

State of Arizona  
Senate  
Fifty-fourth Legislature  
First Regular Session  
2019

# SENATE BILL 1072

AN ACT

AMENDING SECTIONS 16-411 AND 16-542, ARIZONA REVISED STATUTES; RELATING TO  
EARLY VOTING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 16-411, Arizona Revised Statutes, is amended to  
3 read:

4 16-411. Designation of election precincts and polling places;  
5 voting centers; electioneering; wait times

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

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

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

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

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

38 4. On a specific resolution of the board, the board may authorize  
39 the use of voting centers in place of or in addition to specifically  
40 designated polling places. A voting center shall allow any voter in that  
41 county to receive the appropriate ballot for that voter on election day  
42 AFTER PRESENTING IDENTIFICATION AS PRESCRIBED IN SECTION 16-579 and TO  
43 lawfully cast the ballot. Voting centers may be established in  
44 coordination and consultation with the county recorder, at other county  
45 offices or at other locations in the county deemed appropriate.

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

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

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

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

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

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

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

33 1. Space is not available at the school.

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

35 G. The board shall make available to the public as a public record  
36 a list of the polling places for all precincts in which the election is to  
37 be held.

38 H. Except in the case of an emergency, any facility that is used as  
39 a polling place on election day or that is used as an early voting site  
40 during the period of early voting shall allow persons to electioneer and  
41 engage in other political activity outside of the seventy-five foot limit  
42 prescribed by section 16-515 in public areas and parking lots used by  
43 voters. This subsection shall not be construed to permit the temporary or  
44 permanent construction of structures in public areas and parking lots or  
45 the blocking or other impairment of access to parking spaces for voters.

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

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

22 1. An act of God renders a previously set polling place as  
23 unusable.

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

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

34 1. The number of ballots voted in the prior primary and general  
35 elections.

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

38 3. The number of registered voters and the number of registered  
39 voters who cast an early ballot for the current primary or general  
40 election.

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

1       Sec. 2. Section 16-542, Arizona Revised Statutes, is amended to  
2 read:

3       16-542. Request for ballot; civil penalties; violation;  
4               classification

5       A. Within ninety-three days before any election called pursuant to  
6 the laws of this state, an elector may make a verbal or signed request to  
7 the county recorder, or other officer in charge of elections for the  
8 applicable political subdivision of this state in whose jurisdiction the  
9 elector is registered to vote, for an official early ballot. In addition  
10 to name and address, the requesting elector shall provide the date of  
11 birth and state or country of birth or other information that if compared  
12 to the voter registration information on file would confirm the identity  
13 of the elector. If the request indicates that the elector needs a primary  
14 election ballot and a general election ballot, the county recorder or  
15 other officer in charge of elections shall honor the request. For any  
16 partisan primary election, if the elector is not registered as a member of  
17 a political party that is entitled to continued representation on the  
18 ballot pursuant to section 16-804, the elector shall designate the ballot  
19 of only one of the political parties that is entitled to continued  
20 representation on the ballot and the elector may receive and vote the  
21 ballot of only that one political party, which also shall include any  
22 nonpartisan offices and ballot questions, or the elector shall designate  
23 the ballot for nonpartisan offices and ballot questions only and the  
24 elector may receive and vote the ballot that contains only nonpartisan  
25 offices and ballot questions. The county recorder or other officer in  
26 charge of elections shall process any request for an early ballot for a  
27 municipal election pursuant to this subsection. The county recorder may  
28 establish on-site early voting locations at the recorder's office, which  
29 shall be open and available for use beginning the same day that a county  
30 begins to send out the early ballots. The county recorder may also  
31 establish any other early voting locations in the county the recorder  
32 deems necessary. ANY ON-SITE EARLY VOTING LOCATION OR OTHER EARLY VOTING  
33 LOCATION SHALL REQUIRE EACH ELECTOR TO PRESENT IDENTIFICATION AS  
34 PRESCRIBED IN SECTION 16-579 BEFORE RECEIVING A BALLOT. NOTWITHSTANDING  
35 SECTION 16-579, SUBSECTION A, PARAGRAPH 2, AT ANY ON-SITE EARLY VOTING  
36 LOCATION OR OTHER EARLY VOTING LOCATION THE COUNTY RECORDER OR OTHER  
37 OFFICER IN CHARGE OF ELECTIONS MAY PROVIDE FOR A QUALIFIED ELECTOR TO  
38 UPDATE THE ELECTOR'S VOTER REGISTRATION INFORMATION AS PROVIDED FOR IN THE  
39 SECRETARY OF STATE'S INSTRUCTION AND PROCEDURES MANUAL ADOPTED PURSUANT TO  
40 SECTION 16-452.

41       B. Notwithstanding subsection A of this section, a request for an  
42 official early ballot from an absent uniformed services voter or overseas  
43 voter as defined in the uniformed and overseas citizens absentee voting  
44 act of 1986 (P.L. 99-410; 52 United States Code section 20310) or a voter  
45 whose information is protected pursuant to section 16-153 that is received

1 by the county recorder or other officer in charge of elections more than  
 2 ninety-three days before the election is valid. If requested by the  
 3 absent uniformed services or overseas voter, or a voter whose information  
 4 is protected pursuant to section 16-153, the county recorder or other  
 5 officer in charge of elections shall provide to the requesting voter early  
 6 ballot materials through the next regularly scheduled general election for  
 7 federal office immediately following receipt of the request unless a  
 8 different period of time, which does not exceed the next two regularly  
 9 scheduled general elections for federal office, is designated by the  
 10 voter.

11 C. The county recorder or other officer in charge of elections  
 12 shall mail the early ballot and the envelope for its return postage  
 13 prepaid to the address provided by the requesting elector within five days  
 14 after receipt of the official early ballots from the officer charged by  
 15 law with the duty of preparing ballots pursuant to section 16-545, except  
 16 that early ballot distribution shall not begin more than twenty-seven days  
 17 before the election. If an early ballot request is received on or before  
 18 the thirty-first day before the election, the early ballot shall be  
 19 distributed not earlier than the twenty-seventh day before the election  
 20 and not later than the twenty-fourth day before the election.

21 D. Only the elector may be in possession of that elector's unvoted  
 22 early ballot. If a complete and correct request is made by the elector  
 23 within twenty-seven days before the election, the mailing must be made  
 24 within forty-eight hours after receipt of the request. Saturdays, Sundays  
 25 and other legal holidays are excluded from the computation of the  
 26 forty-eight hour period prescribed by this subsection. If a complete and  
 27 correct request is made by an absent uniformed services voter or an  
 28 overseas voter before the election, the regular early ballot shall be  
 29 transmitted by mail, by fax or by other electronic format approved by the  
 30 secretary of state within twenty-four hours after the early ballots are  
 31 delivered pursuant to section 16-545, subsection B, excluding Sundays.

32 E. In order to be complete and correct and to receive an early  
 33 ballot by mail, an elector's request that an early ballot be mailed to the  
 34 elector's residence or temporary address must include all of the  
 35 information prescribed by subsection A of this section and must be  
 36 received by the county recorder or other officer in charge of elections no  
 37 later than 5:00 p.m. on the eleventh day preceding the election. An  
 38 elector who appears personally no later than 5:00 p.m. on the Friday  
 39 preceding the election at an on-site early voting location that is  
 40 established by the county recorder or other officer in charge of elections  
 41 shall be given a ballot AFTER PRESENTING IDENTIFICATION AS PRESCRIBED IN  
 42 SECTION 16-579 and SHALL BE permitted to vote at the on-site location.  
 43 NOTWITHSTANDING SECTION 16-579, SUBSECTION A, PARAGRAPH 2, AT ANY ON-SITE  
 44 EARLY VOTING LOCATION THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF  
 45 ELECTIONS MAY PROVIDE FOR A QUALIFIED ELECTOR TO UPDATE THE ELECTOR'S

1 VOTER REGISTRATION INFORMATION AS PROVIDED FOR IN THE SECRETARY OF STATE'S  
2 INSTRUCTION AND PROCEDURES MANUAL ADOPTED PURSUANT TO SECTION 16-452. If  
3 an elector's request to receive an early ballot is not complete and  
4 correct but complies with all other requirements of this section, the  
5 county recorder or other officer in charge of elections shall attempt to  
6 notify the elector of the deficiency of the request.

7 F. Unless an elector specifies that the address to which an early  
8 ballot is to be sent is a temporary address, the recorder may use the  
9 information from an early ballot request form to update voter registration  
10 records.

11 G. The county recorder or other officer in charge of early  
12 balloting shall provide an alphabetized list of all voters in the precinct  
13 who have requested and have been sent an early ballot to the election  
14 board of the precinct in which the voter is registered not later than the  
15 day before the election.

16 H. As a result of an emergency occurring between 5:00 p.m. on the  
17 second Friday preceding the election and 5:00 p.m. on the Monday preceding  
18 the election, qualified electors may request to vote early in the manner  
19 prescribed by the county recorder of their respective county. For the  
20 purposes of this subsection, "emergency" means any unforeseen  
21 circumstances that would prevent the elector from voting at the polls.

22 I. A candidate, political committee or other organization may  
23 distribute early ballot request forms to voters. If the early ballot  
24 request forms include a printed address for return, the addressee shall be  
25 the political subdivision that will conduct the election. Failure to use  
26 the political subdivision as the return addressee is punishable by a civil  
27 penalty of up to three times the cost of the production and distribution  
28 of the request.

29 J. All original and completed early ballot request forms that are  
30 received by a candidate, political committee or other organization shall  
31 be submitted within six business days after receipt by a candidate,  
32 political committee or other organization or eleven days before the  
33 election day, whichever is earlier, to the political subdivision that will  
34 conduct the election. Any person, political committee or other  
35 organization that fails to submit a completed early ballot request form  
36 within the prescribed time is subject to a civil penalty of up to  
37 ~~twenty-five dollars~~ \$25 per day for each completed form withheld from  
38 submittal. Any person who knowingly fails to submit a completed early  
39 ballot request form before the submission deadline for the election  
40 immediately following the completion of the form is guilty of a class 6  
41 felony.