

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,**
MARSHAL, JUDGE OR CLERK WHO IS MARRIED TO OR IS THE PARENT OR CHILD OF
ANOTHER ELECTION BOARD WORKER MAY NOT SERVE IN THE SAME POLLING LOCATION
AS THAT BOARD WORKER'S SPOUSE, PARENT OR CHILD AND SHALL SIGN A SWORN
STATEMENT UNDER PENALTY OF PERJURY THAT THE PERSON IS NOT SERVING AT THE
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**
SHALL POST ON THE COUNTY WEBSITE THE NUMBER AND POLITICAL PARTY OF
APPLICANTS FOR ELECTION BOARD WORKER POSITIONS AND THE NUMBER AND
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.