

REFERENCE TITLE: **early ballot drop off; identification**

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

HB 2241

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

AN ACT

**AMENDING SECTIONS 16-411 AND 16-548, 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 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. At least twenty days before a general or primary election, and
15 at least ten days before a special election, the board shall designate one
16 polling place within each precinct where the election shall be held,
17 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 early voters pursuant to section 16-544 is likely to
31 substantially reduce the number of voters appearing at one or more
32 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. FOR ANY

1 VOTING CENTER THAT ACCEPTS VOTED EARLY BALLOTS, THE ELECTION BOARD AND THE
2 VOTER OR THE VOTER'S AGENT SHALL COMPLY WITH THE ATTESTATION AND
3 IDENTIFICATION REQUIREMENTS PRESCRIBED BY SECTION 16-548.

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

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

10 (b) A qualified elector voting at an emergency voting center shall
11 provide identification as prescribed in section 16-579, except that
12 notwithstanding section 16-579, subsection A, paragraph 2, for any voting
13 at an emergency voting center, the county recorder or other officer in
14 charge of elections may allow a qualified elector to update the elector's
15 voter registration information as provided for in the secretary of state's
16 instructions and procedures manual adopted pursuant to section 16-452.
17 FOR ANY EMERGENCY VOTING CENTER THAT ACCEPTS VOTED EARLY BALLOTS, THE
18 ELECTION BOARD AND THE VOTER OR THE VOTER'S AGENT SHALL COMPLY WITH THE
19 ATTESTATION AND IDENTIFICATION REQUIREMENTS PRESCRIBED BY SECTION 16-548.

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 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 does not allow the temporary or permanent
27 construction of structures in public areas and parking lots or the
28 blocking or other impairment of access to parking spaces for voters. The
29 county recorder or other officer in charge of elections shall post on its
30 website at least two weeks before election day a list of those polling
31 places in which emergency conditions prevent electioneering and shall
32 specify the reason the emergency designation was granted and the number of
33 attempts that were made to find a polling place before granting an
34 emergency designation. If the polling place is not on the website list of
35 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 16-548, Arizona Revised Statutes, is amended to
27 read:

28 16-548. Preparation and transmission of ballot; violation;
29 classification

30 A. The early voter shall make and sign the affidavit and shall then
31 mark ~~his~~ THE ballot in such a manner that ~~his~~ THE EARLY VOTER'S vote
32 cannot be seen. The early voter shall fold the ballot, if a paper ballot,
33 so as to conceal the vote and deposit the voted ballot in the envelope
34 provided for that purpose, which shall be securely sealed and, together
35 with the affidavit, delivered or mailed to the county recorder or other
36 officer in charge of elections of the political subdivision in which the
37 elector is registered or deposited by the voter or the voter's agent at
38 any polling place in the county. In order to be counted and valid, the
39 ballot must be received by the county recorder or other officer in charge
40 of elections or deposited at any polling place in the county ~~no~~ NOT later
41 than 7:00 p.m. on election day.

42 B. FOR ANY VOTER OR ANY VOTER'S AGENT WHO DELIVERS ONE OR MORE
43 VOTED EARLY BALLOTS IN AFFIDAVIT ENVELOPES TO ANY POLLING PLACE IN THE
44 COUNTY, TO A VOTING CENTER OR TO AN EMERGENCY VOTING CENTER, THE ELECTION

1 BOARD SHALL REQUIRE THE VOTER OR VOTER'S AGENT TO ATTEST TO IN WRITING AND
2 PROVIDE IDENTIFICATION AS FOLLOWS:

3 1. FOR A VOTER WHO DELIVERS THE VOTER'S OWN EARLY BALLOT, PRESENT
4 TO THE BOARD WORKER A FORM OF IDENTIFICATION ON WHICH THE VOTER'S NAME
5 REASONABLY APPEARS TO BE THE SAME AS ON THE BALLOT AFFIDAVIT.

6 2. FOR A VOTER'S AGENT WHO DELIVERS ANOTHER PERSON'S VOTED EARLY
7 BALLOT, PRESENT TO THE BOARD WORKER A FORM OF IDENTIFICATION THAT CONTAINS
8 THE VOTER'S AGENT'S NAME AND ATTEST IN WRITING THAT THE VOTER'S AGENT IS
9 THE VOTER'S FAMILY MEMBER, HOUSEHOLD MEMBER OR CAREGIVER AS DEFINED IN
10 SECTION 16-1005.

11 ~~B.~~ C. If the early voter is an overseas citizen, a qualified
12 elector absent from the United States or in the United States service, a
13 spouse or dependent residing with the early voter or a qualified elector
14 of a special district mail ballot election as provided in article 8.1 of
15 this chapter, the early voter may subscribe to the affidavit before and
16 obtain the signature and military identification number or passport
17 number, if available, of any person who is a United States citizen
18 eighteen years of age or older.

19 D. A PERSON WHO KNOWINGLY VIOLATES SUBSECTION B OF THIS SECTION IS
20 GUILTY OF A CLASS 6 FELONY.