

REFERENCE TITLE: emergency voting; manual; photographs; electioneering

State of Arizona  
House of Representatives  
Fifty-fifth Legislature  
First Regular Session  
2021

## **HB 2722**

Introduced by  
Representative Bolick

AN ACT

AMENDING SECTIONS 16-411, 16-452 AND 16-515, 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. Voting centers may be established in~~  
44 ~~coordination and consultation with the county recorder, at other county~~  
45 ~~offices or at other locations in the county deemed appropriate.~~

1           ~~5.~~ 4. On a specific resolution of the board of supervisors that  
2 is limited to a specific election date and that is voted on by a recorded  
3 vote, the board may authorize the county recorder or other officer in  
4 charge of elections to use emergency voting centers as follows:

5           (a) The board shall specify in the resolution the location and the  
6 hours of operation of the emergency voting centers.

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

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

23           (c) AN EMERGENCY VOTING CENTER MAY BE ESTABLISHED ONLY ON  
24 OCCURRENCE OF A GENUINE EMERGENCY SUCH AS WAR, CIVIL UNREST OR NATURAL  
25 DISASTER THAT MAKES IT LIKELY THAT LARGE NUMBERS OF VOTERS WILL BE  
26 SUBSTANTIALLY IMPAIRED IN THEIR ABILITY TO VOTE ON ELECTION DAY AS  
27 COMPARED TO OTHER ELECTIONS.

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

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

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

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

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

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

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

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

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

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

38           I. If an emergency arises after the county recorder or other  
39 officer in charge of elections' initial website posting OF POLLING PLACES,  
40 the county recorder or other officer in charge of elections shall update  
41 the website as soon as is practicable to include any new polling places,  
42 shall highlight the polling place location on the website and shall  
43 specify the reason, ~~the~~ IF ANY emergency designation was granted and the  
44 number of attempts that were made to find a polling place before granting  
45 an emergency designation. THIS SUBSECTION DOES NOT ALLOW THE COUNTY

1 RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS TO ESTABLISH EMERGENCY  
2 VOTING CENTERS WITHOUT THE APPROVAL OF THE BOARD OF SUPERVISORS.

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

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

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

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

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

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

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

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

30 Sec. 2. Section 16-452, Arizona Revised Statutes, is amended to  
31 read:

32 16-452. Rules; instructions and procedures manual; approval  
33 of manual; field check and review of systems;  
34 violation; classification

35 A. After consultation with each county board of supervisors or  
36 other officer in charge of elections, the secretary of state shall  
37 prescribe rules to achieve and maintain the maximum degree of correctness,  
38 impartiality, uniformity and efficiency on the procedures for early voting  
39 and voting, and of producing, distributing, collecting, counting,  
40 tabulating and storing ballots. The secretary of state shall also adopt  
41 rules regarding fax transmittal of unvoted ballots, ballot requests, voted  
42 ballots and other election materials to and from absent uniformed and  
43 overseas citizens and shall adopt rules regarding internet receipt of  
44 requests for federal postcard applications prescribed by section 16-543.

1 B. The rules shall be prescribed in an official instructions and  
2 procedures manual to be issued not later than December 31 of each  
3 odd-numbered year immediately preceding the general election. Before its  
4 issuance, the manual shall be approved by the governor and the attorney  
5 general. The secretary of state shall submit the manual to the governor  
6 and the attorney general not later than October 1 of the year before each  
7 general election.

8 C. THE INSTRUCTIONS AND PROCEDURES MANUAL SHALL PROVIDE FOR  
9 TRANSPARENCY AND ELECTION SECURITY TO THE MAXIMUM EXTENT ALLOWED BY LAW.  
10 IF ANY PROVISION OF THE INSTRUCTIONS AND PROCEDURES MANUAL CONFLICTS WITH  
11 ANY STATUTE, THE PROVISION OF THE INSTRUCTIONS AND PROCEDURES MANUAL IS  
12 UNENFORCEABLE AND STATUTE PREVAILS.

13 ~~C.~~ D. A person who violates any rule adopted pursuant to this  
14 section is guilty of a class 2 misdemeanor.

15 ~~D.~~ E. The secretary of state AND THE LEGISLATURE shall provide  
16 personnel who are experts in electronic voting systems and procedures and  
17 in electronic voting system security to field check and review electronic  
18 voting systems and recommend needed statutory and procedural changes,  
19 INCLUDING CHANGES IN THE INSTRUCTIONS AND PROCEDURES MANUAL.

20 Sec. 3. Section 16-515, Arizona Revised Statutes, is amended to  
21 read:

22 16-515. "Seventy-five foot limit" notices; posting;  
23 violation; classification

24 A. Except as prescribed in this section and section 16-580, a  
25 person shall not be allowed to remain inside the seventy-five foot limit  
26 while the polls are open, except for the purpose of voting, and except the  
27 election officials, one representative at any one time of each political  
28 party represented on the ballot who has been appointed by the county  
29 chairman of that political party and the challengers allowed by law, and  
30 ~~no~~ electioneering may NOT occur within the seventy-five foot  
31 limit. Voters having cast their ballots shall promptly move outside the  
32 seventy-five foot limit.

33 B. The board of supervisors shall furnish, with the ballots for  
34 each polling place, three notices, printed in letters not less than two  
35 inches high, with the heading: "Seventy-five foot limit" and underneath  
36 that heading the following:

37 No person shall be allowed to remain inside these limits while  
38 the polls are open, except for the purpose of voting, and  
39 except the election officials, one representative at any one  
40 time of each political party represented on the ballot who has  
41 been appointed by the county chairman of such political party,  
42 and the challengers allowed by law. Voters having cast their  
43 ballots shall at once retire without the seventy-five foot  
44 limit. A person violating any provision of this notice is  
45 guilty of a class 2 misdemeanor.

1 C. A minor voting in a simulated election at a polling place is  
2 subject to the same seventy-five foot limit restrictions prescribed for a  
3 voter. Persons supervising or working in a simulated election in which  
4 minors vote may remain within the seventy-five foot limit of the polling  
5 place. The inspector for the polling place shall exercise authority over  
6 all election and simulated election related activities at the polling  
7 place.

8 D. For an election that is held by an Indian tribe and that is held  
9 at a polling place at the same time and on the same date as any other  
10 election, the following apply:

11 1. A person who is voting is subject to the same seventy-five foot  
12 limit restrictions prescribed for other voters.

13 2. An election official for the tribal election may remain within  
14 the seventy-five foot limit for the polling place.

15 E. With the permission of the voter, a minor may enter and remain  
16 within the seventy-five foot limit in order to accompany a voter into a  
17 polling place, an on-site early voting facility and a voting booth while  
18 the voter is voting.

19 F. Notwithstanding any other law, an election official, a  
20 representative of a political party who has been appointed by the county  
21 chairman of that political party or a challenger who is authorized by law  
22 to be within the seventy-five foot limit as prescribed by this section  
23 shall not wear, carry or display materials that identify or express  
24 support for or opposition to a candidate, a political party or  
25 organization, a ballot question or any other political issue and shall not  
26 electioneer within the seventy-five foot limit of a polling place.

27 G. Notwithstanding section 16-1018, **WHILE WITHIN THE SEVENTY-FIVE**  
28 **FOOT LIMIT:**

29 1. A person may not take photographs or videos ~~while within the~~  
30 ~~seventy-five foot limit~~ **OF OTHER VOTERS OR OTHER VOTERS' BALLOTS.**

31 2. **A PERSON MAY TAKE PHOTOGRAPHS OR VIDEOS OF HIMSELF, THAT**  
32 **PERSON'S OWN BALLOT OR ANY ELECTION WORKER.**

33 H. Any person violating this section is guilty of a class 2  
34 misdemeanor.

35 I. For the purposes of this section, electioneering occurs when an  
36 individual knowingly, intentionally, by verbal expression and in order to  
37 induce or compel another person to vote in a particular manner or to  
38 refrain from voting expresses support for or opposition to a candidate who  
39 appears on the ballot in that election, a ballot question that appears on  
40 the ballot in that election or a political party with one or more  
41 candidates who appear on the ballot in that election.