

REFERENCE TITLE: elections; voting center tabulation

State of Arizona
Senate
Fifty-fifth Legislature
First Regular Session
2021

SB 1485

Introduced by
Senator Ugenti-Rita

AN ACT

AMENDING SECTION 16-411, 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. The election precinct boundaries
10 shall be ~~so~~ established ~~SO~~ as ~~TO BE~~ included within election districts
11 prescribed by law for elected officers of the state and its political
12 subdivisions including community college district precincts, except those
13 elected officers provided for in titles 30 and 48.

14 B. ~~Not less than~~ ~~AT LEAST~~ twenty days before a general or primary
15 election, and at least ten days before a special election, the board shall
16 designate one polling place within each precinct where the election shall
17 be held, except that:

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

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

29 3. On a specific finding of the board that the number of persons
30 who are listed as permanent early voters pursuant to section 16-544 is
31 likely to substantially reduce the number of voters appearing at one or
32 more specific polling places at that election, adjacent precincts may be
33 consolidated by combining polling places and precinct boards for that
34 election. The board of supervisors shall ensure that a reasonable and
35 adequate number of polling places will be designated for that election.
36 Any consolidated polling places shall be listed in separate sections of
37 the order or resolution of the board.

38 4. On a specific resolution of the board, the board may authorize
39 the use of voting centers in place of or in addition to specifically
40 designated polling places. A voting center shall allow any voter in that
41 county to receive the appropriate ballot for that voter on election day
42 after presenting identification as prescribed in section 16-579, ~~and~~ to
43 lawfully cast the ballot ~~AND TO HAVE THAT BALLOT TABULATED ONSITE~~. Voting
44 centers may be established in coordination and consultation with the
45 county recorder, at other county offices or at other locations in the

1 county deemed appropriate AND SHALL BE EQUIPPED TO TABULATE THE BALLOTS
2 THAT ARE CAST AT THAT VOTING CENTER.

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 BALLOTS CAST AT AN EMERGENCY VOTING CENTER SHALL BE TABULATED ON-SITE.

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

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

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

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

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

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

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

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

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

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

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

43 I. For the purposes of this section, a county recorder or other
44 officer in charge of elections shall designate a polling place as an
45 emergency polling place and thus prohibit persons from electioneering and

1 engaging in other political activity outside of the seventy-five foot
2 limit prescribed by section 16-515 but inside the property of the facility
3 that is hosting the polling place if any of the following occurs:

4 1. An act of God renders a previously set polling place as
5 unusable.

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

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

16 1. The number of ballots voted in the prior primary and general
17 elections.

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

20 3. The number of registered voters and the number of registered
21 voters who cast an early ballot for the current primary or general
22 election.

23 4. The number of election board members and clerks and the number
24 of rosters that will reduce voter wait time at the polls.