

House Engrossed Senate Bill

~~elections; voting centers prohibited~~
(now: elections voting centers; polling places)

State of Arizona
Senate
Fifty-sixth Legislature
First Regular Session
2023

SENATE BILL 1140

AN ACT

AMENDING SECTIONS 15-801, 16-411 AND 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 15-801, Arizona Revised Statutes, is amended to
3 read:

4 15-801. Holidays; election days

5 A. When July 4, Veterans' Day, December 25 or Thanksgiving Day
6 occurs within the school week, the schools shall be closed and the
7 compensation of the teachers shall not be diminished on that account.
8 School district governing boards may declare a recess during the Christmas
9 holiday season of not to exceed two school weeks, and teachers shall
10 receive compensation during the recess.

11 B. ON EVERY REGULAR PRIMARY AND GENERAL ELECTION DAY AS PRESCRIBED
12 BY SECTIONS 16-201 AND 16-211, SCHOOLS THAT ARE OPERATED BY A SCHOOL
13 DISTRICT SHALL BE CLOSED, EXCEPT THAT TEACHERS AND STAFF SHALL RECEIVE OR
14 CONDUCT IN-SERVICE TRAINING OR DEVELOPMENT ACTIVITIES ON THOSE ELECTION
15 DAYS. TEACHERS AND STAFF MAY NOT USE PERSONAL, VACATION OR OTHER LEAVE
16 TIME ON THOSE ELECTION DAYS BUT SHALL RECEIVE COMPENSATION. THIS
17 SUBSECTION DOES NOT PROHIBIT A SCHOOL DISTRICT FROM PROVIDING AN EMPLOYEE
18 TIME OFF TO VOTE PURSUANT TO SECTION 16-402.

19 Sec. 2. Section 16-411, Arizona Revised Statutes, is amended to
20 read:

21 16-411. Designation of election precincts and polling places;
22 voting centers prohibited; electioneering; wait
23 times

24 A. The board of supervisors of each county, on or before October 1
25 of each year preceding the year of a general election, by an order, shall
26 establish a convenient number of election precincts in the county and
27 define the boundaries of the precincts as follows:

28 1. The election precinct boundaries shall be established so as to
29 be included within election districts prescribed by law for elected
30 officers of the state and its political subdivisions, including community
31 college district precincts, except those elected officers provided for in
32 titles 30 and 48. THE BOARD OF SUPERVISORS AND ANY OFFICER IN CHARGE OF
33 ELECTIONS MAY AUTHORIZE, ESTABLISH AND USE A VOTING CENTER AT WHICH A
34 VOTER WHO IS A REGISTERED VOTER AND RESIDENT ANYWHERE IN THAT COUNTY IS
35 ALLOWED TO RECEIVE THE APPROPRIATE BALLOT FOR THAT SPECIFIC VOTER AND MAY
36 ALSO USE POLLING PLACES LOCATED IN ELECTION DISTRICTS.

37 2. If after October 1 of the year preceding the year of a general
38 election the board of supervisors must further adjust precinct boundaries
39 due to the redistricting of election districts as prescribed by law and to
40 comply with this subsection, the board of supervisors shall adjust these
41 precinct boundaries as soon as is practicable.

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

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

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

12 3. On a specific finding of the board that the number of persons
13 who are listed as early voters pursuant to section 16-544 and who are not
14 expected to have their ballots tabulated at the polling place as
15 prescribed in section 16-579.02 is likely to substantially reduce the
16 number of voters appearing at one or more specific polling places at that
17 election, adjacent precincts may be consolidated by combining polling
18 places and precinct boards for that election. The board of supervisors
19 shall ensure that a reasonable and adequate number of polling places will
20 be designated for that election. Any consolidated polling places shall be
21 listed in separate sections of the order or resolution of the board.

22 4. On a specific resolution of the board, the board may authorize
23 the use of voting centers ~~in place of or~~ in addition to specifically
24 designated polling places. A voting center shall allow any voter in that
25 county to receive the appropriate ballot for that voter on election day
26 after presenting identification as prescribed in section 16-579 and to
27 lawfully cast the ballot. **IN ADDITION TO SPECIFICALLY DESIGNATED POLLING**
28 **PLACES**, voting centers may be established in coordination and consultation
29 with the county recorder, at other county offices or at other locations in
30 the county deemed appropriate.

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

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

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

44 (c) If an emergency voting center established pursuant to this
45 section becomes unavailable and there is not sufficient time for the board

1 of supervisors to convene to approve an alternate location for that
2 emergency voting center, the county recorder or other officer in charge of
3 elections may make changes to the approved emergency voting center
4 location and shall notify the public and the board of supervisors
5 regarding that change as soon as practicable. The alternate emergency
6 voting center shall be as close in proximity to the approved emergency
7 voting center location as possible.

8 C. If the board fails to designate the place for holding the
9 election, or if it cannot be held at or about the place designated, the
10 justice of the peace in the precinct, two days before the election, by an
11 order, copies of which the justice of the peace shall immediately post in
12 three public places in the precinct, shall designate the place within the
13 precinct for holding the election. If there is no justice of the peace in
14 the precinct, or if the justice of the peace fails to do so, the election
15 board of the precinct shall designate and give notice of the place within
16 the precinct of holding the election. For any election in which there are
17 no candidates for elected office appearing on the ballot, the board may
18 consolidate polling places and precinct boards and may consolidate the
19 tabulation of results for that election if all of the following apply:

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

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

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

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

31 E. A STATE, COUNTY, CITY, TOWN OR SCHOOL DISTRICT OFFICE SHALL
32 PROVIDE SUFFICIENT SPACE FOR USE AS A POLLING PLACE FOR ANY STATE, COUNTY,
33 CITY OR TOWN ELECTION WHEN REQUESTED BY THE OFFICER IN CHARGE OF
34 ELECTIONS.

35 ~~E. F. Except as provided in subsection F of this section, A public~~
36 school WITH A GYMNASIUM THAT IS OPERATED BY A SCHOOL DISTRICT shall
37 provide sufficient space for use as a polling place for any city, county
38 or state election when requested by the officer in charge of elections.
39 IF REQUESTED FOR USE AS A POLLING PLACE, THE PUBLIC SCHOOL IS EXEMPT FROM
40 ANY STATE, LOCAL OR SCHOOL DISTRICT REQUIREMENTS THAT WOULD PREVENT OR
41 OTHERWISE LIMIT THE USE OF THE PUBLIC SCHOOL AND ITS GYMNASIUM AS A
42 POLLING PLACE. FOR THE PURPOSES OF THIS SUBSECTION, "GYMNASIUM":

43 1. MEANS AN INDOOR ROOM OR FACILITY SUITABLE FOR SPORTING EVENTS,
44 INCLUDING BASKETBALL OR VOLLEYBALL.

45 2. DOES NOT INCLUDE A CAFETERIA OR AN AUDITORIUM.

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

6 ~~1. Space is not available at the school.~~

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

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

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

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

40 1. An act of God renders a previously set polling place as
41 unusable.

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

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

7 1. The number of ballots voted in the prior primary and general
8 elections.

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

11 3. The number of registered voters and the number of registered
12 voters who cast an early ballot for the current primary or general
13 election.

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

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

19 Sec. 3. Section 16-531, Arizona Revised Statutes, is amended to
20 read:

21 16-531. Appointment of election boards; qualifications

22 A. When an election is ordered, and not less than twenty days
23 before a general or primary election, the board of supervisors shall
24 appoint for each election precinct, ~~voting center~~ or other voting location
25 one inspector, one marshal, two judges and as many clerks of election as
26 deemed necessary. The inspector, marshal, judges and clerks shall be
27 qualified voters of the precinct for which appointed, except if there is
28 not a sufficient number of persons available to provide the number of
29 appointments required, the inspector, marshal, judges and clerks shall be
30 qualified voters of this state. The inspector, marshal and judges shall
31 not have changed their political party affiliation or their no party
32 preference affiliation since the last preceding general election, and if
33 they are members of the two political parties that cast the highest number
34 of votes in the state at the last preceding general election, they shall
35 be divided equally between these two parties. There shall be an equal
36 number of inspectors in the various precincts in the county who are
37 members of the two largest political parties. In each precinct where the
38 inspector is a member of one of the two largest political parties, the
39 marshal in that precinct shall be a member of the other of the two largest
40 political parties. Whenever possible, any person appointed as an
41 inspector shall have had previous experience as an inspector, judge,
42 marshal or clerk of elections. If there is no qualified person in a given
43 precinct, the appointment of an inspector may be made from names provided
44 by the county party chairman. If not less than ninety days before the
45 election the chairman of the county committee of either of the parties

1 designates qualified voters of the precinct, or of another precinct if
2 there are not sufficient members of that party available in the precinct
3 to provide the necessary representation on the election board as judge,
4 such designated qualified voters shall be appointed. The judges, together
5 with the inspector, shall constitute the board of elections. Any
6 registered voter in the election precinct, or in another election precinct
7 if there are not sufficient persons available in the election precinct for
8 which the clerks are being appointed, may be appointed as clerk.

9 B. If the election precinct consists of fewer than three hundred
10 qualified electors, the board of supervisors may appoint not fewer than
11 one inspector and two judges. The board of supervisors shall give notice
12 of election precincts consisting of fewer than three hundred qualified
13 electors to the county chairmen of the two largest political parties not
14 later than thirty days before the election. The inspector and judges
15 shall be appointed in the same manner by party as provided in subsection A
16 of this section.

17 C. If a nonpartisan election is ordered, not less than twenty days
18 before the election the governing board holding the election shall
19 appoint, without consideration for political party, ~~a minimum of~~ AT LEAST
20 three election workers for each polling place. The election workers shall
21 consist of at least one inspector and two judges. Whenever possible, they
22 shall be qualified electors of the precinct located within the district,
23 without consideration for political party.

24 D. For election boards established pursuant to subsection B of this
25 section, the inspector and two judges shall be appointed to provide as
26 equal as practicable representation of members of the two largest
27 political parties on the board in the same manner as provided for the
28 election boards prescribed by subsection A of this section. Any
29 registered voter in the election precinct, or in another election precinct
30 if there are not sufficient persons available in the election precinct for
31 which the clerks are being appointed, may be appointed as clerk. No
32 United States, state, county or precinct officer, nor a candidate for
33 office at the election, other than a precinct committeeman or a candidate
34 for the office of precinct committeeman, is qualified to act as judge,
35 inspector, marshal or clerk.

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

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

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

- 1 2. The person is a citizen of the United States at the time of the
2 election for which the person is named to the election board.
- 3 3. The person is supervised by an adult who has been trained as an
4 elections officer.
- 5 4. The person has received training provided by the officer in
6 charge of elections.
- 7 5. The parent or guardian of the person has provided written
8 permission for the person to serve.
- 9 G. A school district or charter school shall not be required to
10 reduce its average daily membership, as defined in section 15-901, for any
11 pupil who is absent from one or more instructional programs as a result of
12 the pupil's service on an election board pursuant to subsection F of this
13 section.
- 14 H. A school district or charter school shall not count any pupil's
15 absence from one or more instructional programs as a result of the pupil's
16 service on an election board pursuant to subsection F of this section
17 against any mandatory attendance requirements for the pupil.
- 18 I. This section does not prevent the board of supervisors or
19 governing body from refusing for cause to reappoint, or from removing for
20 cause, an election board member.