

REFERENCE TITLE: precinct size; voters; vote centers

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

SB 1479

Introduced by
Senator Townsend: Representative Burges

AN ACT

AMENDING SECTIONS 16-411 AND 16-531, ARIZONA REVISED STATUTES; RELATING TO
THE 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 prohibited; electioneering; wait
6 times

7 A. The board of supervisors of each county, on or before October 1
8 of each year preceding the year of a general election, by an order, shall
9 establish a convenient number of election precincts in the county and
10 define the boundaries of the precincts. The election precinct boundaries
11 shall be established so as to be included within election districts
12 prescribed by law for elected officers of the state and its political
13 subdivisions including community college district precincts, except those
14 elected officers provided for in titles 30 and 48. A PRECINCT SHALL NOT
15 CONTAIN MORE THAN ONE THOUSAND TWO HUNDRED FIFTY REGISTERED VOTERS OF ANY
16 ONE POLITICAL PARTY THAT IS ENTITLED TO CONTINUED REPRESENTATION ON THE
17 BALLOT PURSUANT TO SECTION 16-804 AND A TOTAL OF TWO THOUSAND REGISTERED
18 VOTERS WHEN THE PRECINCT BOUNDARIES ARE ESTABLISHED. IF A PRECINCT
19 EXCEEDS THESE LIMITS, THE BOARD OF SUPERVISORS SHALL SPLIT THE PRECINCT OR
20 OTHERWISE REVISE ITS BOUNDARIES AT THE NEXT PERIOD FOR ESTABLISHING
21 PRECINCTS AS PRESCRIBED BY THIS SUBSECTION.

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

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

30 2. Adjacent precincts may be combined if boundaries so established
31 are included in election districts prescribed by law for state elected
32 officials and political subdivisions including community college districts
33 but not including elected officials prescribed by titles 30 and 48 AND IF
34 THE COMBINED PRECINCTS DO NOT CONTAIN MORE THAN ONE THOUSAND TWO HUNDRED
35 FIFTY REGISTERED VOTERS OF ANY ONE POLITICAL PARTY THAT IS ENTITLED TO
36 CONTINUED REPRESENTATION ON THE BALLOT PURSUANT TO SECTION 16-804 AND A
37 TOTAL OF TWO THOUSAND REGISTERED VOTERS WHEN THE PRECINCT BOUNDARIES ARE
38 ESTABLISHED. The officer in charge of elections may also split a precinct
39 for administrative purposes. The polling places shall be listed in
40 separate sections of the order or resolution.

41 ~~3. On a specific finding of the board that the number of persons~~
42 ~~who are listed as early voters pursuant to section 16-544 is likely to~~
43 ~~substantially reduce the number of voters appearing at one or more~~
44 ~~specific polling places at that election, adjacent precincts may be~~
45 ~~consolidated by combining polling places and precinct boards for that~~

1 ~~election. The board of supervisors shall ensure that a reasonable and~~
2 ~~adequate number of polling places will be designated for that election.~~
3 ~~Any consolidated polling places shall be listed in separate sections of~~
4 ~~the order or resolution of the board.~~

5 ~~4. On a specific resolution of the board, the board may authorize~~
6 ~~the use of voting centers in place of or in addition to specifically~~
7 ~~designated polling places. A voting center shall allow any voter in that~~
8 ~~county to receive the appropriate ballot for that voter on election day~~
9 ~~after presenting identification as prescribed in section 16-579 and to~~
10 ~~lawfully cast the ballot. Voting centers may be established in~~
11 ~~coordination and consultation with the county recorder, at other county~~
12 ~~offices or at other locations in the county deemed appropriate.~~

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

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

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

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

35 ~~C. THE BOARD OF SUPERVISORS AND ANY OFFICER IN CHARGE OF ELECTIONS~~
36 ~~SHALL NOT AUTHORIZE, ESTABLISH OR USE A VOTING CENTER AT WHICH A VOTER WHO~~
37 ~~IS A REGISTERED VOTER AND RESIDENT ANYWHERE IN THAT COUNTY IS ALLOWED TO~~
38 ~~RECEIVE THE APPROPRIATE BALLOT FOR THAT SPECIFIC VOTER AND MAY ONLY USE~~
39 ~~POLLING PLACES LOCATED IN ELECTION DISTRICTS.~~

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

1 the precinct, or if the justice of the peace fails to do so, the election
2 board of the precinct shall designate and give notice of the place within
3 the precinct of holding the election. For any election in which there are
4 no candidates for elected office appearing on the ballot, the board may
5 consolidate polling places and precinct boards and may consolidate the
6 tabulation of results for that election if all of the following apply:

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

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

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

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

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

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

27 1. Space is not available at the school.

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

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

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

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

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

16 1. An act of God renders a previously set polling place as
17 unusable.

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

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

28 1. The number of ballots voted in the prior primary and general
29 elections.

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

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

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

37 Sec. 2. Section 16-531, Arizona Revised Statutes, is amended to
38 read:

39 16-531. Appointment of election boards; qualifications

40 A. When an election is ordered, and not less than twenty days
41 before a general or primary election, the board of supervisors shall
42 appoint for each election precinct, ~~voting center or other voting location~~
43 one inspector, one marshal, two judges and as many clerks of election as
44 deemed necessary. The inspector, marshal, judges and clerks shall be
45 qualified voters of the precinct for which appointed, except if there is

1 not a sufficient number of persons available to provide the number of
2 appointments required, the inspector, marshal, judges and clerks shall be
3 qualified voters of this state. The inspector, marshal and judges shall
4 not have changed their political party affiliation or their no party
5 preference affiliation since the last preceding general election, and if
6 they are members of the two political parties that cast the highest number
7 of votes in the state at the last preceding general election, they shall
8 be divided equally between these two parties. There shall be an equal
9 number of inspectors in the various precincts in the county who are
10 members of the two largest political parties. In each precinct where the
11 inspector is a member of one of the two largest political parties, the
12 marshal in that precinct shall be a member of the other of the two largest
13 political parties. Whenever possible, any person appointed as an
14 inspector shall have had previous experience as an inspector, judge,
15 marshal or clerk of elections. If there is no qualified person in a given
16 precinct, the appointment of an inspector may be made from names provided
17 by the county party chairman. If not less than ninety days before the
18 election the chairman of the county committee of either of the parties
19 designates qualified voters of the precinct, or of another precinct if
20 there are not sufficient members of that party available in the precinct
21 to provide the necessary representation on the election board as judge,
22 such designated qualified voters shall be appointed. The judges, together
23 with the inspector, shall constitute the board of elections. Any
24 registered voter in the election precinct, or in another election precinct
25 if there are not sufficient persons available in the election precinct for
26 which the clerks are being appointed, may be appointed as clerk.

27 B. If the election precinct consists of fewer than three hundred
28 qualified electors, the board of supervisors may appoint not fewer than
29 one inspector and two judges. The board of supervisors shall give notice
30 of election precincts consisting of fewer than three hundred qualified
31 electors to the county chairmen of the two largest political parties not
32 later than thirty days before the election. The inspector and judges
33 shall be appointed in the same manner by party as provided in subsection A
34 of this section.

35 C. If a nonpartisan election is ordered, not less than twenty days
36 before the election the governing board holding the election shall
37 appoint, without consideration for political party, ~~a minimum of~~ AT LEAST
38 three election workers for each polling place. The election workers shall
39 consist of at least one inspector and two judges. Whenever possible, they
40 shall be qualified electors of the precinct located within the district,
41 without consideration for political party.

42 D. For election boards established pursuant to subsection B of this
43 section, the inspector and two judges shall be appointed to provide as
44 equal as practicable representation of members of the two largest
45 political parties on the board in the same manner as provided for the

1 election boards prescribed by subsection A of this section. Any
2 registered voter in the election precinct, or in another election precinct
3 if there are not sufficient persons available in the election precinct for
4 which the clerks are being appointed, may be appointed as clerk. No
5 United States, state, county or precinct officer, nor a candidate for
6 office at the election, other than a precinct committeeman or a candidate
7 for the office of precinct committeeman, is qualified to act as judge,
8 inspector, marshal or clerk.

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

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

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

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

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

23 4. The person has received training provided by the officer in
24 charge of elections.

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

27 G. A school district or charter school shall not be required to
28 reduce its average daily membership, as defined in section 15-901, for any
29 pupil who is absent from one or more instructional programs as a result of
30 the pupil's service on an election board pursuant to subsection F of this
31 section.

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

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