

REFERENCE TITLE: elections; voting centers prohibited

State of Arizona
House of Representatives
Fifty-fifth Legislature
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HB 2240

Introduced by
Representatives Hoffman: Barton, Burges, Chaplik, Fillmore, Kavanagh,
Parker, Pingerelli

AN ACT

**AMENDING SECTIONS 16-411 AND 16-531, 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 prohibited; electioneering; wait
6 times

7 A. The board of supervisors of each county, on or before October 1
8 of each year preceding the year of a general election, by an order, shall
9 establish a convenient number of election precincts in the county and
10 define the boundaries of the precincts. The election precinct boundaries
11 shall be established so as to be included within election districts
12 prescribed by law for elected officers of the state and its political
13 subdivisions including community college district precincts, except those
14 elected officers provided for in titles 30 and 48. **THE BOARD OF
15 SUPERVISORS AND ANY OFFICER IN CHARGE OF ELECTIONS SHALL NOT AUTHORIZE,
16 ESTABLISH OR USE A VOTING CENTER AT WHICH A VOTER WHO IS A REGISTERED
17 VOTER AND RESIDENT ANYWHERE IN THAT COUNTY IS ALLOWED TO RECEIVE THE
18 APPROPRIATE BALLOT FOR THAT SPECIFIC VOTER AND MAY ONLY USE POLLING PLACES
19 LOCATED IN ELECTION DISTRICTS.**

20 B. At least twenty days before a general or primary election, and
21 at least ten days before a special election, the board shall designate one
22 polling place within each precinct where the election shall be held,
23 except that:

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

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

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

44 ~~4. On a specific resolution of the board, the board may authorize~~
45 ~~the use of voting centers in place of or in addition to specifically~~

1 ~~designated polling places. A voting center shall allow any voter in that~~
2 ~~county to receive the appropriate ballot for that voter on election day~~
3 ~~after presenting identification as prescribed in section 16-579 and to~~
4 ~~lawfully cast the ballot. Voting centers may be established in~~
5 ~~coordination and consultation with the county recorder, at other county~~
6 ~~offices or at other locations in the county deemed appropriate.~~

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

11 ~~(a) The board shall specify in the resolution the location and the~~
12 ~~hours of operation of the emergency voting centers.~~

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

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

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

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

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

44 I. For the purposes of this section, a county recorder or other
45 officer in charge of elections shall designate a polling place as an

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

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

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

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

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

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

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

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

26 Sec. 2. Section 16-531, Arizona Revised Statutes, is amended to
27 read:

28 16-531. Appointment of election boards; qualifications

29 A. When an election is ordered, and not less than twenty days
30 before a general or primary election, the board of supervisors shall
31 appoint for each election precinct, ~~voting center or other voting location~~
32 one inspector, one marshal, two judges and as many clerks of election as
33 deemed necessary. The inspector, marshal, judges and clerks shall be
34 qualified voters of the precinct for which appointed, except if there is
35 not a sufficient number of persons available to provide the number of
36 appointments required, the inspector, marshal, judges and clerks shall be
37 qualified voters of this state. The inspector, marshal and judges shall
38 not have changed their political party affiliation or their no party
39 preference affiliation since the last preceding general election, and if
40 they are members of the two political parties that cast the highest number
41 of votes in the state at the last preceding general election, they shall
42 be divided equally between these two parties. There shall be an equal
43 number of inspectors in the various precincts in the county who are
44 members of the two largest political parties. In each precinct where the
45 inspector is a member of one of the two largest political parties, the

1 marshal in that precinct shall be a member of the other of the two largest
 2 political parties. Whenever possible, any person appointed as an
 3 inspector shall have had previous experience as an inspector, judge,
 4 marshal or clerk of elections. If there is no qualified person in a given
 5 precinct, the appointment of an inspector may be made from names provided
 6 by the county party chairman. If not less than ninety days before the
 7 election the chairman of the county committee of either of the parties
 8 designates qualified voters of the precinct, or of another precinct if
 9 there are not sufficient members of that party available in the precinct
 10 to provide the necessary representation on the election board as judge,
 11 such designated qualified voters shall be appointed. The judges, together
 12 with the inspector, shall constitute the board of elections. Any
 13 registered voter in the election precinct, or in another election precinct
 14 if there are not sufficient persons available in the election precinct for
 15 which the clerks are being appointed, may be appointed as clerk.

16 B. If the election precinct consists of fewer than three hundred
 17 qualified electors, the board of supervisors may appoint not fewer than
 18 one inspector and two judges. The board of supervisors shall give notice
 19 of election precincts consisting of fewer than three hundred qualified
 20 electors to the county chairmen of the two largest political parties not
 21 later than thirty days before the election. The inspector and judges
 22 shall be appointed in the same manner by party as provided in subsection A
 23 of this section.

24 C. If a nonpartisan election is ordered, not less than twenty days
 25 before the election the governing board holding the election shall
 26 appoint, without consideration for political party, ~~a minimum of~~ **AT LEAST**
 27 three election workers for each polling place. The election workers shall
 28 consist of at least one inspector and two judges. Whenever possible, they
 29 shall be qualified electors of the precinct located within the district,
 30 without consideration for political party.

31 D. For election boards established pursuant to subsection B of this
 32 section, the inspector and two judges shall be appointed to provide as
 33 equal as practicable representation of members of the two largest
 34 political parties on the board in the same manner as provided for the
 35 election boards prescribed by subsection A of this section. Any
 36 registered voter in the election precinct, or in another election precinct
 37 if there are not sufficient persons available in the election precinct for
 38 which the clerks are being appointed, may be appointed as clerk. No
 39 United States, state, county or precinct officer, nor a candidate for
 40 office at the election, other than a precinct committeeman or a candidate
 41 for the office of precinct committeeman, is qualified to act as judge,
 42 inspector, marshal or clerk.

43 E. If an electronic voting system is in use the write-in ballots
 44 shall be tallied by a board of elections consisting of one inspector and

1 two judges who are appointed in the same manner by party as provided in
2 subsection A of this section.

3 F. Notwithstanding any other law, the board of supervisors may
4 appoint to an election board to serve as a clerk of election a person who
5 is not eligible to vote if all of the following conditions are met:

6 1. The person is a minor who will be at least sixteen years of age
7 at the time of the election for which the person is named to the election
8 board.

9 2. The person is a citizen of the United States at the time of the
10 election for which the person is named to the election board.

11 3. The person is supervised by an adult who has been trained as an
12 elections officer.

13 4. The person has received training provided by the officer in
14 charge of elections.

15 5. The parent or guardian of the person has provided written
16 permission for the person to serve.

17 G. A school district or charter school shall not be required to
18 reduce its average daily membership, as defined in section 15-901, for any
19 pupil who is absent from one or more instructional programs as a result of
20 the pupil's service on an election board pursuant to subsection F of this
21 section.

22 H. A school district or charter school shall not count any pupil's
23 absence from one or more instructional programs as a result of the pupil's
24 service on an election board pursuant to subsection F of this section
25 against any mandatory attendance requirements for the pupil.

26 I. This section does not prevent the board of supervisors or
27 governing body from refusing for cause to reappoint, or from removing for
28 cause, an election board member.