a.m. and shall proclaim the closing of the polls at one hour, at thirty minutes, at fifteen minutes and at one minute before closing and again at the moment of closing. The inspector and two judges shall determine when the hour for closing the polls has arrived.

D. Any qualified voter who at the moment of closing is in the line of waiting voters shall be allowed to prepare and have his ballot deposited by the election board official in the presence of the election board and himself VOTE.

Sec. 31. Section 16-566, Arizona Revised Statutes, is amended to read:

16-566. Opening and closing of polling place; unused ballots

A. At least thirty minutes before the opening of the polls the precinct election officers shall arrive at the polling place and set up the voting booths so that they will be in clear view of the election
officers. If voting devices are used, they shall open and place them in
the voting booths, examine them to see that they have the correct ballot
labels by comparing them with the sample ballots and are in proper working
order. They shall open and check the ballots, ballot cards, supplies,
records and forms, and post the sample ballots and instructions to
voters.

B. As soon as the polls have been closed and the last qualified
voter has voted, the voting or marking devices shall be sealed against
further voting. All unused ballots or ballot cards shall be placed in a
container and sealed for return to the board of supervisors or other
officer in charge of elections.

Sec. 32. Section 16-570, Arizona Revised Statutes, is amended to
read:

16-570. Conduct of election; duties of officers; placing
machines

A. One election official shall attend the voting machine, and the
other officers shall attend the poll books and perform the duties of
election officials as provided by law.

B. The voting machine shall be so placed and protected that it is
accessible to only one voter at a time and is in full view of all election
officers and watchers OBSERVERS at the polling place.

C. The election official attending the machine shall inspect the
face of the machine periodically to ascertain whether the ballot labels
are in their proper places and that the machine has not been injured or
tampered with.

D. C. During elections the door or other compartment of the
machine shall not be unlocked or opened or the counters exposed except for
good and sufficient reasons, a statement of which shall be made and signed
by the election officers and attached to the returns.

Sec. 33. Repeal

Section 16-578, Arizona Revised Statutes, is repealed.

Sec. 34. Section 16-580, Arizona Revised Statutes, is amended to
read:

16-580. Manner of voting; assistance for certain electors

A. Except as prescribed by subsection G E of this section, only
one person per voting booth shall be permitted at any one time to sign for
the receipt of a ballot and to wait for an opportunity to vote.

B. On receiving a ballot the voter shall promptly and without
leaving the voting area retire alone, except as provided in subsection
G E of this section, to one of the voting booths that is not occupied,
prepare the ballot in secret and vote in the manner and substantial form
as required by the instruction to voters.

C. In order that the rights of other voters shall not be interfered
with, a voter shall not be allowed to occupy a voting booth for more than
five minutes when other voters are waiting to occupy the booth. If the
voter refuses to leave after the lapse of five minutes, the voter may be
removed by the judges. If a voter has not completed a ballot after the
allotted five minutes, the voter may request the marshal to hold the
ballot and when another booth is empty and all voters present have had an
opportunity to vote the removed person may be allowed an additional five
minutes in the booth.

B. Before leaving the voting booth the voter shall fold the ballot
lengthwise and crosswise, or place the voter's card in the ballot
envelope, but in such a way that the contents of the ballot shall be
concealed and the stub, if any, can be removed without exposing the
contents of the ballot and shall keep the ballot folded until the voter
has delivered it to the inspector, or judge acting as such.

E. C. The election board official shall receive the ballot from
the voter and in the presence of the election board and if the ballot
includes a stub, remove the stub without opening the ballot. VOTER SHALL
deposit the ballot in the ballot box, or if the voter so requests, hand
the ballot to the VOTER ELECTION BOARD OFFICIAL and permit the VOTER
ELECTION BOARD OFFICIAL to deposit the ballot in the ballot box, and
string the stub, if any, on a string provided. If the ballot is of the
type that includes a stub and the stub has been removed from the ballot
before receipt by the election official, it shall not be deposited in the
ballot box, but it shall be marked "spoiled" and placed with the spoiled
ballots.

F. D. After delivery of the ballot to the election board official,
or if the voter has asked to deposit the ballot in the ballot box, after
the ballot is deposited, the voter shall then proceed outside the voting
area and shall not again enter the voting area unless the voter is an
authorized election official OR AN OFFICIAL OBSERVER OR IS ASSISTING
ANOTHER VOTER.

G. E. Any registered voter, at the voter’s option, may be
accompanied by a minor who is permitted in the voting booth pursuant to
section 16-515, subsection E, be accompanied and assisted by a person of
the voter’s own choice or be assisted by two election officials, one from
each major political party, during any process relating to voting or
during the actual process of voting on a paper ballot, machine or
electronic voting system. A person who is a candidate for an office in
that election other than the office of precinct committeeman is not
eligible to assist any voter.

Sec. 35. Section 16-584, Arizona Revised Statutes, is amended to
read:

16-584. Qualified elector not on precinct register;
recorder's certificate; verified ballot; procedure

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

B. A qualified elector whose name is not on the precinct register, upon 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, shall be allowed to vote a provisional ballot.

C. 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, the voter shall be permitted to correct the voting records for purposes of voting in future elections at the appropriate polling place for the voter's new address. The voter shall be permitted to vote a provisional ballot. The voter shall present a form of identification that includes the voter's given name and surname and the voter's complete residence address. The residence address must be within the precinct in which the voter is attempting to vote, and the voter shall affirm in writing that the voter is registered in that jurisdiction and is eligible to vote in that jurisdiction.

D. On completion of the ballot, the election official shall remove the ballot stub, shall place the ballot in a provisional ballot envelope and shall deposit the envelope in the ballot box. 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, the signature shall be compared to the precinct signature roster of the former precinct where the voter was registered. If the voter's name is not signed on the roster and if there is no indication that the voter voted an early ballot, the provisional ballot envelope shall be opened and the ballot shall be counted. If there is information showing the person did vote, the provisional ballot shall remain unopened and shall not be counted. When provisional ballots are confirmed for counting, the county recorder shall use the information supplied on the provisional ballot envelope to correct the address record of the voter.

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

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

Sec. 36. Section 16-585, Arizona Revised Statutes, is amended to read:

16-585. Spoiled ballots; disposition

If a voter spoils a ballot or ballot card and obtains another, the inspector and one of the judges shall write on the back thereof OF THE BALLOT the words "returned spoiled", sign their names thereto, and without opening the ballot, string it upon a string provided for that purpose and return it with the stubs of voted ballots to the board or persons from whom the ballots were originally received.

Sec. 37. Repeal

Section 16-601, Arizona Revised Statutes, is repealed.

Sec. 38. Section 16-603, Arizona Revised Statutes, is amended to read:

16-603. Inspection of ballots by party representative

A mutually agreed upon number of representatives and alternates of each political party represented on the ballot by a party designation and column, appointed in the manner provided by section 16-590, may remain inside the voting area from the time the polls are closed, and, without unduly hindering or delaying the count, one representative from each party at a time may inspect the ballots as they are read and the tally lists as the votes are tallied or counted, but the ballots and tally lists shall at all times remain under the personal charge and keeping of the election officers and shall not be permitted to pass from their hands.
Sec. 39. **Repeal**
Sections 16-604, 16-605 and 16-606, Arizona Revised Statutes, are repealed.

Sec. 40. Section 16-609, Arizona Revised Statutes, is amended to read:

16-609. **Questioned legality of ballots; procedure**
A. No **ONLY** ballots but **those** THAT ARE provided in accordance with the provisions of law shall be counted.
B. When a question arises as to the legality of a ballot, or a part thereof **OF A BALLOT**, the action taken **upon** ON the decision of the election board **or** tally board as to its legality, signed by the majority voting for the action, with a concise statement of the facts giving rise to the question, shall be endorsed **upon** ON the ballot and signed by a majority of the board.

Sec. 41. Section 16-612, Arizona Revised Statutes, is amended to read:

16-612. **Determination of write-in choice of voter**
A. When the printed name of a candidate is followed by the name of another person written on the ballot by the voter in the space provided for that purpose, and a mark as defined in section 16-400 appears in the space after either the printed or the written names, but not both, the printed name shall be rejected and the written one counted, and the action of the board shall be noted on the back of the ballot and signed by a majority of the election board **or** tally board.
B. If the name of a person appears as having been voted for two or more times for the same office, the ballot shall be counted as one vote.
C. If an elector writes **upon** ON his ballot the name of any person who is a candidate for any office **upon** ON some other ballot than that **upon** ON which his name is so written, such elector shall thereby invalidate his vote for that particular office, but the vote on the remainder of the ballot shall be counted.

Sec. 42. Section 16-615, Arizona Revised Statutes, is amended to read:

16-615. **Delivery of returns**
A. Before it adjourns, the election board **or** tally board shall enclose and seal in a strong envelope provided for that purpose one of the poll lists **and one of the tally lists**, signed as required.
B. The envelope containing the poll list **and the tally list** shall constitute the official returns of the election and **shall**, together with the envelope containing the voted ballots, **SHALL** be delivered to one of the members of the election board **or** tally board, previously determined by lot, unless otherwise agreed **upon** ON, and such member shall by himself, or by an agent agreed **upon** ON by the board and sworn by a member thereof, in the presence of the board to faithfully perform the duties of election messenger, without delay, and by the most expeditious means and route,
deliver the packages and envelopes, without opening them, to the officer in charge of the election at his office, or to the nearest postmaster or sworn express agent, who shall endorse on the packages and envelopes the name of the person delivering them, and the hour and date of the delivery, and forward the packages and envelopes by the first mail or express to the officer in charge of the election at the county seat.

Sec. 43. Section 16-617, Arizona Revised Statutes, is amended to read:

16-617. Transmittal of signature roster and precinct registers after election

The inspector of the election board shall, at the close of the election, return the signature roster and copies of the precinct registers along with the other election supplies to the board of supervisors or officer in charge of elections.

Sec. 44. Repeal

Sections 16-618, 16-619, 16-620 and 16-641, Arizona Revised Statutes, are repealed.

Sec. 45. Section 16-675, Arizona Revised Statutes, is amended to read:

16-675. Summons; form; answer

A. Upon filing of the statement of contest, the clerk of the superior court shall issue a summons to be served on the contestee as summons in civil actions are served, except it shall require the contestee to file an answer to the statement with the clerk of the court within five days after service of the summons, exclusive of the day of service. If the answer is not filed within such period, the court shall proceed with the hearing of the contest ex parte. If the contest is on an initiative or referred measure, a proposed constitutional amendment, or other proposition or question submitted, which has been declared carried, the summons shall be served upon the governor and attorney general who may appear and answer the statement of contest, or, by leave of court, an elector of the state may intervene and defend the contest.

B. If the election of a person declared elected is contested, the summons shall be in substantially the following form: In the superior court of the state of Arizona in and for the county of ________ Contestant.

vs.

_______ Contestee.

Summons.

To the above named ______ contestee;

You are hereby notified that ______ a resident of _____ county, state of Arizona, has on this day filed in this court a statement of contest wherein he contests your election to the office of ____ at the
elected held on the ___ day of ___, 1920____, a copy of which
statement accompanies this summons.

You are therefore required to file your answer to said statement
with the clerk of this court within five days after the service of this
summons upon ON you exclusive of the day of service or the court will
proceed with the hearing of such contest ex parte.

Given under my hand and the seal of said court this ______ day
of ___, 1920____.

Clerk of said court.

C. If the contest is on an initiative or referred measure, a
proposed constitutional amendment, or other proposition or question
submitted, which has been declared carried, the summons shall be in
substantially the following form:

In the superior court of the state of Arizona in and for the county
of ______.

In the matter of the contest of a certain constitutional amendment
(or proposition, describing it briefly, as the case may be.)

To the honorable ____, governor, and the honorable ____, attorney
general of the state of Arizona:

You are hereby notified that _____ residing at __________ in the
county of _____, state of Arizona, has this day filed with the clerk of
this court a statement wherein he contests the election by which the
constitutional amendment (or proposition briefly describing it) was
declared to have been carried. A copy of his said statement is
hereeto attached and herewith served upon ON you. You are further notified
that unless an answer to said statement is filed within five days
after the service of this summons upon ON you the court will proceed with
the hearing of said contest ex parte.

Given under my hand and the seal of said court this ______ day
of ___, 1920____.

Clerk of said court.

Sec. 46. Section 16-1018, Arizona Revised Statutes, is amended to
read:

16-1018. Additional unlawful acts by persons with respect to
voting; classification

A person who commits any of the following acts is guilty of a class
2 misdemeanor:

1. Knowingly electioneers on election day within a polling place or
in a public manner within seventy-five feet of the main outside entrance
of a polling place or on-site early voting location established by a
county recorder pursuant to section 16-542, subsection A.
2. Intentionally disables or removes from the polling place, on-site early voting location or custody of an election official a voting machine or a voting record.

3. Knowingly removes an official ballot from a polling place before closing the polls.

4. Shows another voter's ballot or the machine on which another voter has voted to any person after it is prepared for voting in such a manner as to reveal the contents, except to an authorized person lawfully assisting the voter. A voter who makes available an image of the voter's own ballot by posting on the internet or in some other electronic medium is deemed to have consented to retransmittal of that image and that retransmittal does not constitute a violation of this section.

5. Knowingly solicits a voter to show the voter's ballot, or receives from a voter a ballot prepared for voting, unless the person is an election official or unless otherwise authorized by law.

6. Knowingly receives an official ballot from a person other than an election official having charge of the ballots.

7. Knowingly delivers an official ballot to a voter, unless the voter is an election official.

8. Except for a completed ballot transmitted by an elector by fax or other electronic format pursuant to section 16-543, knowingly places a mark on the voter’s ballot by which it can be identified as the one voted by the voter.

9. After having received a ballot as a voter, knowingly fails to return the ballot to the election official before leaving the polling place or on-site early voting location.

APPROVED BY THE GOVERNOR APRIL 25, 2018.