

~~government anti-identification procedures; technical correction~~
(now: precinct voting; tally; identification; ballot)

State of Arizona
Senate
Fifty-sixth Legislature
Second Regular Session
2024

SENATE BILL 1170

AN ACT

AMENDING SECTION 16-411, ARIZONA REVISED STATUTES; REPEALING SECTION 16-504, ARIZONA REVISED STATUTES; AMENDING TITLE 16, CHAPTER 4, ARTICLE 6, ARIZONA REVISED STATUTES, BY ADDING A NEW SECTION 16-504; AMENDING SECTIONS 16-541, 16-579 AND 16-607, 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 electioneering; wait times

6 A. NOTWITHSTANDING ANY OTHER LAW, THE BOARD OF SUPERVISORS, THE
7 COUNTY RECORDER AND THE COUNTY OFFICER IN CHARGE OF ELECTIONS MAY NOT USE
8 A VOTING CENTER, AN EARLY VOTING LOCATION OR ANOTHER SIMILAR METHOD OF
9 VOTING, AND ALL VOTING SHALL OCCUR IN INDIVIDUAL PRECINCTS. The board of
10 supervisors of each county, on or before October 1 of each year preceding
11 the year of a general election, by an order, shall establish a convenient
12 number of election precincts in the county and define the boundaries of
13 the precincts as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 polling place location on the website and shall specify the reason the
2 emergency designation was granted and the number of attempts that were
3 made to find a polling place before granting an emergency designation.

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

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

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

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

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

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

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

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

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

34 Sec. 2. Repeal

35 Section 16-504, Arizona Revised Statutes, is repealed.

36 Sec. 3. Title 16, chapter 4, article 6, Arizona Revised Statutes,
37 is amended by adding a new section 16-504, to read:

38 16-504. Antifraud paper; threads

39 NOTWITHSTANDING ANY OTHER LAW, BALLOTS SHALL CONTAIN BALLOT FRAUD
40 COUNTERMEASURES, INCLUDING THE USE OF COLORED THREADS OR THREADS THAT
41 FLUORESCUE UNDER ULTRAVIOLET LIGHT OR BOTH.

1 Sec. 4. Section 16-541, Arizona Revised Statutes, is amended to
2 read:

3 16-541. Early voting

4 A. Any election called pursuant to the laws of this state shall
5 provide for ~~early~~ MAIL IN voting, including voting by the use of an
6 accessible vote by United States mail option for persons who are blind or
7 have a visual impairment. ~~Any qualified elector may vote by early ballot.~~
8 NOTWITHSTANDING ANY OTHER LAW, A QUALIFIED ELECTOR MAY VOTE BY MAIL-IN
9 BALLOT ONLY IF:

10 1. THE QUALIFIED ELECTOR IS REGISTERED TO VOTE IN THIS STATE AND IS
11 A STUDENT WHO RESIDES OUTSIDE THIS STATE.

12 2. THE QUALIFIED ELECTOR IS REGISTERED TO VOTE IN THIS STATE AND IS
13 TEMPORARILY RESIDING OUTSIDE THIS STATE.

14 3. THE QUALIFIED ELECTOR IS ELIGIBLE TO VOTE UNDER THE UNIFORMED
15 AND OVERSEAS CITIZENS ABSENTEE VOTING ACT (P.L. 99-410; 100 STAT. 924; 52
16 UNITED STATES CODE SECTION 20310).

17 B. A qualified elector of a special district organized pursuant to
18 title 48 shall be permitted to vote early in any special district mail
19 ballot election as provided in article 8.1 of this chapter.

20 Sec. 5. Subject to the requirements of article IV, part 1,
21 section 1, Constitution of Arizona, section 16-579, Arizona Revised
22 Statutes, is amended to read:

23 16-579. Procedure for obtaining ballot by elector

24 A. Every qualified elector, before receiving a ballot, shall
25 announce the elector's name and place of residence in a clear, audible
26 tone of voice to the election official in charge of the signature roster
27 or present the elector's name and residence in writing. The election
28 official in charge of the signature roster shall comply with the following
29 and the qualified elector shall be allowed within the voting area:

30 1. The elector shall present ~~any of the following:~~

31 ~~(a)~~ a valid form of identification that bears the photograph, name
32 and address of the elector that reasonably appear to be the same as the
33 name and address in the precinct register, including an Arizona driver
34 license, an Arizona nonoperating identification license, a tribal
35 enrollment card or other form of tribal identification or a United States
36 federal, state or local government issued identification. Identification
37 is deemed valid unless it can be determined on its face that it has
38 expired.

39 ~~(b) Two different items that contain the name and address of the~~
40 ~~elector that reasonably appear to be the same as the name and address in~~
41 ~~the precinct register, including a utility bill, a bank or credit union~~
42 ~~statement that is dated within ninety days of the date of the election, a~~
43 ~~valid Arizona vehicle registration, an Arizona vehicle insurance card, an~~
44 ~~Indian census card, tribal enrollment card or other form of tribal~~
45 ~~identification, a property tax statement, a recorder's certificate, a~~

1 ~~voter registration card, a valid United States federal, state or local~~
2 ~~government issued identification or any mailing that is labeled as~~
3 ~~"official election material". Identification is deemed valid unless it~~
4 ~~can be determined on its face that it has expired.~~

5 ~~(c) A valid form of identification that bears the photograph, name~~
6 ~~and address of the elector except that if the address on the~~
7 ~~identification does not reasonably appear to be the same as the address in~~
8 ~~the precinct register or the identification is a valid United States~~
9 ~~military identification card or a valid United States passport and does~~
10 ~~not bear an address, the identification must be accompanied by one of the~~
11 ~~items listed in subdivision (b) of this paragraph.~~

12 ~~2. If the elector does not present identification that complies~~
13 ~~with paragraph 1 of this subsection, the elector is only eligible to vote~~
14 ~~a provisional ballot as prescribed by section 16-584 or a conditional~~
15 ~~provisional ballot as provided for in the secretary of state's instruction~~
16 ~~and procedures manual adopted pursuant to section 16-452.~~

17 ~~3.~~ 2. If the voter surrenders the early ballot to the precinct
18 inspector and the voter is not otherwise required to be issued a
19 provisional ballot, the voter shall be issued a standard ballot after
20 presenting identification pursuant to this subsection. The precinct
21 inspector shall retain the surrendered early ballot, unopened in its
22 affidavit envelope.

23 B. Any qualified elector who is listed as having applied for an
24 early ballot but who states that the elector has not voted and will not
25 vote an early ballot for this election or surrenders the early ballot to
26 the precinct inspector on election day shall be allowed to vote pursuant
27 to the procedure set forth in section 16-584, except that for elections
28 conducted using an electronic pollbook or similar system with continuous
29 voter usage updates, the following apply:

30 1. If the electronic pollbook or other system indicates that the
31 voter's early ballot has not been returned or accepted by the county
32 recorder and the voter is not otherwise required to be issued a
33 provisional ballot, the voter may be issued a standard ballot after
34 presenting identification pursuant to subsection A of this section.

35 2. If the electronic pollbook or other system indicates that the
36 voter's early ballot has been received or accepted by the county recorder,
37 the voter may not be issued a standard ballot and may only be issued a
38 provisional ballot as prescribed in section 16-584.

39 C. Each qualified elector's name shall be numbered consecutively by
40 the clerks and in the order of applications for ballots. The judge shall
41 give the qualified elector only one ballot and a ballot privacy folder,
42 and the elector's name shall be immediately checked on the precinct
43 register. Notwithstanding any provision of this subsection, an elector
44 shall not be required to accept or use a ballot privacy folder.

1 D. For precincts in which a paper signature roster is used, each
2 qualified elector shall sign the elector's name in the signature roster
3 before receiving a ballot, but an inspector or judge may sign the roster
4 for an elector who is unable to sign because of physical disability, and
5 in that event the name of the elector shall be written with red ink, and
6 no attestation or other proof shall be necessary. The provisions of this
7 subsection relating to signing the signature roster shall not apply to
8 electors casting a ballot using early voting procedures.

9 E. For precincts in which an electronic poll book system is used,
10 each qualified elector shall sign the elector's name as prescribed in the
11 instructions and procedures manual adopted by the secretary of state
12 pursuant to section 16-452 before receiving a ballot, but an inspector or
13 judge may sign the roster for an elector who is unable to sign because of
14 physical disability, and in that event the name of the elector shall be
15 written with the inspector's or judge's attestation on the same signature
16 line.

17 F. A person offering to vote at a special district election for
18 which no special district register has been supplied shall sign an
19 affidavit stating the person's address and that the person resides within
20 the district boundaries or proposed district boundaries and swearing that
21 the person is a qualified elector and has not already voted at the
22 election being held.

23 Sec. 6. Section 16-607, Arizona Revised Statutes, is amended to
24 read:

25 16-607. Statements of tally; database

26 A. In each election precinct where voting machines are used,
27 statements of tally shall be printed to conform with the type of voting
28 machine used. The designating number and letter on the counter for each
29 candidate shall be printed next to the candidate's name on the statements
30 of tally and shall provide for the entry of the number of votes for each
31 candidate and the "yes" and "no" over each question.

32 ~~B. The delivery of statements to stations designated by the board
33 of supervisors shall be accomplished as is provided for ballots in section
34 16-608.~~

35 B. NOTWITHSTANDING ANY OTHER LAW, ON COMPLETION OF THE TALLY AT THE
36 PRECINCT, THE ELECTION BOARD WORKERS SHALL ENTER THE TALLY AND TOTALS INTO
37 A COUNTY DATABASE THAT IS PUBLICLY VIEWABLE.

38 Sec. 7. Conforming legislation

39 The legislative council staff shall prepare proposed legislation
40 conforming the Arizona Revised Statutes to the provisions of this act for
41 consideration in the fifty-seventh legislature, first regular session.

1 Sec. 8. Requirements for enactment; three-fourths vote
2 Pursuant to article IV, part 1, section 1, Constitution of Arizona,
3 section 16-579, Arizona Revised Statutes, as amended by this act, is
4 effective only on the affirmative vote of at least three-fourths of the
5 members of each house of the legislature.