

REFERENCE TITLE: on-site tabulation; emergency; multiple days

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

SB 1467

Introduced by
Senator Bennett

AN ACT

AMENDING SECTIONS 16-411 AND 16-542, 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; 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 as follows:

10 1. The election precinct boundaries shall be established so as to
11 be included within election districts prescribed by law for elected
12 officers of the state and its political subdivisions, including community
13 college district precincts, except those elected officers provided for in
14 titles 30 and 48.

15 2. If after October 1 of the year preceding the year of a general
16 election the board of supervisors must further adjust precinct boundaries
17 due to the redistricting of election districts as prescribed by law and to
18 comply with this subsection, the board of supervisors shall adjust these
19 precinct boundaries as soon as is practicable.

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

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

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

35 3. On a specific finding of the board that the number of persons
36 who are listed as early voters pursuant to section 16-544 and who are not
37 expected to have their ballots tabulated at the polling place as
38 prescribed in section 16-579.02 is likely to substantially reduce the
39 number of voters appearing at one or more specific polling places at that
40 election, adjacent precincts may be consolidated by combining polling
41 places and precinct boards for that election. The board of supervisors
42 shall ensure that a reasonable and adequate number of polling places will
43 be designated for that election. Any consolidated polling places shall be
44 listed in separate sections of the order or resolution of the board.

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

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

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

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

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

31 C. If the board fails to designate the place for holding the
32 election, or if it cannot be held at or about the place designated, the
33 justice of the peace in the precinct, two days before the election, by an
34 order, copies of which the justice of the peace shall immediately post in
35 three public places in the precinct, shall designate the place within the
36 precinct for holding the election. If there is no justice of the peace in
37 the precinct, or if the justice of the peace fails to do so, the election
38 board of the precinct shall designate and give notice of the place within
39 the precinct of holding the election. For any election in which there are
40 no candidates for elected office appearing on the ballot, the board may
41 consolidate polling places and precinct boards and may consolidate the
42 tabulation of results for that election if all of the following apply:

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

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

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

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

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

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

19 1. Space is not available at the school.

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

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

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

1 emergency designation was granted and the number of attempts that were
2 made to find a polling place before granting an emergency designation.

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

9 1. An act of God renders a previously set polling place as
10 unusable.

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

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

21 1. The number of ballots voted in the prior primary and general
22 elections.

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

25 3. The number of registered voters and the number of registered
26 voters who cast an early ballot for the current primary or general
27 election.

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

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

33 Sec. 2. Section 16-542, Arizona Revised Statutes, is amended to
34 read:

35 16-542. Request for ballot; civil penalties; violation;
36 classification

37 A. Within ninety-three days before any election called pursuant to
38 the laws of this state, an elector may make a verbal or signed request to
39 the county recorder, or other officer in charge of elections for the
40 applicable political subdivision of this state in whose jurisdiction the
41 elector is registered to vote, for an official early ballot. In addition
42 to name and address, the requesting elector shall provide the date of
43 birth and state or country of birth or other information that if compared
44 to the voter registration information on file would confirm the identity
45 of the elector. If the request indicates that the elector needs a primary

1 election ballot and a general election ballot, the county recorder or
2 other officer in charge of elections shall honor the request. For any
3 partisan primary election, if the elector is not registered as a member of
4 a political party that is entitled to continued representation on the
5 ballot pursuant to section 16-804, the elector shall designate the ballot
6 of only one of the political parties that is entitled to continued
7 representation on the ballot and the elector may receive and vote the
8 ballot of only that one political party, which also shall include any
9 nonpartisan offices and ballot questions, or the elector shall designate
10 the ballot for nonpartisan offices and ballot questions only and the
11 elector may receive and vote the ballot that contains only nonpartisan
12 offices and ballot questions. The county recorder or other officer in
13 charge of elections shall process any request for an early ballot for a
14 municipal election pursuant to this subsection. The county recorder may
15 establish on-site early voting locations at the recorder's office, which
16 shall be open and available for use beginning the same day that a county
17 begins to send out the early ballots. The county recorder may also
18 establish any other early voting locations in the county the recorder
19 deems necessary. Any on-site early voting location or other early voting
20 location shall require each elector to present identification as
21 prescribed in section 16-579 before receiving a ballot. Notwithstanding
22 section 16-579, subsection A, paragraph 2, at any on-site early voting
23 location or other early voting location the county recorder or other
24 officer in charge of elections may provide for a qualified elector to
25 update the elector's voter registration information as provided for in the
26 secretary of state's instructions and procedures manual adopted pursuant
27 to section 16-452.

28 B. Notwithstanding subsection A of this section, a request for an
29 official early ballot from an absent uniformed services voter or overseas
30 voter as defined in the uniformed and overseas citizens absentee voting
31 act ~~of 1986~~ (P.L. 99-410; 52 United States Code section 20310) or a voter
32 whose information is protected pursuant to section 16-153 that is received
33 by the county recorder or other officer in charge of elections more than
34 ninety-three days before the election is valid. If requested by the
35 absent uniformed services or overseas voter, or a voter whose information
36 is protected pursuant to section 16-153, the county recorder or other
37 officer in charge of elections shall provide to the requesting voter early
38 ballot materials through the next regularly scheduled general election for
39 federal office immediately following receipt of the request unless a
40 different period of time, which does not exceed the next two regularly
41 scheduled general elections for federal office, is designated by the
42 voter.

43 C. The county recorder or other officer in charge of elections
44 shall mail the early ballot and the envelope for its return postage
45 prepaid to the address provided by the requesting elector within five days

1 after receipt of the official early ballots from the officer charged by
2 law with the duty of preparing ballots pursuant to section 16-545, except
3 that early ballot distribution shall not begin more than twenty-seven days
4 before the election. If an early ballot request is received on or before
5 the thirty-first day before the election, the early ballot shall be
6 distributed not earlier than the twenty-seventh day before the election
7 and not later than the twenty-fourth day before the election.

8 D. Only the elector may be in possession of that elector's unvoted
9 early ballot. If a complete and correct request is made by the elector
10 within twenty-seven days before the election, the mailing must be made
11 within forty-eight hours after receipt of the request. Saturdays, Sundays
12 and other legal holidays are excluded from the computation of the
13 ~~forty-eight hour~~ FORTY-EIGHT-HOUR period prescribed by this subsection.
14 If a complete and correct request is made by an absent uniformed services
15 voter or an overseas voter before the election, the regular early ballot
16 shall be transmitted by mail, by fax or by other electronic format
17 approved by the secretary of state within twenty-four hours after the
18 early ballots are delivered pursuant to section 16-545, subsection B,
19 excluding Sundays.

20 E. In order to be complete and correct and to receive an early
21 ballot by mail, an elector's request that an early ballot be mailed to the
22 elector's residence or temporary address must include all of the
23 information prescribed by subsection A of this section and must be
24 received by the county recorder or other officer in charge of elections ~~no~~
25 NOT later than 5:00 p.m. on the eleventh day preceding the election. An
26 elector who appears personally ~~no~~ NOT later than 5:00 p.m. on the Friday
27 preceding the election at an on-site early voting location that is
28 established by the county recorder or other officer in charge of elections
29 shall be given a ballot after presenting identification as prescribed in
30 section 16-579 and shall be ~~permitted~~ ALLOWED to vote at the on-site
31 location. Notwithstanding section 16-579, subsection A, paragraph 2, at
32 any on-site early voting location the county recorder or other officer in
33 charge of elections may provide for a qualified elector to update the
34 elector's voter registration information as provided for in the secretary
35 of state's instructions and procedures manual adopted pursuant to section
36 16-452. If an elector's request to receive an early ballot is not
37 complete and correct but complies with all other requirements of this
38 section, the county recorder or other officer in charge of elections shall
39 attempt to notify the elector of the deficiency of the request.

40 F. Unless an elector specifies that the address to which an early
41 ballot is to be sent is a temporary address, the recorder may use the
42 information from an early ballot request form to update voter registration
43 records.

44 G. The county recorder or other officer in charge of early
45 balloting shall provide an alphabetized list of all voters in the precinct

1 who have requested and have been sent an early ballot to the election
2 board of the precinct in which the voter is registered not later than the
3 day before the election.

4 H. ~~As a result of experiencing an emergency between 5:00 p.m. on~~
5 ~~the Friday~~ DURING THE SATURDAY, SUNDAY AND MONDAY IMMEDIATELY preceding
6 the election and UNTIL 5:00 p.m. on the Monday preceding the election, THE
7 BOARD OF SUPERVISORS MAY PROVIDE FOR qualified electors ~~may request~~ to
8 vote in the manner prescribed by the board of supervisors of their
9 respective county FOR ELECTION DAY VOTING, IN WHICH QUALIFIED ELECTORS ARE
10 ISSUED BALLOTS THAT ARE TABULATED ON-SITE OR THAT ARE TABULATED AT A
11 COUNTING CENTER. ~~Before voting pursuant to this subsection, an elector~~
12 ~~who experiences an emergency shall provide identification as prescribed in~~
13 ~~section 16-579 and shall sign a statement under penalty of perjury that~~
14 ~~states that the person is experiencing or experienced an emergency after~~
15 ~~5:00 p.m. on the Friday immediately preceding the election and before 5:00~~
16 ~~p.m. on the Monday immediately preceding the election that would prevent~~
17 ~~the person from voting at the polls. Signed statements received pursuant~~
18 ~~to this subsection are not subject to inspection pursuant to title 39,~~
19 ~~chapter 1, article 2. For the purposes of this subsection, "emergency"~~
20 ~~means any unforeseen circumstances that would prevent the elector from~~
21 ~~voting at the polls.~~

22 I. Notwithstanding section 16-579, subsection A, paragraph 2, for
23 any voting pursuant to subsection H of this section, the county recorder
24 or other officer in charge of elections may allow a qualified elector to
25 update the elector's voter registration information as provided for in the
26 secretary of state's instructions and procedures manual adopted pursuant
27 to section 16-452.

28 J. A candidate, political committee or other organization may
29 distribute early ballot request forms to voters. If the early ballot
30 request forms include a printed address for return, the addressee shall be
31 the political subdivision that will conduct the election. Failure to use
32 the political subdivision as the return addressee is punishable by a civil
33 penalty of up to three times the cost of the production and distribution
34 of the request.

35 K. All original and completed early ballot request forms that are
36 received by a candidate, political committee or other organization shall
37 be submitted within six business days after receipt by a candidate,
38 political committee or other organization or eleven days before the
39 election day, whichever is earlier, to the political subdivision that will
40 conduct the election. Any person, political committee or other
41 organization that fails to submit a completed early ballot request form
42 within the prescribed time is subject to a civil penalty of up to \$25 per
43 day for each completed form withheld from submittal. Any person who
44 knowingly fails to submit a completed early ballot request form before the

1 submission deadline for the election immediately following the completion
2 of the form is guilty of a class 6 felony.

3 L. Except for a voter who is on the active early voting list
4 prescribed by section 16-544, a voter who requests a onetime early ballot
5 pursuant to THIS section ~~16-542~~ or for an election conducted pursuant to
6 section 16-409 or article 8.1 of this chapter, a county recorder, city or
7 town clerk or other election officer may not deliver or mail an early
8 ballot to a person who has not requested an early ballot for that
9 election. An election officer who knowingly violates this subsection is
10 guilty of a class 5 felony.