

REFERENCE TITLE: election board clerks; party affiliation

State of Arizona
House of Representatives
Fifty-fifth Legislature
Second Regular Session
2022

HB 2357

Introduced by
Representatives Biasiucci: Burges, Carter, Finchem, Martinez, Parker,
Pingerelli, Wilmeth, Senator Livingston

AN ACT

AMENDING SECTION 16-531, 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 16-531, Arizona Revised Statutes, is amended to
3 read:

4 16-531. Appointment of election boards; qualifications

5 A. When an election is ordered, and not less than twenty days
6 before a general or primary election, the board of supervisors shall
7 appoint for each election precinct, voting center or other voting location
8 one inspector, one marshal, two judges and as many clerks of election as
9 deemed necessary. The inspector, marshal, judges and clerks shall be
10 qualified voters of the precinct for which appointed, except if there is
11 not a sufficient number of persons available to provide the number of
12 appointments required, the inspector, marshal, judges and clerks shall be
13 qualified voters of this state. The inspector, marshal, ~~and~~ judges **AND**
14 **CLERKS** shall not have changed their political party affiliation or their
15 no party preference affiliation since the last preceding general election,
16 and if they are members of the two political parties that cast the highest
17 number of votes in the state at the last preceding general election, they
18 shall be divided equally between these two parties. There shall be an
19 equal number of inspectors in the various precincts in the county who are
20 members of the two largest political parties. In each precinct where the
21 inspector is a member of one of the two largest political parties, the
22 marshal in that precinct shall be a member of the other of the two largest
23 political parties. Whenever possible, any person appointed as an
24 inspector shall have had previous experience as an inspector, judge,
25 marshal or clerk of elections. If there is no qualified person in a given
26 precinct, the appointment of an inspector may be made from names provided
27 by the county party chairman. If not less than ninety days before the
28 election the chairman of the county committee of either of the parties
29 designates qualified voters of the precinct, or of another precinct if
30 there are not sufficient members of that party available in the precinct
31 to provide the necessary representation on the election board as judge,
32 such designated qualified voters shall be appointed. The judges, together
33 with the inspector, shall constitute the board of elections. Any
34 registered voter in the election precinct **WHO MEETS THE PARTY AFFILIATION**
35 **OR NO PARTY PREFERENCE AFFILIATION REQUIREMENT PRESCRIBED IN THIS**
36 **SUBSECTION**, or in another election precinct if there are not sufficient
37 persons available in the election precinct for which the clerks are being
38 appointed, may be appointed as clerk.

39 B. If the election precinct consists of fewer than three hundred
40 qualified electors, the board of supervisors may appoint not fewer than
41 one inspector and two judges. The board of supervisors shall give notice
42 of election precincts consisting of fewer than three hundred qualified
43 electors to the county chairmen of the two largest political parties not
44 later than thirty days before the election. The inspector and judges

1 shall be appointed in the same manner by party as provided in subsection A
2 of this section.

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

10 D. For election boards established pursuant to subsection B of this
11 section, the inspector and two judges shall be appointed to provide as
12 equal as practicable representation of members of the two largest
13 political parties on the board in the same manner as provided for the
14 election boards prescribed by subsection A of this section. Any
15 registered voter in the election precinct WHO MEETS THE PARTY AFFILIATION
16 OR NO PARTY PREFERENCE AFFILIATION REQUIREMENT PRESCRIBED IN SUBSECTION A
17 OF THIS SECTION, or in another election precinct if there are not
18 sufficient persons available in the election precinct for which the clerks
19 are being appointed, may be appointed as clerk. No United States, state,
20 county or precinct officer, nor a candidate for office at the election,
21 other than a precinct committeeman or a candidate for the office of
22 precinct committeeman, is qualified to act as judge, inspector, marshal or
23 clerk.

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

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

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

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

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

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

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

42 G. A school district or charter school shall not be required to
43 reduce its average daily membership, as defined in section 15-901, for any
44 pupil who is absent from one or more instructional programs as a result of

1 the pupil's service on an election board pursuant to subsection F of this
2 section.

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

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