

House Engrossed Senate Bill

**FILED**

**JANICE K. BREWER  
SECRETARY OF STATE**

State of Arizona  
Senate  
Forty-seventh Legislature  
Second Regular Session  
2006

CHAPTER 145

**SENATE BILL 1037**

AN ACT

AMENDING SECTIONS 16-531, 16-642 AND 16-648, 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 16-531, Arizona Revised Statutes, is amended to  
3 read:

4 16-531. Appointment of election boards and tally boards:  
5 qualifications

6 A. When an election is ordered, and not less than twenty days prior to  
7 a general or primary election, the board of supervisors shall appoint for  
8 each election precinct one inspector, one marshal, two judges and not less  
9 than two clerks of election. The inspector, marshal, judges and clerks shall  
10 be qualified voters of the precinct for which appointed, unless there is not  
11 a sufficient number of persons available to provide the number of  
12 appointments required. The inspector, marshal and judges shall ~~be~~ NOT HAVE  
13 CHANGED THEIR POLITICAL PARTY AFFILIATION OR THEIR NO PARTY PREFERENCE  
14 AFFILIATION SINCE THE LAST PRECEDING GENERAL ELECTION, AND IF THEY ARE  
15 members of the two political parties which cast the highest number of votes  
16 in the state at the last preceding general election, and THEY shall be  
17 divided equally between these two parties. ~~One half or one more than~~  
18 ~~one half of the~~ THERE SHALL BE AN EQUAL NUMBER OF inspectors in the various  
19 precincts in the county ~~shall be~~ WHO ARE members of ~~one of the two largest~~  
20 ~~political parties and the remaining inspectors shall be members of the other~~  
21 ~~of the two largest political parties.~~ In each precinct where the inspector  
22 is a member of one of the two largest political parties, the marshal in that  
23 precinct shall be a member of the other of the two largest political parties.  
24 Whenever possible, any person appointed as an inspector shall have had  
25 previous experience as an inspector, judge, marshal or clerk of elections.  
26 If there is no qualified person in a given precinct, the appointment of an  
27 inspector may be made from names provided by the county party chairman. If  
28 not less than ninety days prior to the election the chairman of the county  
29 committee of either of the parties designates qualified voters of the  
30 precinct, or of another precinct if there are not sufficient members of his  
31 party available in the precinct to provide the necessary representation on  
32 the election board as judge, such designated qualified voters shall be  
33 appointed. The judges, together with the inspector, shall constitute the  
34 board of elections. Any registered voter in the election precinct, or in  
35 another election precinct if there are not sufficient persons available in  
36 the election precinct for which the clerks are being appointed, may be  
37 appointed as clerk.

38 B. If the election precinct consists of fewer than two hundred  
39 qualified electors, the board of supervisors may appoint not fewer than one  
40 inspector and two judges. The board of supervisors shall give notice of  
41 election precincts consisting of fewer than two hundred qualified electors to  
42 the county chairmen of the two largest political parties not later than  
43 thirty days before the election. The inspector and judges shall be appointed  
44 in the same manner by party as provided in subsection A OF THIS SECTION.

1 C. If a nonpartisan election is ordered, not less than twenty days  
2 before the election the governing board holding the election shall appoint,  
3 without consideration for political party, a minimum of three election  
4 workers for each polling place. The election workers shall consist of at  
5 least one inspector and two judges. Whenever possible, they shall be  
6 qualified electors of the precinct located within the district, without  
7 consideration for political party.

8 D. Where the election precinct consists of three hundred fifty or more  
9 qualified electors, the board of supervisors may in addition to the board of  
10 elections appoint a similar board to be known as the tally board. The tally  
11 board shall take custody of the ballots from the closing of the polls until  
12 the tally of the ballots is completed. The tally board shall consist of the  
13 inspector of the board of elections, two judges and not less than two clerks.  
14 The inspector and two judges shall be appointed to provide as equal as  
15 practicable representation of members of the two largest political parties on  
16 the board in the same manner as provided for the election boards. Any  
17 registered voter in the election precinct, or in another election precinct if  
18 there are not sufficient persons available in the election precinct for which  
19 the clerks are being appointed, may be appointed as clerk. A member  
20 appointed to serve on the tally board, with the exception of the inspector of  
21 the board of elections, shall not be appointed to serve on the board of  
22 elections. The inspector of the board of elections shall be a member of the  
23 tally board and during such time shall act as the supervisor of the tally  
24 board. No United States, state, county or precinct officer, nor a candidate  
25 for office at the election, other than a precinct committeeman or a candidate  
26 for the office of precinct committeeman, is qualified to act as judge,  
27 inspector, marshal or clerk.

28 E. If an electronic voting system is in use the write-in ballots shall  
29 be tallied by a board of elections consisting of one inspector and two judges  
30 who are appointed in the same manner by party as provided in subsection A OF  
31 THIS SECTION.

32 F. At least ten days before a special election, the governing body  
33 conducting the election may in like manner appoint a special tally board or  
34 boards for the specific purpose of tallying the ballots on the closing of the  
35 polls. The tally boards shall consist of at least one inspector and two  
36 judges. The inspector of the board of elections shall act as the supervisor  
37 of the tally board.

38 G. NOTWITHSTANDING ANY OTHER LAW, THE BOARD OF SUPERVISORS MAY APPOINT  
39 TO AN ELECTION BOARD TO SERVE AS A CLERK OF ELECTION A PERSON WHO IS NOT  
40 ELIGIBLE TO VOTE IF ALL OF THE FOLLOWING CONDITIONS ARE MET:

41 1. THE PERSON IS A MINOR WHO WILL BE AT LEAST SIXTEEN YEARS OF AGE AT  
42 THE TIME OF THE ELECTION FOR WHICH THE PERSON IS NAMED TO THE ELECTION BOARD.

43 2. THE PERSON IS A CITIZEN OF THE UNITED STATES AT THE TIME OF THE  
44 ELECTION FOR WHICH THE PERSON IS NAMED TO THE ELECTION BOARD.



1 copies of official canvass received from the several counties, and forthwith  
2 certify the result to the governor.

3 C. If the official canvass of any county has not been received on the  
4 ~~third~~ FOURTH Monday following the general election, the canvass shall be  
5 postponed from day to day, not to exceed thirty days from the date of the  
6 election, until canvasses from all counties are received.

**APPROVED BY THE GOVERNOR APRIL 17, 2006.**

**FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 17, 2006.**