

REFERENCE TITLE: poll workers; party observers

State of Arizona  
House of Representatives  
Fifty-fourth Legislature  
First Regular Session  
2019

## **HB 2163**

Introduced by  
Representative Townsend

**AN ACT**

**AMENDING SECTIONS 16-531 AND 16-621, ARIZONA REVISED STATUTES; RELATING TO CONDUCT OF ELECTIONS.**

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 16-531, Arizona Revised Statutes, is amended to  
3 read:

4 16-531. Appointment of election boards; qualifications

5 A. When an election is ordered, and not less than twenty days  
6 before a general or primary election, the board of supervisors shall  
7 appoint for each election precinct one inspector, one marshal, two judges  
8 and as many clerks of election as deemed necessary. AN INSPECTOR,  
9 MARSHAL, JUDGE OR CLERK WHO IS MARRIED TO OR IS THE PARENT OR CHILD OF  
10 ANOTHER ELECTION BOARD WORKER MAY NOT SERVE IN THE SAME POLLING LOCATION  
11 AS THAT BOARD WORKER'S SPOUSE, PARENT OR CHILD AND SHALL SIGN A SWORN  
12 STATEMENT UNDER PENALTY OF PERJURY THAT THE PERSON IS NOT SERVING AT THE  
13 SAME POLLING LOCATION. The inspector, marshal, judges and clerks shall be  
14 qualified voters of the precinct for which appointed, unless there is not  
15 a sufficient number of persons available to provide the number of  
16 appointments required. The inspector, marshal and judges shall not have  
17 changed their political party affiliation or their no party preference  
18 affiliation since the last preceding general election, and if they are  
19 members of the two political parties that cast the highest number of votes  
20 in the state at the last preceding general election, they shall be divided  
21 equally between these two parties. There shall be an equal number of  
22 inspectors in the various precincts in the county who are members of the  
23 two largest political parties. In each precinct where the inspector is a  
24 member of one of the two largest political parties, the marshal in that  
25 precinct shall be a member of the other of the two largest political  
26 parties. THE COUNTY RECORDER OR COUNTY OFFICER IN CHARGE OF ELECTIONS  
27 SHALL POST ON THE COUNTY WEBSITE THE NUMBER AND POLITICAL PARTY OF  
28 APPLICANTS FOR ELECTION BOARD WORKER POSITIONS AND THE NUMBER AND  
29 POLITICAL PARTY OF PERSONS HIRED FOR ELECTION BOARD WORKER POSITIONS.  
30 Whenever possible, any person appointed as an inspector shall have had  
31 previous experience as an inspector, judge, marshal or clerk of  
32 elections. If there is no qualified person in a given precinct, the  
33 appointment of an inspector may be made from names provided by the county  
34 party chairman. If not less than ninety days before the election the  
35 chairman of the county committee of either of the parties designates  
36 qualified voters of the precinct, or of another precinct if there are not  
37 sufficient members of his party available in the precinct to provide the  
38 necessary representation on the election board as judge, such designated  
39 qualified voters shall be appointed. The judges, together with the  
40 inspector, shall constitute the board of elections. Any registered voter  
41 in the election precinct, or in another election precinct if there are not  
42 sufficient persons available in the election precinct for which the clerks  
43 are being appointed, may be appointed as clerk.

44 B. If the election precinct consists of fewer than three hundred  
45 qualified electors, the board of supervisors may appoint not fewer than

1 one inspector and two judges. The board of supervisors shall give notice  
2 of election precincts consisting of fewer than three hundred qualified  
3 electors to the county chairmen of the two largest political parties not  
4 later than thirty days before the election. The inspector and judges  
5 shall be appointed in the same manner by party as provided in subsection A  
6 of this section AND THE SAME PROHIBITION APPLIES REGARDING AN ELECTION  
7 BOARD WORKER WHO IS MARRIED TO OR IS THE PARENT OR CHILD OF ANOTHER  
8 ELECTION BOARD WORKER SERVING AT THE SAME POLLING LOCATION.

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

16 D. For election boards established pursuant to subsection B of this  
17 section, the inspector and two judges shall be appointed to provide as  
18 equal as practicable representation of members of the two largest  
19 political parties on the board in the same manner as provided for the  
20 election boards prescribed by subsection A of this section. Any  
21 registered voter in the election precinct, or in another election precinct  
22 if there are not sufficient persons available in the election precinct for  
23 which the clerks are being appointed, may be appointed as clerk. No  
24 United States, state, county or precinct officer, nor a candidate for  
25 office at the election, other than a precinct committeeman or a candidate  
26 for the office of precinct committeeman, is qualified to act as judge,  
27 inspector, marshal or clerk.

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

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

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

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

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

42 4. The person has received training provided by the officer in  
43 charge of elections.

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

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

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

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

13 Sec. 2. Section 16-621, Arizona Revised Statutes, is amended to  
14 read:

15 16-621. Proceedings at the counting center

16 A. All proceedings at the counting center shall be under the  
17 direction of the board of supervisors or other officer in charge of  
18 elections and shall be conducted in accordance with the approved  
19 instructions and procedures manual provided for in section 16-452 under  
20 the observation of representatives of each political party and the public.  
21 IF THE OFFICER IN CHARGE OF ELECTIONS IS UNABLE TO ENSURE THAT A  
22 REPRESENTATIVE OF THE TWO LARGEST POLITICAL PARTIES IS PRESENT FOR ALL  
23 COUNTING, THE OFFICER IN CHARGE OF ELECTIONS SHALL REPORT TO THE BOARD OF  
24 SUPERVISORS ON THE EFFORTS MADE TO OBTAIN REPRESENTATIVES OF THE POLITICAL  
25 PARTIES. The proceedings at the counting center may also be observed by  
26 up to three additional people representing a candidate for nonpartisan  
27 office, or representing a political committee in support of or in  
28 opposition to a ballot measure, proposition or question. A draw by lot  
29 shall determine which three groups or candidates shall have  
30 representatives participate in the observation at the counting center.  
31 Persons representing a candidate for nonpartisan office or persons or  
32 groups representing a political committee in support of or in opposition  
33 to a ballot measure, proposition or question, who are interested in  
34 participating in the observation, shall notify the officer in charge of  
35 elections of their desire to be included in the draw no later than ten  
36 days before the election. After the deadline to receive submissions from  
37 the interested persons or groups, but prior to seven days before the  
38 election, the county officer in charge of elections shall draw by lot,  
39 from the list of those who expressed interest, three persons or groups and  
40 those selected shall be notified and allowed to observe the proceedings at  
41 the counting center. If a group is selected they may alter who represents  
42 that group for different days of observation but on any given observation  
43 day a selected group shall not send more than one observer. A group may  
44 rotate an observer throughout the day. ~~No persons except~~ ONLY those  
45 PERSONS WHO ARE authorized for the purpose shall touch any ballot or

1 ballot card or return. All persons who are engaged in processing and  
2 counting of the ballots shall be qualified electors, shall be deputized in  
3 writing and shall take an oath that they will faithfully perform their  
4 assigned duties. There shall be no preferential counting of ballots for  
5 the purpose of projecting the outcome of the election. If any ballot,  
6 including any ballot received from early voting, is damaged or defective  
7 so that it cannot properly be counted by the automatic tabulating  
8 equipment, a true duplicate copy shall be made of the damaged ballot in  
9 the presence of witnesses and substituted for the damaged ballot. All  
10 duplicate ballots shall be clearly labeled "duplicate" and shall bear a  
11 serial number which shall be recorded on the damaged or defective ballot.

12 B. If for any reason it becomes impracticable to count all or a  
13 part of the ballots with tabulating equipment, the officer in charge of  
14 elections may direct that they be counted manually, following as far as  
15 practicable the provisions governing the counting of paper ballots.

16 C. For any statewide, county or legislative election, the county  
17 recorder or officer in charge of elections shall provide for a live video  
18 recording of the custody of all ballots while the ballots are present in a  
19 tabulation room in the counting center. The live video recording shall  
20 include date and time indicators and shall be linked to the secretary of  
21 state's website. The secretary of state shall post links to the video  
22 coverage for viewing by the public. The county recorder or officer in  
23 charge of elections shall record the video coverage of the ballots at the  
24 counting center and shall retain those recordings as a public record for  
25 at least as long as the challenge period for the general election. If the  
26 live video feed is disrupted or disabled, the recorder or officer in  
27 charge of elections is not liable for the disruption but shall attempt to  
28 reinstate video coverage as soon as is practicable. Any disruption in  
29 video coverage shall not affect or prevent the continued tabulation of  
30 ballots. This subsection is contingent on legislative appropriation.

31 D. The county recorder or other officer in charge of elections  
32 shall maintain records that record the chain of custody for all election  
33 equipment and ballots during early voting through the completion of  
34 provisional voting tabulation.