

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

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)

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

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

4 16-193. Active registered voters; applicability

5 The terms "registered voters", "persons who are registered to vote",
6 "registered electors" and "voters registered" as used in the following
7 sections include only active registered voters for purposes of the
8 following:

9 1. Calculating petition signature requirements pursuant to sections
10 11-133, 16-322, 16-341, 45-415, 45-433, 48-4433 and 48-4832.

11 2. Mailing and distributing election-related notices, pamphlets or
12 ballots pursuant to sections 11-137, 15-905.01, 16-245, 16-412, 16-461,
13 16-510, 19-123, 19-141, 35-454, 41-563.02, 42-6109.01, 42-17057, 42-17107,
14 48-620, 48-4021, 48-4236, 48-5314, 48-6432 and 48-6433.

15 ~~3. Providing voting machines pursuant to section 16-430.~~

16 ~~4.~~ 3. Furnishing ballots pursuant to sections 16-508 and 48-685.

17 ~~5.~~ 4. Determining qualification for political parties' continued
18 representation on the ballot pursuant to sections 16-244 and 16-804.

19 ~~6.~~ 5. Choosing political party officers pursuant to sections
20 16-821 and 16-823.

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

23 16-405. Preparation for elections

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

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

34 16-407. Election officers; qualifications; certificates;
35 certification programs; plan; exemption; election
36 training fund

37 A. Except as provided in subsection E **OF THIS SECTION**, no person
38 may perform the duties or exercise the authority of an election officer or
39 of the clerk of the board of supervisors or the county recorder in
40 performance of election duties in or on behalf of any county unless the
41 person is the holder of an election officer's certificate issued by the
42 secretary of state before January 1 of each general election year.

43 B. The secretary of state shall provide for the examination of
44 applicants for election officer certificates. The secretary of state may
45 not issue a certificate to a person who has not demonstrated to the

1 satisfaction of the secretary of state that the person is competent to
2 perform the work of an election officer or of the clerk of the board of
3 supervisors or the county recorder in the performance of election duties.

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

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

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

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

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

32 16-411. Designation of election precincts and polling places;
33 voting centers; electioneering; wait times

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

43 B. Not less than twenty days before a general or primary election,
44 and at least ten days before a special election, the board shall designate

1 one polling place within each precinct where the election shall be held,
2 except that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 emergency designation was granted and the number of attempts that were
2 made to find a polling place before granting an emergency designation.

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

9 1. An act of God renders a previously set polling place as
10 unusable.

11 2. A county recorder or other officer in charge of elections has
12 exhausted all options and there are no suitable facilities in a precinct
13 that are willing to be a polling place unless a facility can be given an
14 emergency designation.

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

21 1. The number of ballots voted in the prior primary and general
22 elections.

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

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

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

30 ~~K. The board of supervisors of a county shall not change precinct~~
31 ~~times during the period after July 31, 2008 and before January 1, 2011.~~
32 ~~The board of supervisors may subdivide an election precinct for~~
33 ~~administrative purposes or may provide for more than one polling place~~
34 ~~within the boundaries of the election precincts established for use in~~
35 ~~voting in elections held after July 31, 2008 and before January 1, 2011.~~
36 ~~In providing for multiple polling places within a precinct, the board of~~
37 ~~supervisors shall consider the particular population characteristics of~~
38 ~~each precinct in order to provide the voters the most reasonable access to~~
39 ~~the polls possible.~~

40 Sec. 5. Repeal

41 Title 16, chapter 4, article 3, Arizona Revised Statutes, is
42 repealed.

1 Sec. 6. Heading change

2 The article heading of title 16, chapter 4, article 4, Arizona
3 Revised Statutes, is changed from "VOTING EQUIPMENT; ELECTROMECHANICAL" to
4 "VOTING EQUIPMENT".

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

7 16-442. Committee approval; adoption of vote tabulating
8 equipment; experimental use; emergency

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

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

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

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

43 1. The person or firm installs, uses or permits the use of a voting
44 system or device that is not certified for use or approved for
45 experimental use in this state pursuant to this section.

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

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

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

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

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

26 16-444. Definitions; applicability of general laws

27 A. In this article, unless the context otherwise requires:

28 1. "Ballot" means a paper ballot on which votes are recorded, ~~or~~
29 ~~alternatively may mean ballot cards and ballot labels.~~

30 ~~2. "Ballot card" means a tabulating card on which votes may be~~
31 ~~recorded by means of punching or marking.~~

32 ~~3. "Ballot labels" means the cards, papers, booklet, pages or other~~
33 ~~material containing the names of offices and candidates and the statements~~
34 ~~of measures to be voted on, which are placed on the voting device.~~

35 ~~4.~~ 2. "Computer program" includes all programs and documentation
36 adequate to process the ballots at an equivalent counting center.

37 ~~5.~~ 3. "Counting center" means one or more locations selected by
38 the board of supervisors for the automatic counting of ballots.

39 ~~6.~~ 4. "Electronic voting system" means a system in which votes are
40 recorded on a paper ballot ~~or ballot cards~~ by means of marking ~~or~~
41 ~~punching~~, and such votes are subsequently counted and tabulated by vote
42 tabulating equipment at one or more counting centers.

43 5. "E-POLLBOOK" MEANS AN ELECTRONIC SYSTEM IN WHICH A VOTER IS
44 CHECKED IN AND THROUGH WHICH A VOTER'S SIGNATURE IS RECORDED TO INDICATE
45 THAT THE VOTER HAS VOTED.

1 ~~7.~~ 6. "Instructions and procedures manual" means the manual
2 prepared for use as a guide for the conduct of elections by an approved
3 electronic voting system, including, but not limited to, detailed
4 instructions for the performance of each task relating to the collection
5 of ballots and the counting of votes in a manner ~~which~~ THAT will provide
6 maximum security, efficiency and accuracy.

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

10 ~~9.~~ 8. "Voting device" means an apparatus ~~which~~ THAT the voter uses
11 to record ~~his~~ THE VOTER'S votes by marking ~~or punching a hole in~~ a paper
12 ballot ~~or tabulating card~~, which votes are subsequently counted by
13 electronic tabulating equipment.

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

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

21 16-446. Specifications of electronic voting system

22 A. An electronic voting system consisting of a voting or marking
23 device in combination with vote tabulating equipment shall provide
24 facilities for voting for candidates at both primary and general
25 elections.

26 B. An electronic voting system shall:

27 1. Provide for voting in secrecy when used with voting booths.

28 2. Permit each elector to vote at any election for any person for
29 any office whether or not nominated as a candidate, to vote for as many
30 persons for an office as ~~he~~ THE ELECTOR is entitled to vote for and to
31 vote for or against any question on which ~~he~~ THE ELECTOR is entitled to
32 vote, and the vote tabulating equipment shall reject choices recorded on
33 ~~his~~ THE ELECTOR'S ballot ~~card or paper ballot~~ if the number of choices
34 exceeds the number that ~~he~~ THE ELECTOR is entitled to vote for the office
35 or on the measure.

36 3. Prevent the elector from voting for the same person more than
37 once for the same office.

38 4. Be suitably designed for the purpose used and be of durable
39 construction, and may be used safely, efficiently and accurately in the
40 conduct of elections and counting ballots.

41 5. Be provided with means for sealing the voting or marking device
42 against any further voting after the close of the polls and the last voter
43 has voted.

44 6. When properly operated, record correctly and count accurately
45 every vote cast.

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

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

6 16-449. Required test of equipment and programs; notice;
7 procedures manual

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

40 B. Electronic ballot tabulating systems shall be tested for logic
41 and accuracy within seven days before their use for early balloting
42 pursuant to the instructions and procedures manual for electronic voting
43 systems that is adopted by the secretary of state as prescribed by section
44 16-452. The instructions and procedures manual shall include procedures
45 for the handling of ballots, the electronic scanning of ballots and any

1 other matters necessary to ensure the maximum degree of correctness,
2 impartiality and uniformity in the administration of an electronic ballot
3 tabulating system.

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

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

13 16-462. Form of paper ballot

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

35 Sec. 14. Repeal

36 Sections 16-463 and 16-466, Arizona Revised Statutes, are repealed.

37 Sec. 15. Section 16-468, Arizona Revised Statutes, is amended to
38 read:

39 16-468. Form of ballot; optical scanning system; sample
40 ballots

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

43 1. As nearly as is practicable, ballots shall have material printed
44 in the same order as provided for paper ballots, except that material may

1 be printed in vertical or horizontal rows or on separate pages. ~~A ballot~~
2 ~~stub is not required.~~

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

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

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

27 5. As nearly as is practicable, in a primary election for a
28 judicial office, if there are two or more candidates of the same political
29 party, the candidate names shall be alternated on the ballot so that the
30 name of each candidate appears an equal number of times in each possible
31 location on the ballot.

32 6. Two sample ballots shall be provided for each polling place and
33 shall be posted at the polling place on election day. Sample ballots may
34 be printed on a single page or on a number of pages that are assembled
35 together. A sample ballot shall be a facsimile copy of the official
36 ballot.

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

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

41 16-502. Form and contents of ballot

42 A. Ballots shall be printed with black ink on white paper of
43 sufficient thickness to prevent the printing thereon from being
44 discernible from the back, and the same type shall be used for the names
45 of all candidates. The ballots shall be headed "official ballot" in

1 bold-faced plain letters, with a heavy rule above and below the heading.
2 Immediately below shall be placed the words "type of election, (date of
3 election)" and the name of the county and state in which the election is
4 held. The name or number of the precinct in which the election is held
5 shall be placed on the ballot in a uniform location for all ballots. No
6 other matter shall be placed or printed at the head of any ballot, ~~except~~
7 ~~above the heading there may be a stub that contains the words "stub no.~~
8 ~~_____, register no. _____, to be torn off by inspector."~~ The stub shall
9 ~~be separated from the ballot by a perforated line, so that it may be~~
10 ~~easily detached from the ballot.~~ Instructions to the voter on marking the
11 ballot may be printed below the heading. ~~The official ballots shall be~~
12 ~~bound together in blocks of not less than five nor more than one hundred.~~
13 AS FOLLOWS:

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

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

26 ~~"~~Section One
27 Partisan Ballot

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

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

- 43 1. Presidential electors, which shall be ~~enclosed~~ in a ~~bracketed~~
44 list and next to the ~~bracketed~~ list shall be printed in bold type the
45 surname of the presidential candidate, and the surname of the ~~vice-~~

1 ~~presidential~~ VICE PRESIDENTIAL candidate who is seeking election jointly
2 with the presidential candidate shall be listed directly below the name of
3 the presidential candidate. The indicator for the selection of the
4 presidential and ~~vice-presidential~~ VICE PRESIDENTIAL candidates shall be
5 directly next to the surname of the presidential candidate, and one mark
6 directly next to a presidential candidate's surname shall be counted as a
7 vote for each elector in the ~~bracketed~~ list next to the presidential and
8 ~~vice-presidential~~ VICE PRESIDENTIAL candidates.

- 9 2. United States senator.
- 10 3. Representatives in Congress.
- 11 4. The several state offices.
- 12 5. The several county and precinct offices.

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

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

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

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

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

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

11 ~~Section Two~~
12 Nonpartisan Ballot

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

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

20 ~~3. Put a mark according to the instructions next to the~~
21 ~~word 'yes' (or for) for each proposition or question you wish~~
22 ~~to be adopted. Put a mark according to the instructions next~~
23 ~~to the word 'no' (or against) for each proposition or question~~
24 ~~you wish not to be adopted."~~

25 J. Immediately below the ~~instructions for voting in~~ HEADING FOR
26 section two shall be placed the names of the candidates for judges of the
27 superior court standing for election pursuant to article VI, section 12,
28 Constitution of Arizona, ~~school district officials~~, justices of the
29 supreme court, judges of the court of appeals, judges of the superior
30 court standing for retention or rejection pursuant to article VI, section
31 38, Constitution of Arizona, SCHOOL DISTRICT OFFICIALS and other
32 nonpartisan officials in a column or in columns without partisan or other
33 designation except the title of office in an order determined by the
34 officer in charge of the election.

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

39 L. All proposed constitutional amendments and other propositions or
40 questions to be submitted to the voters shall be printed immediately below
41 the names of candidates for nonpartisan positions in such order as the
42 secretary of state, or if a city or town election, the city or town clerk,
43 designates. Placement of county and local charter amendments,
44 propositions or questions shall be determined by the officer in charge of
45 the election. Except as provided by section 19-125, each proposition or

1 question shall be followed by the words "yes" and "no" or "for _____" and
2 "against _____" as the nature of the proposition or question requires,
3 and at the right OR LEFT of and next to each of such words shall be a
4 place for the voter to put a mark according to the instructions that is
5 similar in size to those places appearing opposite the names of the
6 candidates, in which the voter may indicate his vote for or against such
7 proposition or question by a mark as defined in section 16-400.

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

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

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

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

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

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

27 Sec. 17. Repeal

28 Sections 16-504, 16-505 and 16-506, Arizona Revised Statutes, are
29 repealed.

30 Sec. 18. Section 16-511, Arizona Revised Statutes, is amended to
31 read:

32 16-511. Duty of board of supervisors to furnish election
33 supplies to precinct officers

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

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

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

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

6 16-514. Notice to voters; form

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

10 ~~“~~Notice to Voters.

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

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

37 ~~When marking a paper ballot the voter shall do so by~~
38 ~~placing a mark next to the printed name or in the square~~
39 ~~following the name written in.~~

40 ~~When punching a ballot card the voter shall do so by~~
41 ~~punching the position next to the name of the candidate or the~~
42 ~~position next to the 'yes' or 'no' for the measures submitted~~
43 ~~to the voters.”~~

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

3 16-517. Form of tally list

4 The tally list shall be in the following form: We hereby certify the
5 following to be a true tally of the votes for the candidates and offices
6 shown herein cast at the election held on the _____day of _____, 19
7 20____in _____ election precinct, _____county, Arizona:

Names of offices and candidates:	Tally of votes (to be tallied in blocks of five as:)	Total vote (as:)
For representative in Congress:	John Doe ////	Ninety-nine

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

24
25 (Leaving lines with designation, for signatures of clerks and board of
26 election or tally board.)

27 Sec. 21. Heading change

28 The article heading of title 16, chapter 4, article 7, Arizona
29 Revised Statutes, is changed from "ELECTION BOARDS AND TALLY BOARDS" to
30 "ELECTION BOARDS".

31 Sec. 22. Section 16-531, Arizona Revised Statutes, is amended to
32 read:

33 16-531. Appointment of election boards; qualifications

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

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

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

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

35 ~~D. Where the election precinct consists of three hundred fifty or~~
36 ~~more qualified electors, the board of supervisors may in addition to the~~
37 ~~board of elections appoint a similar board to be known as the tally~~
38 ~~board. The tally board shall take custody of the ballots from the closing~~
39 ~~of the polls until the tally of the ballots is completed. The tally board~~
40 ~~shall consist of the inspector of the board of elections, two judges and~~
41 ~~not less than two clerks.~~ FOR ELECTION BOARDS ESTABLISHED PURSUANT TO
42 SUBSECTION B OF THIS SECTION, the inspector and two judges shall be
43 appointed to provide as equal as practicable representation of members of
44 the two largest political parties on the board in the same manner as
45 provided for the election boards PRESCRIBED BY SUBSECTION A OF THIS

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

13 E. 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
15 two judges who are appointed in the same manner by party as provided in
16 subsection A of this section.

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

23 ~~F.~~ F. 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
25 is 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
27 at the time of the election for which the person is named to the election
28 board.
- 29 2. The person is a citizen of the United States at the time of the
30 election for which the person is named to the election board.
- 31 3. The person is supervised by an adult who has been trained as an
32 elections officer.
- 33 4. The person has received training provided by the officer in
34 charge of elections.
- 35 5. The parent or guardian of the person has provided written
36 permission for the person to serve.

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

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

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

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

6 16-532. Instruction of election board inspectors and judges;
7 certificate of qualification; optional training;
8 instruction of counting center election officials

9 A. Not more than forty-five days ~~prior~~ BEFORE to an election the
10 board of supervisors or other authority in charge of elections shall
11 conduct a class for the instruction of inspectors and judges of the
12 election board in their duties, which shall include instruction in the
13 voting system to be used and the election laws applicable to such
14 election. Each election board member receiving instructions and properly
15 qualified shall receive a certificate of qualification. Only inspectors
16 and judges of the election board who have received the required
17 instruction class shall serve at any election, except as provided pursuant
18 to sections 16-533 and 16-534. Other members of the election board may be
19 trained at the same time.

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

23 C. The election authority in charge of the instructional classes
24 may conduct multiple sessions to ~~insure~~ ENSURE that election board members
25 receive adequate instruction.

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

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

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

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

8 16-534. Inspector as chairman of board; powers; power of
9 board and clerks to administer oaths; oath of
10 members

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

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

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

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

24 16-535. Election marshal; appointment; powers and duties

25 A. The board of supervisors, at the time provided in section
26 16-531, shall appoint a qualified voter of the precinct as election
27 marshal.

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

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

40 16-536. Compensation of election board officers

41 The compensation of the election ~~and tally board~~ officers shall be
42 fixed by the board of supervisors and shall be a county charge. In no
43 case shall an election ~~or tally~~ board member be paid less than thirty
44 dollars per day.

1 Sec. 27. Repeal

2 Section 16-546, Arizona Revised Statutes, is repealed.

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

5 16-552. Early ballots; processing; challenges

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

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

23 C. The county chairman of each political party represented on the
24 ballot ~~may~~, by written appointment addressed to the early election board,
25 ~~MAY~~ designate party representatives and alternates to act as early ballot
26 challengers for the party. No party may have more than the number of such
27 representatives or alternates ~~which THAT~~ were mutually agreed ~~upon~~ ~~ON~~ by
28 each political party to be present at one time. If such agreement cannot
29 be reached, the number of representatives shall be limited to one for each
30 political party.

31 D. An early ballot may be challenged on any grounds set forth in
32 section 16-591. All challenges shall be made in writing with a brief
33 statement of the grounds ~~prior to~~ ~~BEFORE~~ the early ballot ~~being~~ ~~IS~~ placed
34 in the ballot box. A record of all challenges and resulting proceedings
35 shall be kept in substantially the same manner as provided in section
36 16-594. If an early ballot is challenged, it shall be set aside and
37 retained in the possession of the early election board or other officer in
38 charge of early ballot processing until a time that the early election
39 board sets for determination of the challenge, subject to the procedure in
40 subsection E of this section, at which time the early election board
41 shall hear the grounds for the challenge and shall decide what disposition
42 shall be made of the early ballot by majority vote. If the early ballot
43 is not allowed, it shall be handled pursuant to subsection G of this
44 section.

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

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

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

44 H. Party representatives and alternates may be appointed as
45 provided in subsection C of this section to be present and to challenge

1 the verification of questioned ballots pursuant to section 16-584 on any
2 grounds permitted by this section. Questioned ballots ~~which~~ THAT are
3 challenged shall be presented to the early election board for decision
4 under the provisions of this section.

5 Sec. 29. Repeal

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

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

9 16-565. Hours polls opened and closed; proclamation of
10 opening and closing polls

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

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

17 C. The election marshal shall proclaim the opening of the polls at
18 6:00 a.m. and shall proclaim the closing of the polls at one hour, at
19 thirty minutes, at fifteen minutes and at one minute before closing and
20 again at the moment of closing. The inspector and two judges shall
21 determine when the hour for closing the polls has arrived.

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

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

28 16-566. Opening and closing of polling place; unused ballots

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

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

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

3 16-570. Conduct of election; duties of officers; placing
4 machines

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

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

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

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

19 Sec. 33. Repeal

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

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

23 16-580. Manner of voting; assistance for certain electors

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

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

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

41 ~~D. Before leaving the voting booth the voter shall fold the ballot~~
42 ~~lengthwise and crosswise, or place the voter's card in the ballot~~
43 ~~envelope, but in such a way that the contents of the ballot shall be~~
44 ~~concealed and the stub, if any, can be removed without exposing the~~

1 ~~contents of the ballot and shall keep the ballot folded until the voter~~
2 ~~has delivered it to the inspector, or judge acting as such.~~

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

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

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

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

31 16-584. Qualified elector not on precinct register;
32 recorder's certificate; verified ballot; procedure

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

39 B. A qualified elector whose name is not on the precinct register,
40 ~~upon~~ ON presentation of identification verifying the identity of the
41 elector that includes the voter's given name and surname and the complete
42 residence address that is verified by the election board to be in the
43 precinct or on signing an affirmation that states that the elector is a
44 registered voter in that jurisdiction and is eligible to vote in that
45 jurisdiction, shall be allowed to vote a provisional ballot.

1 C. If a voter has moved to a new address within the county and has
2 not notified the county recorder of the change of address before the date
3 of an election, the voter shall be permitted to correct the voting records
4 for purposes of voting in future elections at the appropriate polling
5 place for the voter's new address. The voter shall be permitted to vote a
6 provisional ballot. The voter shall present a form of identification that
7 includes the voter's given name and surname and the voter's complete
8 residence address. The residence address must be within the precinct in
9 which the voter is attempting to vote, and the voter shall affirm in
10 writing that the voter is registered in that jurisdiction and is eligible
11 to vote in that jurisdiction.

12 D. On completion of the ballot, the election official shall ~~remove~~
13 ~~the ballot stub, shall~~ place the ballot in a provisional ballot envelope
14 and shall deposit the envelope in the ballot box. Within ten calendar
15 days after a general election that includes an election for a federal
16 office and within five business days after any other election or no later
17 than the time at which challenged early voting ballots are resolved, the
18 signature shall be compared to the precinct signature roster of the former
19 precinct where the voter was registered. If the voter's name is not
20 signed on the roster and if there is no indication that the voter voted an
21 early ballot, the provisional ballot envelope shall be opened and the
22 ballot shall be counted. If there is information showing the person did
23 vote, the provisional ballot shall remain unopened and shall not be
24 counted. When provisional ballots are confirmed for counting, the county
25 recorder shall use the information supplied on the provisional ballot
26 envelope to correct the address record of the voter.

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

1 has voted. If registration is not verified the ballot shall remain
2 unopened and shall be retained in the same manner as voted ballots.

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

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

15 16-585. Spoiled ballots; disposition

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

22 Sec. 37. Repeal

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

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

26 16-603. Inspection of ballots by party representative

27 A mutually agreed ~~upon~~ ON number of representatives and alternates
28 of each political party represented on the ballot by a party designation
29 and column, appointed in the manner provided by section 16-590, may remain
30 inside the voting area from the time the polls are closed, and, without
31 unduly hindering or delaying the count, one representative from each party
32 at a time may inspect the ballots ~~as they are read and the tally lists as~~
33 ~~the votes are tallied or counted~~, but the ballots ~~and tally lists~~ shall at
34 all times remain under the personal charge and keeping of the election
35 officers and shall not be permitted to pass from their hands.

36 Sec. 39. Repeal

37 Sections ~~16-604~~, ~~16-605~~ and ~~16-606~~, Arizona Revised Statutes, are
38 repealed.

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

41 16-609. Questioned legality of ballots; procedure

42 A. ~~No~~ ONLY ballots ~~but those~~ THAT ARE provided in accordance with
43 the provisions of law shall be counted.

44 B. When a question arises as to the legality of a ballot, or a part
45 ~~thereof~~ OF A BALLOT, the action taken ~~upon~~ ON the decision of the election

1 board ~~or tally board~~ as to its legality, signed by the majority voting for
2 the action, with a concise statement of the facts giving rise to the
3 question, shall be endorsed ~~upon~~ ON the ballot and signed by a majority of
4 the board.

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

7 16-612. Determination of write-in choice of voter

8 A. When the printed name of a candidate is followed by the name of
9 another person written on the ballot by the voter in the space provided
10 for that purpose, and a mark as defined in section 16-400 appears in the
11 space after either the printed or the written names, but not both, the
12 printed name shall be rejected and the written one counted, and the action
13 of the board shall be noted on the back of the ballot and signed by a
14 majority of the election board ~~or tally board~~.

15 B. If the name of a person appears as having been voted for two or
16 more times for the same office, the ballot shall be counted as one vote.

17 C. If an elector writes ~~upon~~ ON his ballot the name of any person
18 who is a candidate for any office ~~upon~~ ON some other ballot than that ~~upon~~
19 ON which his name is so written, such elector shall thereby invalidate his
20 vote for that particular office, but the vote on the remainder of the
21 ballot shall be counted.

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

24 16-615. Delivery of returns

25 A. Before it adjourns, the election board ~~or tally board~~ shall
26 enclose and seal in a strong envelope provided for that purpose one of the
27 poll lists ~~and one of the tally lists~~, signed as required.

28 B. The envelope containing the poll list ~~and the tally list~~ shall
29 constitute the official returns of the election and ~~shall~~, together with
30 the envelope containing the voted ballots, SHALL be delivered to one of
31 the members of the election board ~~or tally board~~, previously determined by
32 lot, unless otherwise agreed ~~upon~~ ON, and such member shall by himself, or
33 by an agent agreed ~~upon~~ ON by the board and sworn by a member thereof, in
34 the presence of the board to faithfully perform the duties of election
35 messenger, without delay, and by the most expeditious means and route,
36 deliver the packages and envelopes, without opening them, to the officer
37 in charge of the election at his office, or to the nearest postmaster or
38 sworn express agent, who shall endorse on the packages and envelopes the
39 name of the person delivering them, and the hour and date of the delivery,
40 and forward the packages and envelopes by the first mail or express to the
41 officer in charge of the election at the county seat.

1 manner as to reveal the contents, except to an authorized person lawfully
2 assisting the voter. A voter who makes available an image of the voter's
3 own ballot by posting on the internet or in some other electronic medium
4 is deemed to have consented to retransmittal of that image and that
5 retransmittal does not constitute a violation of this section.

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

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

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

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

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