

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

CHAPTER 15
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.

APPROVED BY THE GOVERNOR MARCH 22, 2019.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 22, 2019.