

REFERENCE TITLE: **counties; precinct size; maximum**

State of Arizona
House of Representatives
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HB 2079

Introduced by
Representatives Finchem: Barton, Biasiucci, Burges, Carter, Chaplik, Diaz,
Hoffman, Pingerelli

AN ACT

AMENDING SECTION 16-411, 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. 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. **THE BOARD OF
14 SUPERVISORS MAY NOT ESTABLISH AN ELECTION PRECINCT THAT CONTAINS MORE THAN
15 ONE THOUSAND FIVE HUNDRED REGISTERED VOTERS ON THE DATE THE ELECTION
16 PRECINCT'S BOUNDARIES ARE ESTABLISHED.**

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

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

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

32 3. On a specific finding of the board that the number of persons
33 who are listed as early voters pursuant to section 16-544 is likely to
34 substantially reduce the number of voters appearing at one or more
35 specific polling places at that election, adjacent precincts may be
36 consolidated by combining polling places and precinct boards for that
37 election. The board of supervisors shall ensure that a reasonable and
38 adequate number of polling places will be designated for that election.
39 Any consolidated polling places shall be listed in separate sections of
40 the order or resolution of the board.

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

1 lawfully cast the ballot. Voting centers may be established in
2 coordination and consultation with the county recorder, at other county
3 offices or at other locations in the county deemed appropriate. ALL
4 BALLOTS VOTED AT A VOTING CENTER SHALL BE SEGREGATED BY ELECTION PRECINCT
5 BEFORE OFFICIAL TABULATION.

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

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

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

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

28 (d) ALL BALLOTS VOTED AT AN EMERGENCY VOTING CENTER SHALL BE
29 SEGREGATED BY ELECTION PRECINCT BEFORE OFFICIAL TABULATION.

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

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

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

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

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

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

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

- 19 1. Space is not available at the school.
- 20 2. The safety or welfare of the children would be jeopardized.

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

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

1 emergency designation was granted and the number of attempts that were
2 made to find a polling place before granting an emergency designation.

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

9 1. An act of God renders a previously set polling place as
10 unusable.

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

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

21 1. The number of ballots voted in the prior primary and general
22 elections.

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

25 3. The number of registered voters and the number of registered
26 voters who cast an early ballot for the current primary or general
27 election.

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