

House Engrossed Senate Bill

~~polling places; public office spaces~~
(now: polling places; schools; offices; appropriation)

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

SENATE BILL 1596

AN ACT

AMENDING SECTION 16-411, ARIZONA REVISED STATUTES; RELATING TO 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.

45 4. On a specific resolution of the board, the board may authorize
46 the use of voting centers ~~in place of or~~ in addition to specifically

1 designated polling places. A voting center shall allow any voter in that
2 county to receive the appropriate ballot for that voter on election day
3 after presenting identification as prescribed in section 16-579 and to
4 lawfully cast the ballot. **IN ADDITION TO SPECIFICALLY DESIGNATED POLLING**
5 **PLACES**, voting centers may be established in coordination and consultation
6 with the county recorder, at other county offices or at other locations in
7 the county deemed appropriate.

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

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

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

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

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

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

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

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

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

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

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

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

- 20 1. Space is not available at the school.
- 21 2. The safety or welfare of the children would be jeopardized.

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

25 ~~H.~~ I. Except in the case of an emergency, any facility that is
26 used as a polling place on election day or that is used as an early voting
27 site during the period of early voting shall allow persons to electioneer
28 and engage in other political activity outside of the seventy-five foot
29 limit prescribed by section 16-515 in public areas and parking lots used
30 by voters. This subsection does not allow the temporary or permanent
31 construction of structures in public areas and parking lots or the
32 blocking or other impairment of access to parking spaces for voters. The
33 county recorder or other officer in charge of elections shall post on its
34 website at least two weeks before election day a list of those polling
35 places in which emergency conditions prevent electioneering and shall
36 specify the reason the emergency designation was granted and the number of
37 attempts that were made to find a polling place before granting an
38 emergency designation. If the polling place is not on the website list of
39 polling places with emergency designations, electioneering and other
40 political activity shall be allowed outside of the seventy-five foot
41 limit. If an emergency arises after the county recorder or other officer
42 in charge of elections' initial website posting, the county recorder or
43 other officer in charge of elections shall update the website as soon as
44 is practicable to include any new polling places, shall highlight the
45 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 ~~+~~ J. 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 ~~+~~ K. The secretary of state shall provide through the
16 instructions and procedures manual adopted pursuant to section 16-452 the
17 maximum allowable wait time for any election that is subject to section
18 16-204 and provide for a method to reduce voter wait time at the polls in
19 the primary and general elections. The method shall consider at least all
20 of the 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.