AN ACT

AMENDING SECTIONS 16-411 AND 16-531, ARIZONA REVISED STATUTES; RELATING TO CONDUCT OF ELECTIONS.

(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 prohibited; 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. THE BOARD OF SUPERVISORS AND ANY OFFICER IN CHARGE OF ELECTIONS SHALL NOT AUTHORIZE, ESTABLISH OR USE A VOTING CENTER AT WHICH A VOTER WHO IS A REGISTERED VOTER AND RESIDENT ANYWHERE IN THAT COUNTY IS ALLOWED TO RECEIVE THE APPROPRIATE BALLOT FOR THAT SPECIFIC VOTER AND MAY ONLY USE POLLING PLACES LOCATED IN ELECTION DISTRICTS.

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 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
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 location 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 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. 2. Section 16-531, Arizona Revised Statutes, is amended to
read:

16-531. Appointment of election boards; qualifications

A. When an election is ordered, and not less than twenty days
before a general or primary election, the board of supervisors shall
appoint for each election precinct, voting center or other voting location
one inspector, one marshal, two judges and as many clerks of election as
deemed necessary. The inspector, marshal, judges and clerks shall be
qualified voters of the precinct for which appointed, except if there is
not a sufficient number of persons available to provide the number of
appointments required, the inspector, marshal, judges and clerks shall be
qualified voters of this state. The inspector, marshal and judges shall
not have changed their political party affiliation or their no party
preference affiliation since the last preceding general election, and if
they are members of the two political parties that cast the highest number
of votes in the state at the last preceding general election, they shall
be divided equally between these two parties. There shall be an equal
number of inspectors in the various precincts in the county who are
members of the two largest political parties. In each precinct where the
inspector is a member of one of the two largest political parties, the
marshal in that precinct shall be a member of the other of the two largest political parties. Whenever possible, any person appointed as an inspector shall have had previous experience as an inspector, judge, marshal or clerk of elections. If there is no qualified person in a given precinct, the appointment of an inspector may be made from names provided by the county party chairman. If not less than ninety days before the election the chairman of the county committee of either of the parties designates qualified voters of the precinct, or of another precinct if there are not sufficient members of that party available in the precinct to provide the necessary representation on the election board as judge, such designated qualified voters shall be appointed. The judges, together with the inspector, shall constitute the board of elections. Any registered voter in the election precinct, or in another election precinct if there are not sufficient persons available in the election precinct for which the clerks are being appointed, may be appointed as clerk.

B. If the election precinct consists of fewer than three hundred qualified electors, the board of supervisors may appoint not fewer than one inspector and two judges. The board of supervisors shall give notice of election precincts consisting of fewer than three hundred qualified electors to the county chairmen of the two largest political parties not later than thirty days before the election. The inspector and judges shall be appointed in the same manner by party as provided in subsection A of this section.

C. If a nonpartisan election is ordered, not less than twenty days before the election the governing board holding the election shall appoint, without consideration for political party, a minimum of AT LEAST three election workers for each polling place. The election workers shall consist of at least one inspector and two judges. Whenever possible, they shall be qualified electors of the precinct located within the district, without consideration for political party.

D. For election boards established pursuant to subsection B of this section, the inspector and two judges shall be appointed to provide as equal as practicable representation of members of the two largest political parties on the board in the same manner as provided for the election boards prescribed by subsection A of this section. Any registered voter in the election precinct, or in another election precinct if there are not sufficient persons available in the election precinct for which the clerks are being appointed, may be appointed as clerk. No United States, state, county or precinct officer, nor a candidate for office at the election, other than a precinct committeeman or a candidate for the office of precinct committeeman, is qualified to act as judge, inspector, marshal or clerk.

E. If an electronic voting system is in use the write-in ballots shall be tallied by a board of elections consisting of one inspector and
two judges who are appointed in the same manner by party as provided in subsection A of this section.

F. Notwithstanding any other law, the board of supervisors may appoint to an election board to serve as a clerk of election a person who is not eligible to vote if all of the following conditions are met:

1. The person is a minor who will be at least sixteen years of age at the time of the election for which the person is named to the election board.

2. The person is a citizen of the United States at the time of the election for which the person is named to the election board.

3. The person is supervised by an adult who has been trained as an elections officer.

4. The person has received training provided by the officer in charge of elections.

5. The parent or guardian of the person has provided written permission for the person to serve.

G. A school district or charter school shall not be required to reduce its average daily membership, as defined in section 15-901, for any pupil who is absent from one or more instructional programs as a result of the pupil's service on an election board pursuant to subsection F of this section.

H. A school district or charter school shall not count any pupil's absence from one or more instructional programs as a result of the pupil's service on an election board pursuant to subsection F of this section against any mandatory attendance requirements for the pupil.

I. This section does not prevent the board of supervisors or governing body from refusing for cause to reappoint, or from removing for cause, an election board member.