

REFERENCE TITLE: early voting; boxes; observers; electioneering

State of Arizona
House of Representatives
Fifty-fifth Legislature
Second Regular Session
2022

HB 2059

Introduced by
Representatives Blackman: Bolick

AN ACT

AMENDING SECTION 16-515, ARIZONA REVISED STATUTES; AMENDING TITLE 16, CHAPTER 4, ARTICLE 8, ARIZONA REVISED STATUTES, BY ADDING SECTION 16-546; AMENDING SECTIONS 16-552, 16-590 AND 16-1017, ARIZONA REVISED STATUTES; RELATING TO ELECTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 16-515, Arizona Revised Statutes, is amended to
3 read:

4 16-515. "Seventy-five foot limit" notices; posting;
5 violation; classification

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

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

19 No person shall be allowed to remain inside these limits while
20 the polls are open, except for the purpose of voting, and
21 except the election officials, one representative at any one
22 time of each political party represented on the ballot who has
23 been appointed by the county chairman of such political party,
24 and the challengers allowed by law. Voters having cast their
25 ballots shall at once retire without the seventy-five foot
26 limit. A person violating any provision of this notice is
27 guilty of a class 2 misdemeanor.

28 C. A minor voting in a simulated election at a polling place is
29 subject to the same seventy-five foot limit restrictions prescribed for a
30 voter. Persons supervising or working in a simulated election in which
31 minors vote may remain within the seventy-five foot limit of the polling
32 place. The inspector for the polling place shall exercise authority over
33 all election and simulated election related activities at the polling
34 place.

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

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

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

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

1 F. FOR ANY DROP BOXES THAT ARE USED FOR RECEIVING VOTED EARLY
2 BALLOTS, THE BOARD OF SUPERVISORS SHALL FURNISH THREE NOTICES PRESCRIBED
3 BY SUBSECTION B OF THIS SECTION AND ELECTIONEERING MAY NOT OCCUR WITHIN
4 THE SEVENTY-FIVE FOOT LIMIT. VOTERS WHO HAVE DELIVERED THEIR BALLOTS
5 SHALL PROMPTLY MOVE OUTSIDE THE SEVENTY-FIVE FOOT LIMIT.

6 ~~F.~~ G. Notwithstanding any other law, an election official, a
7 representative of a political party who has been appointed by the county
8 chairman of that political party or a challenger who is authorized by law
9 to be within the seventy-five foot limit as prescribed by this section
10 shall not wear, carry or display materials that identify or express
11 support for or opposition to a candidate, a political party or
12 organization, a ballot question or any other political issue and shall not
13 electioneer within the seventy-five foot limit of a polling place.

14 ~~G.~~ H. Notwithstanding section 16-1018, a person may not take
15 photographs or videos while within the seventy-five foot limit.

16 ~~H.~~ I. Any person violating this section is guilty of a class 2
17 misdemeanor.

18 ~~I.~~ J. For the purposes of this section, electioneering occurs when
19 an individual knowingly, intentionally, by verbal expression and in order
20 to induce or compel another person to vote in a particular manner or to
21 refrain from voting expresses support for or opposition to a candidate who
22 appears on the ballot in that election, a ballot question that appears on
23 the ballot in that election or a political party with one or more
24 candidates who appear on the ballot in that election.

25 Sec. 2. Title 16, chapter 4, article 8, Arizona Revised Statutes,
26 is amended by adding section 16-546, to read:

27 16-546. Ballot drop boxes; prohibition

28 NOTWITHSTANDING ANY OTHER LAW, A COUNTY RECORDER OR OTHER OFFICER IN
29 CHARGE OF ELECTIONS MAY NOT USE AN UNMONITORED DROP BOX FOR RECEIVING
30 VOTED EARLY BALLOTS.

31 Sec. 3. Section 16-552, Arizona Revised Statutes, is amended to
32 read:

33 16-552. Early ballots; processing; challenges

34 A. In a jurisdiction that uses optical scan ballots, the officer in
35 charge of elections may use the procedure prescribed by this section or
36 may request approval from the secretary of state for a different method
37 for processing early ballots. The request shall be made in writing at
38 least ninety days before the election for which the procedure is intended
39 to be used. After the election official has confirmed with the secretary
40 of state that all election equipment passes the logic and accuracy test,
41 the election official may begin to count early ballots. No early ballot
42 results may be released except as prescribed by section 16-551.

43 B. The early election board shall check the voter's affidavit on
44 the envelope containing the early ballot. If it is found to be
45 sufficient, the vote shall be allowed. If the affidavit is insufficient,

1 the vote shall not be allowed. AN EARLY ELECTION BOARD MEMBER MAY NOT
2 CONSIDER THE VOTER'S PARTY AFFILIATION WHILE DETERMINING WHETHER THE
3 AFFIDAVIT IS SUFFICIENT.

4 C. The county chairman of each political party represented on the
5 ballot, by written appointment addressed to the early election board, may
6 designate party representatives and alternates to act as early ballot
7 challengers for the party. No party may have more than the number of such
8 representatives or alternates that were mutually agreed on by each
9 political party to be present at one time. If such agreement cannot be
10 reached, the number of representatives shall be limited to one for each
11 political party.

12 D. An early ballot may be challenged on any grounds set forth in
13 section 16-591. All challenges shall be made in writing with a brief
14 statement of the grounds before the early ballot is placed in the ballot
15 box. A record of all challenges and resulting proceedings shall be kept
16 in substantially the same manner as provided in section 16-594. If an
17 early ballot is challenged, it shall be set aside and retained in the
18 possession of the early election board or other officer in charge of early
19 ballot processing until a time that the early election board sets for
20 determination of the challenge, subject to the procedure in subsection E
21 of this section, at which time the early election board shall hear the
22 grounds for the challenge and shall decide what disposition shall be made
23 of the early ballot by majority vote. If the early ballot is not allowed,
24 it shall be handled pursuant to subsection G of this section.

25 E. Within twenty-four hours of receipt of a challenge, the early
26 election board or other officer in charge of early ballot processing shall
27 mail, by first class mail, a notice of the challenge including a copy of
28 the written challenge, and also including the time and place at which the
29 voter may appear to defend the challenge, to the voter at the mailing
30 address shown on the request for an early ballot or, if none was provided,
31 to the mailing address shown on the registration rolls. Notice shall also
32 be mailed to the challenger at the address listed on the written challenge
33 and provided to the county chairman of each political party represented on
34 the ballot. The board shall meet to determine the challenge at the time
35 specified by the notice but, in any event, not earlier than ninety-six
36 hours after the notice is mailed, or forty-eight hours if the notifying
37 party chooses to deliver the notice by overnight or hand delivery, and not
38 later than 5:00 p.m. on the Monday following the election. The board
39 shall provide the voter with an informal opportunity to make, or to
40 submit, brief statements regarding the challenge. The board may decline
41 to permit comments, either in person or in writing, by anyone other than
42 the voter, the challenger and the party representatives. The burden of
43 proof is on the challenger to show why the voter should not be permitted
44 to vote. The fact that the voter fails to appear shall not be deemed to
45 be an admission of the validity of the challenge. The early election

1 board or other officer in charge of early ballot processing is not
2 required to provide the notices described in this subsection if the
3 written challenge fails to set forth at least one of the grounds listed in
4 section 16-591 as a basis for the challenge. In that event, the challenge
5 will be summarily rejected at the meeting of the board. Except for
6 election contests pursuant to section 16-672, the board's decision is
7 final and may not be appealed.

8 F. If the vote is allowed, the board shall open the envelope
9 containing the ballot in such a manner that the affidavit thereon is not
10 destroyed, take out the ballot without unfolding it or permitting it to be
11 opened or examined and show by the records of the election that the
12 elector has voted.

13 G. If the vote is not allowed, the affidavit envelope containing
14 the early ballot shall not be opened and the board shall mark across the
15 face of such envelope the grounds for rejection. The affidavit envelope
16 and its contents shall then be deposited with the opened affidavit
17 envelopes and shall be preserved with official returns. If the voter does
18 not enter an appearance, the board shall send the voter a notice stating
19 whether the early ballot was disallowed and, if disallowed, providing the
20 grounds for the determination. The notice shall be mailed by first class
21 mail to the voter's mailing address as shown on the registration rolls
22 within three days after the board's determination.

23 H. Party representatives and alternates may be appointed as
24 provided in subsection C of this section to be present and to challenge
25 the verification of questioned ballots pursuant to section 16-584 on any
26 grounds permitted by this section. Questioned ballots that are challenged
27 shall be presented to the early election board for decision under the
28 provisions of this section.

29 Sec. 4. Section 16-590, Arizona Revised Statutes, is amended to
30 read:

31 16-590. Appointment of challengers and party representatives

32 A. The county chairman of each party may **DESIGNATE**, for each
33 precinct, by written appointment addressed to the election board,
34 ~~designate~~ a party agent or representative and alternates for a polling
35 place in the precinct who may act as challengers for the party which
36 appointed ~~him~~ **THAT CHALLENGER**.

37 B. At each voting place, one challenger for each political party
38 may be present and act, but ~~no~~ **A** challenger may **NOT** enter a voting booth
39 except to mark ~~his~~ **THAT CHALLENGER'S** ballot.

40 C. Not more than the number of party representatives for each party
41 ~~which~~ **THAT** were mutually agreed ~~upon~~ **ON** by each political party
42 represented on the ballot shall be in the polling place at one time. If
43 such agreement cannot be reached, the number of representatives shall be
44 limited to one in the polling place at one time for each political party.

1 D. A challenger or party representative shall be a resident of this
2 state and registered to vote in this state AND SHALL AT ALL TIMES
3 PROMINENTLY DISPLAY THE CHALLENGER OR REPRESENTATIVE'S NAME BADGE. THE
4 COUNTY RECORDER OR OFFICER IN CHARGE OF ELECTIONS SHALL ISSUE NAME BADGES
5 THAT INCLUDE THE PARTY AFFILIATION OF THE CHALLENGER OR PARTY
6 REPRESENTATIVE.

7 Sec. 5. Section 16-1017, Arizona Revised Statutes, is amended to
8 read:

9 16-1017. Unlawful acts by voters with respect to voting;
10 classification

11 A voter who knowingly commits any of the following acts is guilty of
12 a class ~~2 misdemeanor~~ 6 FELONY:

13 1. Makes a false statement as to the voter's inability to mark a
14 ballot.

15 2. Interferes with a voter within the seventy-five foot limit of A
16 BALLOT DROP BOX OR the polling place as posted by the election marshal or
17 within seventy-five feet of the main outside entrance to an on-site early
18 voting location established by a county recorder pursuant to section
19 16-542, subsection A.

20 3. Endeavors while within the seventy-five foot limit for A BALLOT
21 DROP BOX OR a polling place or on-site early voting location to induce a
22 voter to vote for or against a particular candidate or issue.

23 4. ~~Prior to~~ BEFORE the close of an election defaces or destroys a
24 sample ballot posted by election officers, or defaces, tears down,
25 removes or destroys a card of instructions posted for the instruction of
26 voters.

27 5. Removes or destroys supplies or conveniences furnished to enable
28 a voter to prepare the voter's ballot.

29 6. Hinders the voting of others.

30 7. Votes in a county in which the voter no longer resides, except
31 as provided in section 16-125.