

REFERENCE TITLE: **early ballot on-site tabulation**

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

SB 1362

Introduced by
Senator Mesnard

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; APPROPRIATING MONIES; 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. NOT LATER THAN THE 2024 GENERAL ELECTION, EVERY COUNTY RECORDER
44 OR OTHER OFFICER IN CHARGE OF ELECTIONS SHALL PROVIDE FOR A QUALIFIED
45 ELECTOR WHO APPEARS AT THAT ELECTOR'S DESIGNATED POLLING LOCATION OR AT A

1 VOTING CENTER ON ELECTION DAY WITH THE ELECTOR'S VOTED EARLY BALLOT TO
2 HAVE THE ELECTOR'S VOTED EARLY BALLOT TABULATED AS PRESCRIBED IN SECTION
3 16-579.02.

4 B. THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS
5 SHALL DO ALL OF THE FOLLOWING:

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 WITH THE ELECTOR'S VOTED EARLY BALLOT
25 SHALL PRESENT IDENTIFICATION AS PRESCRIBED IN SECTION 16-579, SUBSECTION
26 A, PARAGRAPH 1 AND PROCEED AS FOLLOWS:

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

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

43 3. IF THE ELECTOR'S AFFIDAVIT IS NOT COMPLETE, THE ELECTION
44 OFFICIAL IN CHARGE OF THE SIGNATURE ROSTER SHALL ALLOW THE ELECTOR TO
45 COMPLETE THE AFFIDAVIT. THE ELECTION OFFICIAL MAY NOT ALLOW FOR THE

1 ON-SITE TABULATION OF AN EARLY BALLOT UNTIL THE ELECTOR PRESENTS A
2 COMPLETED EARLY BALLOT AFFIDAVIT.

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

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

10 D. FOR PRECINCTS IN WHICH AN ELECTRONIC POLLBOOK IS USED, EACH
11 QUALIFIED ELECTOR SHALL SIGN THE ELECTOR'S NAME AS PRESCRIBED IN SECTION
12 16-579, SUBSECTION E BEFORE PROCEEDING TO THE TABULATING EQUIPMENT.

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

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

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

33 H. THE EARLY BALLOT ON-SITE TABULATION FUND IS ESTABLISHED
34 CONSISTING OF LEGISLATIVE APPROPRIATIONS. THE DEPARTMENT OF
35 ADMINISTRATION SHALL ADMINISTER THE FUND. MONIES IN THE FUND ARE
36 CONTINUOUSLY APPROPRIATED. MONIES IN THE FUND ARE EXEMPT FROM THE
37 PROVISIONS OF SECTION 35-190 RELATING TO LAPSING OF APPROPRIATIONS.

38 Sec. 5. Appropriations; early ballot on-site tabulation fund;
39 fiscal years 2022-2023 and 2023-2024; exemption

40 A. The sum of \$_____ is appropriated from the state general
41 fund in each of fiscal years 2022-2023 and 2023-2024 to the early ballot
42 on-site tabulation fund established by section 16-579.02, Arizona Revised
43 Statutes, as added by this act.

1 B. For fiscal years 2022-2023 and 2023-2024, the department of
2 administration may distribute monies in the fund to a county recorder or
3 other officer in charge of elections that submits a plan for conducting
4 on-site early ballot tabulation in the 2022 general elections as
5 prescribed in sections 16-579.01 and 16-579.02, Arizona Revised Statutes,
6 as added by this act. A county recorder or other officer in charge of
7 elections shall submit a plan not later than August 1, 2022 to receive
8 monies for on-site early ballot tabulation in the 2022 general elections.

9 C. A county shall separately account for monies received from the
10 early ballot on-site tabulation fund established by section 16-579.02,
11 Arizona Revised Statutes, as added by this act.

12 D. On or before January 15, 2023, any county that receives monies
13 from the early ballot on-site tabulation fund established by section
14 16-579.02, Arizona Revised Statutes, as added by this act shall report to
15 the joint legislative budget committee. This report shall include the
16 following information in relation to on-site early ballot tabulation as
17 prescribed in sections 16-579.01 and 16-579.02, Arizona Revised Statutes,
18 as added by this act:

- 19 1. The precincts and voting centers that participated.
- 20 2. The number of voters who voted, by precinct and polling
21 location.
- 22 3. Average wait times by precinct and polling location.
- 23 4. Challenges to implementation.