STATE OF ARIZONA

JANICE K. BREWER
GOVERNOR

EXECUTIVE OFFICE

April 29, 2011

The Honorable Ken Bennett
Secretary of State
1700 W. Washington, 7th Floor
Phoenix, Arizona 85007

RE: Senate Bill 1331 (polling places; political parties; organization)

Dear Secretary Bennett:

Today I vetoed Senate Bill 1331 relating to the organization of political parties.

The bill places several restrictions on the role of precinct committeemen by limiting the period of time when a vacant precinct committeeman position can be filled, stipulating the start and end dates of the term of office and specifying voting eligibility in a county committee. I am concerned that these provisions inappropriately interfere with internal party operations.

Sincerely,

Janice K. Brewer
Governor

cc: The Honorable Russell Pearce
The Honorable Andy Tobin
The Honorable Frank Antenori
Senate Secretary
Chief Clerk of the House of Representatives
Arizona News Service

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House Engrossed Senate Bill

State of Arizona
Senate
Fiftieth Legislature
First Regular Session
2011

SENATE BILL 1331

AN ACT

AMENDING SECTIONS 16-409, 16-411, 16-709, 16-821, 16-822, 16-823, 16-824 AND 16-825, ARIZONA REVISED STATUTES; RELATING TO ELECTIONS AND ELECTORS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 16-409, Arizona Revised Statutes, is amended to read:

16-409. Certain cities, towns and school districts; mail ballot elections; report

A. Notwithstanding section 16-558, a city, town or school district may conduct a mail ballot election FOR ANY NONPARTISAN ELECTION HELD BY THAT CITY, TOWN OR SCHOOL DISTRICT. A mail ballot election shall be conducted as otherwise prescribed by article 8.1 of this chapter.

B. Cities, towns or school districts that conduct mail ballot elections pursuant to subsection A of this section shall report to the president of the senate and the speaker of the house of representatives by January 1 of each year immediately following a mail ballot election. The report shall include the following:

1. Changes in voter turnout.

2. Relative costs of mail ballot elections compared to traditional elections.

3. Suggestions for improvements or refinements in the mail ballot program.

4. Frequency and severity of mail ballot irregularities.

5. Voter satisfaction with the election process.

6. Number of nondeliverable ballots.

Sec. 2. Section 16-411, Arizona Revised Statutes, is amended to read:

16-411. Designation of election precincts and polling places; electioneering; wait times; bidding preference

A. Except as prescribed by subsection J of this section, the board of supervisors of each county, on or before December 1 of each year preceding the year of a general election, by an order, shall establish a convenient number of election precincts in the county and define the boundaries of the precincts. Such election precinct boundaries shall be so established as included within election districts prescribed by law for elected officers of the state and its political subdivisions including community college district precincts, except those elected officers provided for in titles 30 and 48.

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

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

2. Adjacent precincts may be combined if boundaries so established are included in election districts prescribed by law for state elected officials and political subdivisions including community college districts but not including elected officials prescribed by titles 30 and 48. The officer in

charge of elections may also split a precinct for administrative purposes. Any such polling places shall be listed in separate sections of the order or resolution.

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

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

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

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

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

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

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

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

1. Space is not available at the school.

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

G. The board shall make available to the public as a public record a list of the polling places for all precincts in which the election is to be held including identification of polling place changes that were submitted to the United States department of justice for approval.

H. Except in the case of an emergency, any facility that is used as a polling place on election day shall allow persons to electioneer and engage in other political activity outside of the seventy-five foot limit prescribed by section 16-515 in public areas and parking lots used by voters. This subsection shall not be construed to permit the temporary or permanent construction of structures in public areas and parking lots or the blocking or other impairment of access to parking spaces for voters. THE COUNTY RECORDER SHALL POST ON ITS WEBSITE A LIST OF POLLING PLACES IN WHICH EMERGENCY CONDITIONS PREVENT ELECTIONEERING AND SHALL SPECIFY THE REASON THE EMERGENCY EXEMPTION WAS GRANTED AT LEAST TWO WEEKS BEFORE ELECTION DAY. IF A POLLING PLACE IS NOT ON THE WEBSITE LIST OF POLLING PLACES WITH EMERGENCY CONDITIONS, ELECTIONEERING AND OTHER POLITICAL ACTIVITY SHALL BE PERMITTED OUTSIDE OF THE SEVENTY-FIVE FOOT LIMIT. IF AN EMERGENCY ARISES AFTER THE COUNTY RECORDER'S INITIAL WEBSITE POSTING, THE COUNTY RECORDER SHALL:

1. UPDATE THE WEBSITE AS SOON AS IS PRACTICABLE TO INCLUDE ANY NEW POLLING PLACES.

2. HIGHLIGHT THE POLLING PLACE LOCATION.

3. SPECIFY THE REASON THE EMERGENCY EXEMPTION WAS GRANTED.

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

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

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

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

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

J. The board of supervisors of a county shall not change precinct lines during the period after July 31, 2008 and before January 1, 2011. The board of supervisors may subdivide an election precinct for administrative purposes or may provide for more than one polling place within the boundaries of the election precincts established for use in voting in elections held after July 31, 2008 and before January 1, 2011. In providing for multiple polling places within a precinct, the board of supervisors shall consider the particular population characteristics of each precinct in order to provide the voters the most reasonable access to the polls possible.

Sec. 3. Section 16-709, Arizona Revised Statutes, is amended to read:

16-709. Certificate of ratification

If the convention agrees by vote of a majority of the total number of delegates to ratification of the proposed amendment, a certificate to that effect shall be executed by the president and secretary of the convention and transmitted to the secretary of state of Arizona, who shall transmit the certificate under his hand and the great seal of the state to the ~~secretary of state~~ ARCHIVIST of the United States.

Sec. 4. Section 16-821, Arizona Revised Statutes, is amended to read:

16-821. County committee; vacancy in office of precinct committeeman

A. At the primary election the members of a political party entitled to representation pursuant to section 16-804 residing in each precinct shall choose one of their number as a county precinct committeeman, and the members shall choose one additional precinct committeeman for each one hundred twenty-five voters or major fraction thereof registered in the party in the precinct as reported pursuant to section 16-168, subsection G on March 1 of the year in which the general election is held. The whole number of precinct committeemen of a political party shall constitute the county committee of the party.

B. The board of supervisors upon the recommendation of the county chairman, or the recommendation of a committee designated in the bylaws of the county committee for that purpose, shall determine when a vacancy exists in the office of precinct committeeman. If a vacancy exists, the vacancy shall be filled by the board of supervisors from a list of names submitted by the county chairman of the appropriate political party. THE BOARD OF SUPERVISORS SHALL NOT FILL A VACANCY IN A PRECINCT COMMITTEEMAN POSITION DURING THE PERIOD AFTER THE DATE OF THE PRIMARY ELECTION AND BEFORE THE DATE THAT IS ONE DAY AFTER THE STATE PARTY ORGANIZATIONAL MEETING FOR THAT POLITICAL PARTY. Only a precinct committeeman elected at the primary election prior to the date of a state or county committee organizing meeting shall be permitted to vote at such meeting. The criteria used to establish when a vacancy exists in the office of precinct committeeman shall be as established in section 38-291.

Sec. 5. Section 16-822, Arizona Revised Statutes, is amended to read:

16-822. Precinct committeemen; eligibility; vacancy; duties; term

A. Any member of a recognized political party who is a registered voter in the precinct is eligible to seek the office of precinct committeeman of his party in that precinct.

B. If the number of persons who file nominating petitions for an election to fill precinct committeeman positions is less than or equal to the number of precinct committeeman positions, the county board of supervisors may cancel the election for those positions not sooner than seventy-five days before the election and appoint the person who filed the nominating petition

to fill the position. If no person has filed a nominating petition to fill a position, the position is deemed vacant and shall be filled as otherwise provided by law. A precinct committeeman who is appointed pursuant to this subsection after filing a nominating petition shall be deemed ~~and~~ AN elected precinct committeeman.

C. If the number of persons who file nominating petitions for an election to fill precinct committeeman positions is more than the number of precinct committeeman positions for a recognized political party in a precinct, a separate ballot shall be prepared for the election of precinct committeemen for the political party in that precinct. The ballot shall conform as nearly as practicable to ballot requirements in this title, and to the official ballot prepared for that party in the primary election, but shall be designated as the "official ballot for electing precinct committeemen of the _____ party, primary election (date), _____ precinct, _____ county, state of Arizona." Only persons who are registered as members of that political party in that precinct may vote that precinct committeeman ballot. The election board or official shall provide the partisan precinct committeeman ballot to voters who are registered with that party in addition to the official ballot prepared for that party in the primary election.

D. In addition to other provisions of law regarding removal from office, a vacancy shall exist in the office of precinct committeeman when the precinct committeeman moves from the precinct from which elected or changes his political party from the party in which he was elected.

E. The minimum duties of a precinct committeeman shall be to assist his political party in voter registration and to assist the voters of his political party to vote on election days. Additional duties shall be as provided for in the state committee bylaws of the party of which he is a member.

F. THE TERM OF OFFICE OF A PRECINCT COMMITTEEMAN BEGINS ON THE DATE THAT THE COUNTY BOARD OF SUPERVISORS CANVASSES THE ELECTION OF THAT PRECINCT COMMITTEEMAN AND ENDS ON COMPLETION OF THE CANVASS OF THE PRECINCT COMMITTEEMAN WHO IS ELECTED FOR THE IMMEDIATELY SUBSEQUENT TWO YEAR TERM.

Sec. 6. Section 16-823, Arizona Revised Statutes, is amended to read:

16-823. <u>Legislative district committee; organization; boundary change; reorganization</u>

A. A political party entitled, pursuant to section 16-801 or 16-804, to representation on the ballot may establish a district party committee for any legislative district as prescribed by law.

B. A district party committee established pursuant to subsection A of this section shall consist of the precinct committeemen residing in the district and elected pursuant to section 16-821, INCLUDING ANY PRECINCT COMMITTEEMEN WHO ARE DEEMED ELECTED AS A RESULT OF CANCELLATION OF THE ELECTION AS PRESCRIBED IN SECTION 16-822.

1 C. Each district party committee established pursuant to subsection A
2 of this section shall meet no earlier than the second Saturday after the
3 general election provided for in section 16-211 and no later than the first
4 Saturday in the following December and organize by electing from its
5 membership a chairman, two vice-chairmen, a secretary and a treasurer. The
6 latter two offices may be filled by the same person. The chairman of the
7 district committee is ex officio a member of the county committee of the
8 county in which a plurality of the district's registered voters resides.
9 D. Each district party committee established pursuant to subsection A
10 of this section shall meet after the effective date of reapportionment
11 legislation that realigns or changes legislative district boundaries and
12 organize according to the new boundaries, electing from its membership a
13 chairman, two vice-chairmen, a secretary and a treasurer. The latter two
14 offices may be filled by the same person. The chairman of the district
15 committee is ex officio a member of the county committee of the county in
16 which a plurality of the district's registered voters resides. The effective
17 date for reapportionment legislation as provided in this subsection shall be
18 as provided in article IV, part 1, section 1, Constitution of Arizona.
19 E. In the event the reapportionment legislation is challenged in court
20 or by the United States justice department, the district organizations in
21 effect before the passage of the reapportionment legislation shall continue
22 to function along with the new district organizations created in accordance
23 with subsection D of this section until the final settlement or adjudication
24 of any legal challenge to the reapportionment legislation. Upon the final
25 settlement or adjudication of any legal challenge to the reapportionment
26 legislation, the district organizations in effect before the enactment of the
27 reapportionment legislation are considered dissolved.
28 F. If the boundaries of any district are changed as a result of legal
29 action, each district party committee in that district shall meet as soon as
30 possible and organize according to the boundaries that result from the legal
31 action. Upon organization pursuant to this subsection all prior district
32 organizations are dissolved.
33 G. For purposes of the election prescribed in subsection D of this
34 section, the district committee shall consist of all precinct committeemen
35 residing in the district who were serving in such position at least thirty
36 days prior to the enactment of reapportionment legislation.
37 Sec. 7. Section 16-824, Arizona Revised Statutes, is amended to read:
38 16-824. <u>Meeting, organization and officers of county committee</u>
39 A. The county committee shall meet for the purpose of organizing no
40 earlier than ten days after the last organizing meeting of the legislative
41 districts which are part of the county, and in any event no later than the
42 second Saturday in January of the year following a general election. The
43 county committee shall elect from its membership a chairman, a first
44 vice-chairman, a second vice-chairman, a secretary and a treasurer. The

1 latter two offices may be filled by the same person. The chairman of the
2 county committee shall be ex officio a member of the state committee.
3 B. The chairman of the county committee shall give notice of the time
4 and place of such meeting by mail to each precinct committeeman at least ten
5 days prior to the date of such meeting.
6 C. ONLY THOSE PERSONS WHO ARE ELECTED PRECINCT COMMITTEEMEN OR WHO ARE
7 DEEMED ELECTED PRECINCT COMMITTEEMEN PURSUANT TO SECTION 16-822 ARE ELIGIBLE
8 TO VOTE FOR OR SERVE IN ANY ELECTED OFFICE OF THE COUNTY COMMITTEE.
9 Sec. 8. Section 16-825, Arizona Revised Statutes, is amended to read:
10 16-825. State committee
11 A. The state committee of each party shall consist, in addition to the
12 chairman of the several county committees, of one member of the county
13 committee for every three members of the county committee elected pursuant to
14 section 16-821. THE LEGISLATIVE DISTRICT COMMITTEE SHALL ELECT ONE MEMBER TO
15 THE STATE COMMITTEE FOR EVERY THREE MEMBERS OF THE LEGISLATIVE DISTRICT
16 COMMITTEE ELECTED PURSUANT TO SECTION 16-822 INSTEAD OF ONE MEMBER OF THE
17 COUNTY COMMITTEE FOR EVERY THREE MEMBERS OF THE COUNTY COMMITTEE. The state
18 committeemen shall be chosen at the first meeting of the county committee OR
19 LEGISLATIVE DISTRICT COMMITTEE from the COUNTY OR LEGISLATIVE DISTRICT
20 committee's elected membership, AS APPROPRIATE.
21 B. ONLY THOSE PERSONS WHO ARE ELECTED PRECINCT COMMITTEEMEN OR WHO ARE
22 DEEMED ELECTED PRECINCT COMMITTEEMEN PURSUANT TO SECTION 16-822 ARE ELIGIBLE
23 TO VOTE FOR OR SERVE IN ANY ELECTED OFFICE OF THE STATE COMMITTEE.

Passed the House April 18, 2011,

by the following vote: 40 Ayes,

18 Nays, 2 Not Voting

Speaker of the House

Cheryl Laube

Chief Clerk of the House

Passed the Senate March 2, 2011,

by the following vote: 25 Ayes,

5 Nays, 0 Not Voting

President of the Senate

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR
This Bill was received by the Governor this

_____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

_____, 20_____,

at _____ o'clock _____ M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this _____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary of State

S.B. 1331

SENATE CONCURS IN HOUSE AMENDMENTS AND FINAL PASSAGE

Passed the Senate April 19, 20 11

by the following vote: 21 Ayes,

9 Nays, 0 Not Voting

President of the Senate

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

20 day of April, 20 11

at 12:00 o'clock P. M.

Secretary to the Governor

Approved this _____ day of

_____

VETO

at _____ o'clock _____ M.

_____

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this _____ day of _____, 20_____

S.B. 1331

at _____ o'clock _____ M.

_____

Secretary of State