

REFERENCE TITLE: elections; voting centers prohibited

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

SB 1140

Introduced by
Senators Hoffman: Borrelli, Farnsworth, Kern, Wadsack; Representatives
Chaplik, Heap, Jones, McGarr, Parker B, Parker J, Pingerelli, Smith

AN ACT

AMENDING SECTIONS 16-411, 16-531, 16-579.01 AND 16-579.02, 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 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 as follows:

11 1. The election precinct boundaries shall be established so as to
12 be included within election districts prescribed by law for elected
13 officers of the state and its political subdivisions, including community
14 college district precincts, except those elected officers provided for in
15 titles 30 and 48. **THE BOARD OF SUPERVISORS AND ANY OFFICER IN CHARGE OF**
16 **ELECTIONS SHALL NOT AUTHORIZE, ESTABLISH OR USE A VOTING CENTER AT WHICH A**
17 **VOTER WHO IS A REGISTERED VOTER AND RESIDENT ANYWHERE IN THAT COUNTY IS**
18 **ALLOWED TO RECEIVE THE APPROPRIATE BALLOT FOR THAT SPECIFIC VOTER AND MAY**
19 **ONLY USE POLLING PLACES LOCATED IN ELECTION DISTRICTS.**

20 2. If after October 1 of the year preceding the year of a general
21 election the board of supervisors must further adjust precinct boundaries
22 due to the redistricting of election districts as prescribed by law and to
23 comply with this subsection, the board of supervisors shall adjust these
24 precinct boundaries as soon as is practicable.

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

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

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

40 3. On a specific finding of the board that the number of persons
41 who are listed as early voters pursuant to section 16-544 and who are not
42 expected to have their ballots tabulated at the polling place as
43 prescribed in section 16-579.02 is likely to substantially reduce the
44 number of voters appearing at one or more specific polling places at that
45 election, adjacent precincts may be consolidated by combining polling

1 places and precinct boards for that election. The board of supervisors
2 shall ensure that a reasonable and adequate number of polling places will
3 be designated for that election. Any consolidated polling places shall be
4 listed in separate sections of 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. If the board fails to designate the place for holding the
36 election, or if it cannot be held at or about the place designated, the
37 justice of the peace in the precinct, two days before the election, by an
38 order, copies of which the justice of the peace shall immediately post in
39 three public places in the precinct, shall designate the place within the
40 precinct for holding the election. If there is no justice of the peace in
41 the precinct, or if the justice of the peace fails to do so, the election
42 board of the precinct shall designate and give notice of the place within
43 the precinct of holding the election. For any election in which there are
44 no candidates for elected office appearing on the ballot, the board may

1 consolidate polling places and precinct boards and may consolidate the
2 tabulation of results for that election if all of the following apply:

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

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

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

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

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

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

23 1. Space is not available at the school.

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

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

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

1 other officer in charge of elections shall update the website as soon as
2 is practicable to include any new polling places, shall highlight the
3 polling place location on the website and shall specify the reason the
4 emergency designation was granted and the number of attempts that were
5 made to find a polling place before granting an emergency designation.

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

12 1. An act of God renders a previously set polling place as
13 unusable.

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

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

24 1. The number of ballots voted in the prior primary and general
25 elections.

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

28 3. The number of registered voters and the number of registered
29 voters who cast an early ballot for the current primary or general
30 election.

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

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

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

38 16-531. Appointment of election boards; qualifications

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

38 Sec. 3. Section 16-579.01, Arizona Revised Statutes, is amended to
39 read:

40 16-579.01. Early ballots; on-site tabulation

41 A. Every county recorder or other officer in charge of elections
42 may provide for a qualified elector who appears at that elector's
43 designated polling location ~~or at a voting center~~ on election day with the
44 elector's voted early ballot to have the elector's voted early ballot
45 tabulated as prescribed in section 16-579.02.

1 B. The county recorder or other officer in charge of elections
2 shall do all of the following if the on-site tabulation of early ballots
3 is allowed:

4 1. Designate an area within a precinct ~~or voting center~~ for
5 processing electors with their voted early ballots that is physically
6 separate from the area for voters who are voting pursuant to section
7 16-579.

8 2. Provide adequate poll workers, election officials and equipment
9 necessary to conduct voting pursuant to this section and section
10 16-579.02.

11 3. Categorize and tally separately in the official canvass and
12 other reports electors whose voted early ballots are tabulated at the
13 precinct ~~or voting center~~. The tally shall be reported by precinct in the
14 official canvass and other voting reports.

15 4. Reconcile for that polling place ~~or voting center~~ the number of
16 electors who appear on the signature roster or ~~e-pollbook~~ **ELECTRONIC**
17 **POLLBOOK** with the number of completed early ballot affidavits and the
18 voted early ballots tabulated on-site.

19 Sec. 4. Section 16-579.02, Arizona Revised Statutes, is amended to
20 read:

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 that allows for the on-site tabulation
25 of early ballots with the elector's voted early ballot shall present
26 identification as prescribed in section 16-579, subsection A, paragraph 1
27 and proceed as follows:

28 1. If the elector does not present identification that complies
29 with section 16-579, subsection A, paragraph 1, the elector shall either
30 deposit the elector's voted early ballot in its affidavit envelope in an
31 official drop box or proceed to the area designated for election day
32 voting to surrender the early ballot to the election board for retention
33 and not for tabulating. The elector shall then be allowed to vote a
34 provisional ballot as prescribed in section 16-584. An election official
35 may not allow for the on-site tabulation of an early ballot if the elector
36 does not present identification that complies with section 16-579,
37 subsection A, paragraph 1.

38 2. If the elector presents sufficient identification to comply with
39 section 16-579, subsection A, paragraph 1, the elector shall present the
40 elector's early ballot affidavit to the election official in charge of the
41 signature roster, and the election official shall confirm that the name
42 and address on the completed affidavit reasonably appear to be the same as
43 the name and address on the precinct register.

1 3. If the elector's affidavit is not complete, the election
2 official in charge of the signature roster shall allow the elector to
3 complete the affidavit. The election official may not allow for the
4 on-site tabulation of an early ballot until the elector presents a
5 completed early ballot affidavit.

6 B. If the elector's affidavit is complete, the elector's name shall
7 be numbered consecutively by the clerk and in the order of application for
8 early ballot tabulation.

9 C. For precincts in which a paper signature roster is used, each
10 qualified elector shall sign the elector's name in the signature roster as
11 prescribed in section 16-579, subsection D before proceeding to the
12 tabulating equipment.

13 D. For precincts in which an electronic pollbook is used, each
14 qualified elector shall sign the elector's name as prescribed in section
15 16-579, subsection E before proceeding to the tabulating equipment.

16 E. After signing the signature roster or electronic pollbook, the
17 elector shall proceed to the tabulating equipment and while under the
18 observation of an election official, remove the early ballot from the
19 completed affidavit envelope, deposit the empty completed affidavit
20 envelope in the secured and labeled drop box and insert the early ballot
21 into a tabulating machine. An early ballot that has been separated from
22 the elector's completed affidavit envelope may not be removed from the
23 on-site early ballot tabulation area.

24 F. The drop box prescribed in subsection E of this section shall be
25 clearly labeled to indicate that the completed affidavits are from ballots
26 tabulated pursuant to this section and shall be secured in a manner
27 substantially similar to other ballot boxes at that location.

28 G. Any qualified elector who lawfully brings to a polling place ~~or~~
29 ~~voting center~~ another elector's voted early ballot that is sealed in its
30 affidavit envelope shall deposit the other elector's voted early ballot in
31 the appropriate ballot drop box before entering the on-site early ballot
32 tabulation area for purposes of tabulating the elector's own early ballot.
33 The county recorder or other officer in charge of elections shall ensure
34 that a voter is not in possession of another voter's ballot within the
35 on-site early ballot tabulation area.