CHAPTER 107

SENATE BILL 1090

AN ACT

AMENDING SECTIONS 16-246, 16-411, 16-542 AND 16-549, ARIZONA REVISED STATUTES; RELATING TO ELECTIONS AND ELECTORS.

(TEXT OF BILL BEGINS ON NEXT PAGE)
Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 16-246, Arizona Revised Statutes, is amended to read:

16-246. Early balloting; satellite locations; additional procedures

A. Within ninety-three days before the presidential preference election and not later than 5:00 p.m. on the eleventh day preceding the election, any elector who is eligible to vote in the presidential preference election may make a verbal or signed, written request for an official early ballot to the county recorder or other officer in charge of elections for the county in which the elector is registered to vote. If the request is verbal, the requesting elector shall provide the date of birth and birthplace or other information that if compared to the voter registration records for that elector would confirm the identity of the elector.

B. Absent uniformed services voters or overseas voters who are otherwise eligible to vote in the election may vote as prescribed by sections 16-543 and 16-543.02.

C. The county recorder or other officer in charge of elections may establish on-site early voting locations at the office of the county recorder or at other locations in the county deemed necessary or appropriate by the recorder. Early voting shall begin within the time limits prescribed in section 16-542 unless otherwise prescribed by this section.

D. The county recorder or other officer in charge of elections shall send by nonforwardable mail that is marked with the statement required by the postmaster to receive an address correction notification any early ballots that are requested pursuant to subsections A and B of this section and shall include a preaddressed envelope for the elector to return the completed ballot.

E. The county recorder or other officer in charge of elections shall provide to each election board an appropriate alphabetized list of voters who have requested and have been sent an early ballot. Any person who is on that list of voters and who was sent an early ballot shall not vote at the polling place for that election precinct except as prescribed by section 16-579, subsection B.

F. The county recorder or other officer in charge of elections may provide for any of the following in the same manner prescribed by law for other elections:

1. Special election boards.

2. Emergency balloting for persons who experience an emergency after 5:00 p.m. on the Friday preceding the presidential preference election and before 5:00 p.m. on the Monday immediately preceding the presidential preference election. BEFORE RECEIVING A BALLOT PURSUANT TO
THIS PARAGRAPH, A PERSON WHO EXPERIENCES AN EMERGENCY SHALL PROVIDE IDENTIFICATION AS PRESCRIBED IN SECTION 16-579 AND SHALL SIGN A STATEMENT UNDER PENALTY OF PERJURY THAT STATES THAT THE PERSON IS EXPERIENCING OR EXPERIENCED AN EMERGENCY AFTER 5:00 P.M. ON THE FRIDAY IMMEDIATELY PRECEDING THE ELECTION AND BEFORE 5:00 P.M. ON THE MONDAY IMMEDIATELY PRECEDING THE ELECTION THAT WOULD PREVENT THE PERSON FROM VOTING AT THE POLLS. SIGNED STATEMENTS RECEIVED PURSUANT TO THIS SUBSECTION ARE NOT SUBJECT TO INSPECTION PURSUANT TO TITLE 39, CHAPTER 1, ARTICLE 2.

G. NOTWITHSTANDING SECTION 16-579, SUBSECTION A, PARAGRAPH 2, FOR EMERGENCY BALLOTING PURSUANT TO SUBSECTION F, PARAGRAPH 2 OF THIS SECTION, THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS MAY ALLOW A QUALIFIED ELECTOR TO UPDATE THE ELECTOR'S VOTER REGISTRATION INFORMATION AS PROVIDED FOR IN THE SECRETARY OF STATE'S INSTRUCTIONS AND PROCEDURES MANUAL ADOPTED PURSUANT TO SECTION 16-452.

H. Sections 16-550, 16-551 and 16-552 govern the use of early balloting for the presidential preference election.

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

16-411. Designation of election precincts and polling places; voting centers; electioneering; wait times
A. The board of supervisors of each county, on or before December 1 of each year preceding the year of a general election, by an order, shall establish a convenient number of election precincts in the county and define the boundaries of the precincts. The election precinct boundaries shall be so established as included within election districts prescribed by law for elected officers of the state and its political subdivisions including community college district precincts, except those elected officers provided for in titles 30 and 48.

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

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

2. Adjacent precincts may be combined if boundaries so established are included in election districts prescribed by law for state elected officials and political subdivisions including community college districts but not including elected officials prescribed by titles 30 and 48. The officer in charge of elections may also split a precinct for administrative purposes. The polling places shall be listed in separate sections of the order or resolution.
3. On a specific finding of the board that the number of persons who are listed as permanent early voters pursuant to section 16-544 is likely to substantially reduce the number of voters appearing at one or more specific polling places at that election, adjacent precincts may be consolidated by combining polling places and precinct boards for that election. The board of supervisors shall ensure that a reasonable and adequate number of polling places will be designated for that election. Any consolidated polling places shall be listed in separate sections of the order or resolution of the board.

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

5. On a specific resolution of the board of supervisors that is limited to a specific election date and that is voted on by a recorded vote, the board may authorize the county recorder or other officer in charge of elections to use emergency voting centers as follows:
   (a) The board shall specify in the resolution the location of the emergency voting centers and the hours of operation.
   (b) A qualified elector voting at an emergency voting center shall provide identification as prescribed in section 16-579, except that notwithstanding section 16-579, subsection A, paragraph 2, for any voting at an emergency voting center, the county recorder or other officer in charge of elections may allow a qualified elector to update the elector's voter registration information as provided for in the secretary of state's instructions and procedures manual adopted pursuant to section 16-452.
   (c) If an emergency voting center established pursuant to this section becomes unavailable and there is not sufficient time for the board of supervisors to convene to approve an alternate location for that emergency voting center, the county recorder or other officer in charge of elections may make changes to the approved emergency voting center location and shall notify the public and the board of supervisors regarding that change as soon as practicable. The alternate emergency voting center shall be as close in proximity to the approved emergency voting center location as possible.

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

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

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

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

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

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

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

1. Space is not available at the school.

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

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

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

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

1. An act of God renders a previously set polling place as unusable.
2. A county recorder or other officer in charge of elections has exhausted all options and there are no suitable facilities in a precinct that are willing to be a polling place unless a facility can be given an emergency designation.

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

1. The number of ballots voted in the prior primary and general elections.
2. The number of registered voters who voted early in the prior primary and general elections.
3. The number of registered voters and the number of registered voters who cast an early ballot for the current primary or general election.
4. The number of election board members and clerks and the number of rosters that will reduce voter wait time at the polls.

Sec. 3. Section 16-542, Arizona Revised Statutes, is amended to read:

16-542. Request for ballot; civil penalties; violation; classification
A. Within ninety-three days before any election called pursuant to the laws of this state, an elector may make a verbal or signed request to the county recorder, or other officer in charge of elections for the
applicable political subdivision of this state in whose jurisdiction the
elector is registered to vote, for an official early ballot. In addition
to name and address, the requesting elector shall provide the date of
birth and state or country of birth or other information that if compared
to the voter registration information on file would confirm the identity
of the elector. If the request indicates that the elector needs a primary
election ballot and a general election ballot, the county recorder or
other officer in charge of elections shall honor the request. For any
partisan primary election, if the elector is not registered as a member of
a political party that is entitled to continued representation on the
ballot pursuant to section 16-804, the elector shall designate the ballot
of only one of the political parties that is entitled to continued
representation on the ballot and the elector may receive and vote the
ballot of only that one political party, which also shall include any
nonpartisan offices and ballot questions, or the elector shall designate
the ballot for nonpartisan offices and ballot questions only and the
elector may receive and vote the ballot that contains only nonpartisan
offices and ballot questions. The county recorder or other officer in
charge of elections shall process any request for an early ballot for a
municipal election pursuant to this subsection. The county recorder may
establish on-site early voting locations at the recorder's office, which
shall be open and available for use beginning the same day that a county
begins to send out the early ballots. The county recorder may also
establish any other early voting locations in the county the recorder
deems necessary.

B. Notwithstanding subsection A of this section, a request for an
official early ballot from an absent uniformed services voter or overseas
voter as defined in the uniformed and overseas citizens absentee voting
act of 1986 (P.L. 99-410; 52 United States Code section 20310) or a voter
whose information is protected pursuant to section 16-153 that is received
by the county recorder or other officer in charge of elections more than
ninety-three days before the election is valid. If requested by the
absent uniformed services or overseas voter, or a voter whose information
is protected pursuant to section 16-153, the county recorder or other
officer in charge of elections shall provide to the requesting voter early
ballot materials through the next regularly scheduled general election for
federal office immediately following receipt of the request unless a
different period of time, which does not exceed the next two regularly
scheduled general elections for federal office, is designated by the
voter.

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

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

E. In order to be complete and correct and to receive an early
ballot by mail, an elector's request that an early ballot be mailed to the
elector's residence or temporary address must include all of the
information prescribed by subsection A of this section and must be
received by the county recorder or other officer in charge of elections no
later than 5:00 p.m. on the eleventh day preceding the election. An
elector who appears personally no later than 5:00 p.m. on the Friday
preceding the election at an on-site early voting location that is
established by the county recorder or other officer in charge of elections
shall be given a ballot and permitted to vote at the on-site location. If
an elector's request to receive an early ballot is not complete and
correct but complies with all other requirements of this section, the
county recorder or other officer in charge of elections shall attempt to
notify the elector of the deficiency of the request.

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

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

H. As a result of EXPERIENCING an emergency occurring between 5:00
p.m. on the second Friday preceding the election and 5:00 p.m. on the
Monday preceding the election, qualified electors may request to vote
early in the manner prescribed by the county recorder BOARD OF SUPERVISORS
of their respective county. BEFORE VOTING PURSUANT TO THIS SUBSECTION, AN ELECTOR WHO EXPERIENCES AN EMERGENCY SHALL PROVIDE IDENTIFICATION AS PRESCRIBED IN SECTION 16-579 AND SHALL SIGN A STATEMENT UNDER PENALTY OF PERJURY THAT THE PERSON IS EXPERIENCING OR EXPERIENCED AN EMERGENCY AFTER 5:00 P.M. ON THE FRIDAY IMMEDIATELY PRECEDING THE ELECTION AND BEFORE 5:00 P.M. ON THE MONDAY IMMEDIATELY PRECEDING THE ELECTION THAT WOULD PREVENT THE PERSON FROM VOTING AT THE POLLS. SIGNED STATEMENTS RECEIVED PURSUANT TO THIS SUBSECTION ARE NOT SUBJECT TO INSPECTION PURSUANT TO TITLE 39, CHAPTER 1, ARTICLE 2. For the purposes of this subsection, "emergency" means any unforeseen circumstances that would prevent the elector from voting at the polls.

I. NOTWITHSTANDING SECTION 16-579, SUBSECTION A, PARAGRAPH 2, FOR ANY VOTING PURSUANT TO SUBSECTION H OF THIS SECTION, THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS MAY ALLOW A QUALIFIED ELECTOR TO UPDATE THE ELECTOR'S VOTER REGISTRATION INFORMATION AS PROVIDED FOR IN THE SECRETARY OF STATE'S INSTRUCTIONS AND PROCEDURES MANUAL ADOPTED PURSUANT TO SECTION 16-452.

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

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

Sec. 4. Section 16-549, Arizona Revised Statutes, is amended to read:

16-549. Special election boards; voting procedure for ill electors or electors with disabilities; expenses

A. The county recorder or other officer in charge of elections, for the purpose of making it possible for qualified electors who are ill or have a disability to vote, may appoint such number of special election
boards as needed. In a partisan election, each such board shall consist of two members, one from each of the two political parties which cast the highest number of votes in the state in the last preceding general election. The county chairman of each such party shall furnish, within sixty days prior to the election day, the county recorder or other officer in charge of elections with a list of names of qualified electors within the chairman's political party, and such additional lists as may be required, from which the county recorder or other officer in charge of elections shall appoint members to such special election boards. The county recorder or other officer in charge of elections may refuse for cause to appoint or may for cause remove a member of this board. A person who is a candidate for an office other than precinct committeeman is not eligible to serve on the special election board for that election.

B. Members of special election boards appointed under the provisions of this section shall be reimbursed for travel expenses in the manner provided by law and shall also receive such compensation as the board of supervisors or the governing body prescribes, all of which shall be paid by the county or other political subdivision.

C. In lieu of the mailed early ballot procedure, any qualified elector who is confined as the result of a continuing illness or physical disability and is, therefore, not able to go to the polls on the day of the next election and who does not wish to vote by the mailed early ballot procedure, may make a verbal or a signed written request to the county recorder or other officer in charge of elections to have a ballot personally delivered to the elector by the special election board at the elector's place of confinement within the county or other political subdivision. The ballot shall be delivered to the elector in person by a special election board as provided in this section. Such requests must be made by 5:00 p.m. on the second Friday before the election.

D. Qualified electors who become ill or become a person with a disability after the second Friday before the election may nevertheless request personal ballot delivery pursuant to this section, and the county recorder or other officer in charge of elections shall when possible honor such requests up to and including the last day before the election. Qualified electors who are admitted to a hospital after 5:00 p.m. on the second Friday preceding the election and before 5:00 p.m. on election day may request the county recorder or other officer in charge of elections to provide a special election board with a ballot at the elector's place of confinement. If the county recorder or other officer in charge of elections is able to accommodate the request, the voted ballot of the elector shall be sealed in an envelope and shall be processed as a provisional ballot pursuant to section 16-584. Before receiving a ballot pursuant to this subsection, a qualified elector shall provide identification as prescribed in section 16-579 and shall sign a statement...
UNDER PENALTY OF PERJURY THAT STATES THAT THE PERSON IS EXPERIENCING OR EXPERIENCED AN EMERGENCY AFTER 5:00 P.M. ON THE FRIDAY IMMEDIATELY PRECEDING THE ELECTION AND BEFORE 5:00 P.M. ON THE MONDAY IMMEDIATELY PRECEDING THE ELECTION THAT WOULD PREVENT THE PERSON FROM VOTING AT THE POLLS. SIGNED STATEMENTS RECEIVED PURSUANT TO THIS SUBSECTION ARE NOT SUBJECT TO INSPECTION PURSUANT TO TITLE 39, CHAPTER 1, ARTICLE 2.

E. The manner and procedure of voting shall be as provided in section 16-548, except that the marked ballot in the sealed envelope shall be handed by the elector to the special election board and shall be delivered by the board to the county recorder or other officer in charge of elections.

APPROVED BY THE GOVERNOR APRIL 17, 2019.