CHAPTER 271

SENATE BILL 1362

AN ACT

AMENDING SECTIONS 16-411, 16-550 AND 16-563, ARIZONA REVISED STATUTES;
AMENDING TITLE 16, CHAPTER 4, ARTICLE 9, ARIZONA REVISED STATUTES, BY
ADDING SECTIONS 16-579.01 AND 16-579.02; RELATING TO EARLY BALLOTS.

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

Section 1. 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 October 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 established so as to be 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. At least 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 early voters pursuant to section 16-544 AND WHO ARE NOT EXPECTED TO HAVE THEIR BALLOTS TABULATED AT THE POLLING PLACE AS PRESCRIBED IN SECTION 16-579.02 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 after presenting identification as prescribed in section 16-579 and to 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 and the  
hours of operation of the emergency voting centers.

(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  
election, 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 does not allow 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 allowed 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.
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 REGISTERED VOTERS WHOSE EARLY BALLOTS WERE TABULATED ON-SITE AS PRESCRIBED IN SECTION 16-579.02 IN THE PRIOR PRIMARY AND GENERAL ELECTIONS.

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

Sec. 2. Section 16-550, Arizona Revised Statutes, is amended to read:

16-550. Receipt of voter's ballot; cure period

A. EXCEPT FOR EARLY BALLOTS TABULATED AS PRESCRIBED IN SECTION 16-579.02, on receipt of the envelope containing the early ballot and the ballot affidavit, the county recorder or other officer in charge of elections shall compare the signatures thereon with the signature of the elector on the elector's registration record. If the signature is inconsistent with the elector's signature on the elector's registration record, the county recorder or other officer in charge of elections shall make reasonable efforts to contact the voter, advise the voter of the inconsistent signature and allow the voter to correct or the county to confirm the inconsistent signature. The county recorder or other officer in charge of elections shall allow signatures to be corrected not later than the fifth business day after a primary, general or special election that includes a federal office or the third business day after any other election. If the signature is missing, the county recorder or other officer in charge of elections shall make reasonable efforts to contact the elector, advise the elector of the missing signature and allow the
elector to add the elector's signature not later than 7:00 p.m. on
election day. If satisfied that the signatures correspond, the recorder
or other officer in charge of elections shall hold the envelope containing
the early ballot and the completed affidavit unopened in accordance with
the rules of the secretary of state.

B. The recorder or other officer in charge of elections shall
thereafter safely keep the affidavits and early ballots in the recorder's
or other officer's office and may deliver them for tallying pursuant to
section 16-551. Tallying of ballots may begin immediately after the
envelope and completed affidavit are processed pursuant to this section
and delivered to the early election board.

C. The county recorder shall send a list of all voters who were
issued early ballots to the election board of the precinct in which the
voter is registered.

D. This section does not apply to:
1. A special taxing district that is authorized pursuant to section
16-191 to conduct its own elections.
2. A special district mail ballot election that is conducted
pursuant to article 8.1 of this chapter.

Sec. 3. Section 16-563, Arizona Revised Statutes, is amended to
read:
16-563. Posting sample ballots, instruction cards and notice
to voters before opening polls

Before opening the polls the inspector of election shall
direct the following postings:

1. One of the sample ballots provided for in section 16-510, one of
the cards of instructions provided for in section 16-513 and one of the
"Right to vote a provisional ballot" notices provided for in section
16-513.01 in plain view in the room where the ballots are cast. At least
one other sample ballot, card of instruction and "Right to vote a
provisional ballot" notice shall be posted in a conspicuous place in and
around the polling place.

2. Three seventy-five foot limit notices approximately seventy-five
feet in different directions from the main outside entrance being used by
voters to enter the building in which the election is being held.

3. In each voting booth, a notice to voters provided in section
16-514 at general elections only.

4. ANY NOTICES NECESSARY FOR COMPLYING WITH EARLY BALLOT ON-SITE
TABULATION PROCEDURES AS PRESCRIBED IN SECTIONS 16-579.01 AND 16-579.02.

Sec. 4. Title 16, chapter 4, article 9, Arizona Revised Statutes,
is amended by adding sections 16-579.01 and 16-579.02, to read:

16-579.01. Early ballots; on-site tabulation

A. EVERY COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS
MAY PROVIDE FOR A QUALIFIED ELECTOR WHO APPEARS AT THAT ELECTOR'S
DESIGNATED POLLING LOCATION OR AT A VOTING CENTER ON ELECTION DAY WITH THE

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ELECTOR'S VOTED EARLY BALLOT TO HAVE THE ELECTOR'S VOTED EARLY BALLOT TABULATED AS PRESCRIBED IN SECTION 16-579.02.

B. THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS SHALL DO ALL OF THE FOLLOWING IF THE ON-SITE TABULATION OF EARLY BALLOTS IS ALLOWED:

1. DESIGNATE AN AREA WITHIN A PRECINCT OR VOTING CENTER FOR PROCESSING ELECTORS WITH THEIR VOTED EARLY BALLOTS THAT IS PHYSICALLY SEPARATE FROM THE AREA FOR VOTERS WHO ARE VOTING PURSUANT TO SECTION 16-579.

2. PROVIDE ADEQUATE POLL WORKERS, ELECTION OFFICIALS AND EQUIPMENT NECESSARY TO CONDUCT VOTING PURSUANT TO THIS SECTION AND SECTION 16-579.02.

3. CATEGORIZE AND TALLY SEPARATELY IN THE OFFICIAL CANVASS AND OTHER REPORTS ELECTORS WHOSE VOTED EARLY BALLOTS ARE TABULATED AT THE PRECINCT OR VOTING CENTER. THE TALLY SHALL BE REPORTED BY PRECINCT IN THE OFFICIAL CANVASS AND OTHER VOTING REPORTS.

4. RECONCILE FOR THAT POLLING PLACE OR VOTING CENTER THE NUMBER OF ELECTORS WHO APPEAR ON THE SIGNATURE ROSTER OR E-POLLBOOK WITH THE NUMBER OF COMPLETED EARLY BALLOT AFFIDAVITS AND THE VOTED EARLY BALLOTS TABULATED ON-SITE.

16-579.02. Election day early ballot on-site tabulation procedure; fund

A. A QUALIFIED ELECTOR WHO APPEARS AT A VOTING CENTER OR AT THE ELECTOR'S DESIGNATED POLLING PLACE THAT Allows FOR THE ON-SITE TABULATION OF EARLY BALLOTS WITH THE ELECTOR'S VOTED EARLY BALLOT SHALL PRESENT IDENTIFICATION AS PRESCRIBED IN SECTION 16-579, SUBSECTION A, PARAGRAPH 1 AND PROCEED AS FOLLOWS:

1. IF THE ELECTOR DOES NOT PRESENT IDENTIFICATION THAT COMPLIES WITH SECTION 16-579, SUBSECTION A, PARAGRAPH 1, THE ELECTOR SHALL EITHER DEPOSIT THE ELECTOR'S VOTED EARLY BALLOT IN ITS AFFIDAVIT ENVELOPE IN AN OFFICIAL DROP BOX OR PROCEED TO THE AREA DESIGNATED FOR ELECTION DAY VOTING TO SURRENDER THE EARLY BALLOT TO THE ELECTION BOARD FOR RETENTION AND NOT FOR TABULATING. THE ELECTOR SHALL THEN BE ALLOWED TO VOTE A PROVISIONAL BALLOT AS PRESCRIBED IN SECTION 16-584. AN ELECTION OFFICIAL MAY NOT ALLOW FOR THE ON-SITE TABULATION OF AN EARLY BALLOT IF THE ELECTOR DOES NOT PRESENT IDENTIFICATION THAT COMPLIES WITH SECTION 16-579, SUBSECTION A, PARAGRAPH 1.

2. IF THE ELECTOR PRESENTS SUFFICIENT IDENTIFICATION TO COMPLY WITH SECTION 16-579, SUBSECTION A, PARAGRAPH 1, THE ELECTOR SHALL PRESENT THE ELECTOR'S EARLY BALLOT AFFIDAVIT TO THE ELECTION OFFICIAL IN CHARGE OF THE SIGNATURE ROSTER, AND THE ELECTION OFFICIAL SHALL CONFIRM THAT THE NAME AND ADDRESS ON THE COMPLETED AFFIDAVIT REASONABLY APPEAR TO BE THE SAME AS THE NAME AND ADDRESS ON THE PRECINCT REGISTER.
3. IF THE ELECTOR'S AFFIDAVIT IS NOT COMPLETE, THE ELECTION OFFICIAL IN CHARGE OF THE SIGNATURE ROSTER SHALL ALLOW THE ELECTOR TO COMPLETE THE AFFIDAVIT. THE ELECTION OFFICIAL MAY NOT ALLOW FOR THE ON-SITE TABULATION OF AN EARLY BALLOT UNTIL THE ELECTOR PRESENTS A COMPLETED EARLY BALLOT AFFIDAVIT.

B. IF THE ELECTOR'S AFFIDAVIT IS COMPLETE, THE ELECTOR'S NAME SHALL BE NUMBERED CONSECUTIVELY BY THE CLERK AND IN THE ORDER OF APPLICATION FOR EARLY BALLOT TABULATION.

C. FOR PRECINCTS IN WHICH A PAPER SIGNATURE ROSTER IS USED, EACH QUALIFIED ELECTOR SHALL SIGN THE ELECTOR'S NAME IN THE SIGNATURE ROSTER AS PRESCRIBED IN SECTION 16-579, SUBSECTION D BEFORE PROCEEDING TO THE TABULATING EQUIPMENT.

D. FOR PRECINCTS IN WHICH AN ELECTRONIC POLLBOOK IS USED, EACH QUALIFIED ELECTOR SHALL SIGN THE ELECTOR'S NAME AS PRESCRIBED IN SECTION 16-579, SUBSECTION E BEFORE PROCEEDING TO THE TABULATING EQUIPMENT.

E. AFTER SIGNING THE SIGNATURE ROSTER OR ELECTRONIC POLLBOOK, THE ELECTOR SHALL PROCEED TO THE TABULATING EQUIPMENT AND WHILE UNDER THE OBSERVATION OF AN ELECTION OFFICIAL, REMOVE THE EARLY BALLOT FROM THE COMPLETED AFFIDAVIT ENVELOPE, DEPOSIT THE EMPTY COMPLETED AFFIDAVIT ENVELOPE IN THE SECURED AND LABELED DROP BOX AND INSERT THE EARLY BALLOT INTO A TABULATING MACHINE. AN EARLY BALLOT THAT HAS BEEN SEPARATED FROM THE ELECTOR'S COMPLETED AFFIDAVIT ENVELOPE MAY NOT BE REMOVED FROM THE ON-SITE EARLY BALLOT TABULATION AREA.

F. THE DROP BOX PRESCRIBED IN SUBSECTION E OF THIS SECTION SHALL BE CLEARLY LABELED TO INDICATE THAT THE COMPLETED AFFIDAVITS ARE FROM BALLOTS TABULATED PURSUANT TO THIS SECTION AND SHALL BE SECURED IN A MANNER SUBSTANTIALLY SIMILAR TO OTHER BALLOT BOXES AT THAT LOCATION.

G. ANY QUALIFIED ELECTOR WHO LAWFULLY BRINGS TO A POLLING PLACE OR VOTING CENTER ANOTHER ELECTOR'S VOTED EARLY BALLOT THAT IS SEALED IN ITS AFFIDAVIT ENVELOPE SHALL DEPOSIT THE OTHER ELECTOR'S VOTED EARLY BALLOT IN THE APPROPRIATE BALLOT DROP BOX BEFORE ENTERING THE ON-SITE EARLY BALLOT TABULATION AREA FOR PURPOSES OF TABULATING THE ELECTOR'S OWN EARLY BALLOT. THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS SHALL ENSURE THAT A VOTER IS NOT IN POSSESSION OF ANOTHER VOTER'S BALLOT WITHIN THE ON-SITE EARLY BALLOT TABULATION AREA.

APPROVED BY THE GOVERNOR JUNE 6, 2022.