

Senate Engrossed

early ballot on-site tabulation

State of Arizona  
Senate  
Fifty-fifth Legislature  
Second Regular Session  
2022

## **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)

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 October 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 established so as to be included within election districts  
11 prescribed by law for elected officers of the state and its political  
12 subdivisions including community college district precincts, except those  
13 elected officers provided for in titles 30 and 48.

14 B. At least twenty days before a general or primary election, and  
15 at least ten days before a special election, the board shall designate one  
16 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 early voters pursuant to section 16-544 **AND WHO ARE NOT**  
31 **EXPECTED TO HAVE THEIR BALLOTS TABULATED AT THE POLLING PLACE AS**  
32 **PRESCRIBED IN SECTION 16-579.02** is likely to substantially reduce the  
33 number of voters appearing at one or more specific polling places at that  
34 election, adjacent precincts may be consolidated by combining polling  
35 places and precinct boards for that election. The board of supervisors  
36 shall ensure that a reasonable and adequate number of polling places will  
37 be designated for that election. Any consolidated polling places shall be  
38 listed in separate sections of the order or resolution of the board.

39 4. On a specific resolution of the board, the board may authorize  
40 the use of voting centers in place of or in addition to specifically  
41 designated polling places. A voting center shall allow any voter in that  
42 county to receive the appropriate ballot for that voter on election day  
43 after presenting identification as prescribed in section 16-579 and to  
44 lawfully cast the ballot. Voting centers may be established in

1 coordination and consultation with the county recorder, at other county  
2 offices or at other locations in the county deemed appropriate.

3       5. On a specific resolution of the board of supervisors that is  
4 limited to a specific election date and that is voted on by a recorded  
5 vote, the board may authorize the county recorder or other officer in  
6 charge of elections to use emergency voting centers as follows:

7           (a) The board shall specify in the resolution the location and the  
8 hours of operation of the emergency voting centers.

9           (b) A qualified elector voting at an emergency voting center shall  
10 provide identification as prescribed in section 16-579, except that  
11 notwithstanding section 16-579, subsection A, paragraph 2, for any voting  
12 at an emergency voting center, the county recorder or other officer in  
13 charge of elections may allow a qualified elector to update the elector's  
14 voter registration information as provided for in the secretary of state's  
15 instructions and procedures manual adopted pursuant to section 16-452.

16           (c) If an emergency voting center established pursuant to this  
17 section becomes unavailable and there is not sufficient time for the board  
18 of supervisors to convene to approve an alternate location for that  
19 emergency voting center, the county recorder or other officer in charge of  
20 elections may make changes to the approved emergency voting center  
21 location and shall notify the public and the board of supervisors  
22 regarding that change as soon as practicable. The alternate emergency  
23 voting center shall be as close in proximity to the approved emergency  
24 voting center location as possible.

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

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

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

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

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

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

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

14       1. Space is not available at the school.  
15       2. The safety or welfare of the children would be jeopardized.

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

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

42       I. For the purposes of this section, a county recorder or other  
43 officer in charge of elections shall designate a polling place as an  
44 emergency polling place and thus prohibit persons from electioneering and  
45 engaging in other political activity outside of the seventy-five foot

1 limit prescribed by section 16-515 but inside the property of the facility  
2 that is hosting the polling place if any of the following occurs:

3       1. An act of God renders a previously set polling place as  
4 unusable.

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

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

15       1. The number of ballots voted in the prior primary and general  
16 elections.

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

19       3. The number of registered voters and the number of registered  
20 voters who cast an early ballot for the current primary or general  
21 election.

22       4. THE NUMBER OF REGISTERED VOTERS WHOSE EARLY BALLOTS WERE  
23 TABULATED ON-SITE AS PRESCRIBED IN SECTION 16-579.02 IN THE PRIOR PRIMARY  
24 AND GENERAL ELECTIONS.

25       ~~4.~~ 5. The number of election board members and clerks and the  
26 number of rosters that will reduce voter wait time at the polls.

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

29       16-550. Receipt of voter's ballot; cure period

30       A. EXCEPT FOR EARLY BALLOTS TABULATED AS PRESCRIBED IN SECTION  
31 16-579.02, on receipt of the envelope containing the early ballot and the  
32 ballot affidavit, the county recorder or other officer in charge of  
33 elections shall compare the signatures thereon with the signature of the  
34 elector on the elector's registration record. If the signature is  
35 inconsistent with the elector's signature on the elector's registration  
36 record, the county recorder or other officer in charge of elections shall  
37 make reasonable efforts to contact the voter, advise the voter of the  
38 inconsistent signature and allow the voter to correct or the county to  
39 confirm the inconsistent signature. The county recorder or other officer  
40 in charge of elections shall allow signatures to be corrected not later  
41 than the fifth business day after a primary, general or special election  
42 that includes a federal office or the third business day after any other  
43 election. If the signature is missing, the county recorder or other  
44 officer in charge of elections shall make reasonable efforts to contact  
45 the elector, advise the elector of the missing signature and allow the

1 elector to add the elector's signature not later than 7:00 p.m. on  
2 election day. If satisfied that the signatures correspond, the recorder  
3 or other officer in charge of elections shall hold the envelope containing  
4 the early ballot and the completed affidavit unopened in accordance with  
5 the rules of the secretary of state.

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

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

15 D. This section does not apply to:  
16 1. A special taxing district that is authorized pursuant to section  
17 16-191 to conduct its own elections.  
18 2. A special district mail ballot election that is conducted  
19 pursuant to article 8.1 of this chapter.

20 Sec. 3. Section 16-563, Arizona Revised Statutes, is amended to  
21 read:

22 16-563. Posting sample ballots, instruction cards and notice  
23 to voters before opening polls

24 Before opening the polls the inspector of ~~election~~ ELECTIONS shall  
25 direct the following postings:

26 1. One of the sample ballots provided for in section 16-510, one of  
27 the cards of instructions provided for in section 16-513 and one of the  
28 "Right to vote a provisional ballot" notices provided for in section  
29 16-513.01 in plain view in the room where the ballots are cast. At least  
30 one other sample ballot, card of instruction and "Right to vote a  
31 provisional ballot" notice shall be posted in a conspicuous place in and  
32 around the polling place.

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

36 3. In each voting booth, a notice to voters provided in section  
37 16-514 at general elections only.

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

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

42 16-579.01. Early ballots; on-site tabulation

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

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

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

6 1. DESIGNATE AN AREA WITHIN A PRECINCT OR VOTING CENTER FOR  
7 PROCESSING ELECTORS WITH THEIR VOTED EARLY BALLOTS THAT IS PHYSICALLY  
8 SEPARATE FROM THE AREA FOR VOTERS WHO ARE VOTING PURSUANT TO SECTION  
9 16-579.

10 2. PROVIDE ADEQUATE POLL WORKERS, ELECTION OFFICIALS AND EQUIPMENT  
11 NECESSARY TO CONDUCT VOTING PURSUANT TO THIS SECTION AND SECTION  
12 16-579.02.

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

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

21 16-579.02. Election day early ballot on-site tabulation  
22 procedure; fund

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

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

38 2. IF THE ELECTOR PRESENTS SUFFICIENT IDENTIFICATION TO COMPLY WITH  
39 SECTION 16-579, SUBSECTION A, PARAGRAPH 1, THE ELECTOR SHALL PRESENT THE  
40 ELECTOR'S EARLY BALLOT AFFIDAVIT TO THE ELECTION OFFICIAL IN CHARGE OF THE  
41 SIGNATURE ROSTER, AND THE ELECTION OFFICIAL SHALL CONFIRM THAT THE NAME  
42 AND ADDRESS ON THE COMPLETED AFFIDAVIT REASONABLY APPEAR TO BE THE SAME AS  
43 THE NAME AND ADDRESS ON THE PRECINCT REGISTER.

1       3. IF THE ELECTOR'S AFFIDAVIT IS NOT COMPLETE, THE ELECTION  
2 OFFICIAL IN CHARGE OF THE SIGNATURE ROSTER SHALL ALLOW THE ELECTOR TO  
3 COMPLETE THE AFFIDAVIT. THE ELECTION OFFICIAL MAY NOT ALLOW FOR THE  
4 ON-SITE TABULATION OF AN EARLY BALLOT UNTIL THE ELECTOR PRESENTS A  
5 COMPLETED EARLY BALLOT AFFIDAVIT.

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

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

13       D. FOR PRECINCTS IN WHICH AN ELECTRONIC POLLBOOK IS USED, EACH  
14 QUALIFIED ELECTOR SHALL SIGN THE ELECTOR'S NAME AS PRESCRIBED IN SECTION  
15 16-579, SUBSECTION E BEFORE PROCEEDING TO THE TABULATING EQUIPMENT.

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

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

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