

REFERENCE TITLE: early ballot drop off; identification

State of Arizona
Senate
Fifty-sixth Legislature
First Regular Session
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SB 1141

Introduced by
Senators Hoffman: Borrelli, Farnsworth, Kern, Wadsack; Representatives
Chaplik, Heap, Jones, McGarr, Parker B, Parker J, Pingerelli, Smith

AN ACT

AMENDING SECTIONS 16-411 AND 16-548, ARIZONA REVISED STATUTES; RELATING TO
CONDUCT OF ELECTIONS.

(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 as follows:

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

15 2. If after October 1 of the year preceding the year of a general
16 election the board of supervisors must further adjust precinct boundaries
17 due to the redistricting of election districts as prescribed by law and to
18 comply with this subsection, the board of supervisors shall adjust these
19 precinct boundaries as soon as is practicable.

20 B. At least twenty days before a general or primary election, and
21 at least ten days before a special election, the board shall designate one
22 polling place within each precinct where the election shall be held,
23 except that:

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

28 2. Adjacent precincts may be combined if boundaries so established
29 are included in election districts prescribed by law for state elected
30 officials and political subdivisions including community college districts
31 but not including elected officials prescribed by titles 30 and 48. The
32 officer in charge of elections may also split a precinct for
33 administrative purposes. The polling places shall be listed in separate
34 sections of the order or resolution.

35 3. On a specific finding of the board that the number of persons
36 who are listed as early voters pursuant to section 16-544 and who are not
37 expected to have their ballots tabulated at the polling place as
38 prescribed in section 16-579.02 is likely to substantially reduce the
39 number of voters appearing at one or more specific polling places at that
40 election, adjacent precincts may be consolidated by combining polling
41 places and precinct boards for that election. The board of supervisors
42 shall ensure that a reasonable and adequate number of polling places will
43 be designated for that election. Any consolidated polling places shall be
44 listed in separate sections of the order or resolution of the board.

1 4. On a specific resolution of the board, the board may authorize
2 the use of voting centers in place of or in addition to specifically
3 designated polling places. A voting center shall allow any voter in that
4 county to receive the appropriate ballot for that voter on election day
5 after presenting identification as prescribed in section 16-579 and to
6 lawfully cast the ballot. Voting centers may be established in
7 coordination and consultation with the county recorder, at other county
8 offices or at other locations in the county deemed appropriate. **FOR ANY**
9 **VOTING CENTER THAT ACCEPTS VOTED EARLY BALLOTS, THE ELECTION BOARD AND THE**
10 **VOTER OR THE VOTER'S AGENT SHALL COMPLY WITH THE ATTESTATION AND**
11 **IDENTIFICATION REQUIREMENTS PRESCRIBED BY SECTION 16-548.**

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

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

18 (b) A qualified elector voting at an emergency voting center shall
19 provide identification as prescribed in section 16-579, except that
20 notwithstanding section 16-579, subsection A, paragraph 2, for any voting
21 at an emergency voting center, the county recorder or other officer in
22 charge of elections may allow a qualified elector to update the elector's
23 voter registration information as provided for in the secretary of state's
24 instructions and procedures manual adopted pursuant to section
25 16-452. **FOR ANY EMERGENCY VOTING CENTER THAT ACCEPTS VOTED EARLY BALLOTS,**
26 **THE ELECTION BOARD AND THE VOTER OR THE VOTER'S AGENT SHALL COMPLY WITH**
27 **THE ATTESTATION AND IDENTIFICATION REQUIREMENTS PRESCRIBED BY SECTION**
28 **16-548.**

29 (c) If an emergency voting center established pursuant to this
30 section becomes unavailable and there is not sufficient time for the board
31 of supervisors to convene to approve an alternate location for that
32 emergency voting center, the county recorder or other officer in charge of
33 elections may make changes to the approved emergency voting center
34 location and shall notify the public and the board of supervisors
35 regarding that change as soon as practicable. The alternate emergency
36 voting center shall be as close in proximity to the approved emergency
37 voting center location as possible.

38 C. If the board fails to designate the place for holding the
39 election, or if it cannot be held at or about the place designated, the
40 justice of the peace in the precinct, two days before the election, by an
41 order, copies of which the justice of the peace shall immediately post in
42 three public places in the precinct, shall designate the place within the
43 precinct for holding the election. If there is no justice of the peace in
44 the precinct, or if the justice of the peace fails to do so, the election
45 board of the precinct shall designate and give notice of the place within

1 the precinct of holding the election. For any election in which there are
2 no candidates for elected office appearing on the ballot, the board may
3 consolidate polling places and precinct boards and may consolidate the
4 tabulation of results for that election if all of the following apply:

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

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

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

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

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

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

25 1. Space is not available at the school.

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

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

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

1 limit. If an emergency arises after the county recorder or other officer
2 in charge of elections' initial website posting, the county recorder or
3 other officer in charge of elections shall update the website as soon as
4 is practicable to include any new polling places, shall highlight the
5 polling place location on the website and shall specify the reason the
6 emergency designation was granted and the number of attempts that were
7 made to find a polling place before granting an emergency designation.

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

14 1. An act of God renders a previously set polling place as
15 unusable.

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

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

26 1. The number of ballots voted in the prior primary and general
27 elections.

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

30 3. The number of registered voters and the number of registered
31 voters who cast an early ballot for the current primary or general
32 election.

33 4. The number of registered voters whose early ballots were
34 tabulated on-site as prescribed in section 16-579.02 in the prior primary
35 and general elections.

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

38 Sec. 2. Section 16-548, Arizona Revised Statutes, is amended to
39 read:

40 16-548. Preparation and transmission of ballot; violation;
41 classification

42 A. The early voter shall make and sign the affidavit and shall then
43 mark ~~his~~ THE ballot in such a manner that ~~his~~ THE EARLY VOTER'S vote
44 cannot be seen. The early voter shall fold the ballot, if a paper ballot,
45 so as to conceal the vote and deposit the voted ballot in the envelope

1 provided for that purpose, which shall be securely sealed and, together
2 with the affidavit, delivered or mailed to the county recorder or other
3 officer in charge of elections of the political subdivision in which the
4 elector is registered or deposited by the voter or the voter's agent at
5 any polling place in the county. In order to be counted and valid, the
6 ballot must be received by the county recorder or other officer in charge
7 of elections or deposited at any polling place in the county ~~no~~ NOT later
8 than 7:00 p.m. on election day.

9 B. FOR ANY VOTER OR ANY VOTER'S AGENT WHO DELIVERS ONE OR MORE
10 VOTED EARLY BALLOTS IN AFFIDAVIT ENVELOPES TO ANY POLLING PLACE IN THE
11 COUNTY, TO A VOTING CENTER OR TO AN EMERGENCY VOTING CENTER, THE ELECTION
12 BOARD SHALL REQUIRE THE VOTER OR VOTER'S AGENT TO ATTEST TO IN WRITING AND
13 PROVIDE IDENTIFICATION AS FOLLOWS:

14 1. FOR A VOTER WHO DELIVERS THE VOTER'S OWN EARLY BALLOT, PRESENT
15 TO THE BOARD WORKER A FORM OF IDENTIFICATION ON WHICH THE VOTER'S NAME
16 REASONABLY APPEARS TO BE THE SAME AS ON THE BALLOT AFFIDAVIT.

17 2. FOR A VOTER'S AGENT WHO DELIVERS ANOTHER PERSON'S VOTED EARLY
18 BALLOT, PRESENT TO THE BOARD WORKER A FORM OF IDENTIFICATION THAT CONTAINS
19 THE VOTER'S AGENT'S NAME AND ATTEST IN WRITING THAT THE VOTER'S AGENT IS
20 THE VOTER'S FAMILY MEMBER, HOUSEHOLD MEMBER OR CAREGIVER AS DEFINED IN
21 SECTION 16-1005.

22 ~~B.~~ C. If the early voter is an overseas citizen, a qualified
23 elector absent from the United States or in the United States service, a
24 spouse or dependent residing with the early voter or a qualified elector
25 of a special district mail ballot election as provided in article 8.1 of
26 this chapter, the early voter may subscribe to the affidavit before and
27 obtain the signature and military identification number or passport
28 number, if available, of any person who is a United States citizen
29 eighteen years of age or older.

30 D. A PERSON WHO KNOWINGLY VIOLATES SUBSECTION B OF THIS SECTION IS
31 GUILTY OF A CLASS 5 FELONY.