

PROPOSED
SENATE AMENDMENTS TO S.B. 1170
(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

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 A
8 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 the
13 precincts as follows:

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

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

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

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

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

26 ~~4. On a specific resolution of the board, the board may authorize~~
27 ~~the use of voting centers in place of or in addition to specifically~~
28 ~~designated polling places. A voting center shall allow any voter in that~~
29 ~~county to receive the appropriate ballot for that voter on election day~~
30 ~~after presenting identification as prescribed in section 16-579 and to~~
31 ~~lawfully cast the ballot. Voting centers may be established in~~

1 ~~coordination and consultation with the county recorder, at other county~~
2 ~~offices or at other locations in the county deemed appropriate.~~

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

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

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

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

25 C. If the board fails to designate the place for holding the
26 election, or if it cannot be held at or about the place designated, the
27 justice of the peace in the precinct, two days before the election, by an
28 order, copies of which the justice of the peace shall immediately post in
29 three public places in the precinct, shall designate the place within the
30 precinct for holding the election. If there is no justice of the peace in
31 the precinct, or if the justice of the peace fails to do so, the election
32 board of the precinct shall designate and give notice of the place within

1 the precinct of holding the election. For any election in which there are
2 no candidates for elected office appearing on the ballot, the board may
3 consolidate polling places and precinct boards and may consolidate the
4 tabulation of results for that election if all of the following apply:

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

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

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

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

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

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

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

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

27 ~~F.~~ F. The board shall make available to the public as a public
28 record a list of the polling places for all precincts in which the election
29 is to be held.

30 ~~H.~~ G. Except in the case of an emergency, any facility that is used
31 as a polling place on election day ~~or that is used as an early voting site~~
32 ~~during the period of early voting~~ shall allow persons to electioneer and

1 engage in other political activity outside of the seventy-five foot limit
2 prescribed by section 16-515 in public areas and parking lots used by
3 voters. This subsection does not allow the temporary or permanent
4 construction of structures in public areas and parking lots or the blocking
5 or other impairment of access to parking spaces for voters. The county
6 recorder or other officer in charge of elections shall post on its website
7 at least two weeks before election day a list of those polling places in
8 which emergency conditions prevent electioneering and shall specify the
9 reason the emergency designation was granted and the number of attempts
10 that were made to find a polling place before granting an emergency
11 designation. If the polling place is not on the website list of polling
12 places with emergency designations, electioneering and other political
13 activity shall be allowed outside of the seventy-five foot limit. If an
14 emergency arises after the county recorder or other officer in charge of
15 elections' initial website posting, the county recorder or other officer in
16 charge of elections shall update the website as soon as is practicable to
17 include any new polling places, shall highlight the polling place location
18 on the website and shall specify the reason the emergency designation was
19 granted and the number of attempts that were made to find a polling place
20 before granting an emergency designation.

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

- 27 1. An act of God renders a previously set polling place as unusable.
- 28 2. A county recorder or other officer in charge of elections has
29 exhausted all options and there are no suitable facilities in a precinct
30 that are willing to be a polling place unless a facility can be given an
31 emergency designation.

1 ~~†~~ I. 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 of
18 rosters that will reduce voter wait time at the polls.

19 Sec. 2. Repeal

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

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

23 16-504. Antifraud paper; threads

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

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

29 16-541. Early voting

30 A. Any election called pursuant to the laws of this state shall
31 provide for ~~early~~ MAIL IN voting, including voting by the use of an
32 accessible vote by United States mail option for persons who are blind or

1 have a visual impairment. ~~Any qualified elector may vote by early ballot.~~
2 NOTWITHSTANDING ANY OTHER LAW, A QUALIFIED ELECTOR MAY VOTE BY MAIL-IN
3 BALLOT ONLY IF:

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

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

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

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

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

17 16-579. Procedure for obtaining ballot by elector

18 A. Every qualified elector, before receiving a ballot, shall
19 announce the elector's name and place of residence in a clear, audible tone
20 of voice to the election official in charge of the signature roster or
21 present the elector's name and residence in writing. The election official
22 in charge of the signature roster shall comply with the following and the
23 qualified elector shall be allowed within the voting area:

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

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

1 ~~(b) Two different items that contain the name and address of the~~
2 ~~elector that reasonably appear to be the same as the name and address in~~
3 ~~the precinct register, including a utility bill, a bank or credit union~~
4 ~~statement that is dated within ninety days of the date of the election, a~~
5 ~~valid Arizona vehicle registration, an Arizona vehicle insurance card, an~~
6 ~~Indian census card, tribal enrollment card or other form of tribal~~
7 ~~identification, a property tax statement, a recorder's certificate, a voter~~
8 ~~registration card, a valid United States federal, state or local government~~
9 ~~issued identification or any mailing that is labeled as "official election~~
10 ~~material". Identification is deemed valid unless it can be determined on~~
11 ~~its face that it has expired.~~

12 ~~(c) A valid form of identification that bears the photograph, name~~
13 ~~and address of the elector except that if the address on the identification~~
14 ~~does not reasonably appear to be the same as the address in the precinct~~
15 ~~register or the identification is a valid United States military~~
16 ~~identification card or a valid United States passport and does not bear an~~
17 ~~address, the identification must be accompanied by one of the items listed~~
18 ~~in subdivision (b) of this paragraph.~~

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

24 ~~3.~~ 2. If the voter surrenders the early ballot to the precinct
25 inspector and the voter is not otherwise required to be issued a
26 provisional ballot, the voter shall be issued a standard ballot after
27 presenting identification pursuant to this subsection. The precinct
28 inspector shall retain the surrendered early ballot, unopened in its
29 affidavit envelope.

30 B. Any qualified elector who is listed as having applied for an
31 early ballot but who states that the elector has not voted and will not
32 vote an early ballot for this election or surrenders the early ballot to

1 the precinct inspector on election day shall be allowed to vote pursuant to
2 the procedure set forth in section 16-584, except that for elections
3 conducted using an electronic pollbook or similar system with continuous
4 voter usage updates, the following apply:

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

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

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

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

28 E. For precincts in which an electronic poll book system is used,
29 each qualified elector shall sign the elector's name as prescribed in the
30 instructions and procedures manual adopted by the secretary of state
31 pursuant to section 16-452 before receiving a ballot, but an inspector or
32 judge may sign the roster for an elector who is unable to sign because of

1 physical disability, and in that event the name of the elector shall be
2 written with the inspector's or judge's attestation on the same signature
3 line.

4 F. A person offering to vote at a special district election for
5 which no special district register has been supplied shall sign an
6 affidavit stating the person's address and that the person resides within
7 the district boundaries or proposed district boundaries and swearing that
8 the person is a qualified elector and has not already voted at the election
9 being held.

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

12 16-607. Statements of tally; database

13 A. In each election precinct where voting machines are used,
14 statements of tally shall be printed to conform with the type of voting
15 machine used. The designating number and letter on the counter for each
16 candidate shall be printed next to the candidate's name on the statements
17 of tally and shall provide for the entry of the number of votes for each
18 candidate and the "yes" and "no" over each question.

19 ~~B. The delivery of statements to stations designated by the board of~~
20 ~~supervisors shall be accomplished as is provided for ballots in section~~
21 ~~16-608.~~

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

25 Sec. 7. Conforming legislation

26 The legislative council staff shall prepare proposed legislation
27 conforming the Arizona Revised Statutes to the provisions of this act for
28 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."
6 Amend title to conform

DAVID C. FARNSWORTH

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