

REFERENCE TITLE: polling places; schools; district boards

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

HB 2283

Introduced by
Representatives Fillmore: Carroll

AN ACT

AMENDING SECTION 16-411, ARIZONA REVISED STATUTES; RELATING TO THE 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.

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

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

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

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

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

1 E. ~~Except as provided in subsection F of this section, a~~ Public
2 ~~school~~ SCHOOLS AND FIRE STATIONS shall provide sufficient space for use as
3 ~~a~~ polling ~~place~~ PLACES for any city, county or state election when
4 requested by the officer in charge of elections. THE OFFICER IN CHARGE OF
5 ELECTIONS SHALL PRIORITIZE PUBLIC ELEMENTARY, MIDDLE AND HIGH SCHOOLS, ANY
6 OTHER SCHOOL THAT RECEIVES STATE OR LOCAL PUBLIC MONIES AND FIRE STATIONS
7 AS POLLING PLACES. SCHOOL DISTRICT GOVERNING BOARDS AND THE GOVERNING
8 BOARD OR GOVERNING BODY THAT SUPERVISES THE FIRE STATIONS SHALL ASSIST THE
9 BOARD OF SUPERVISORS AND THE OFFICER IN CHARGE OF ELECTIONS IN SELECTING
10 AND COORDINATING SCHOOLS AND FIRE STATIONS TO BE USED AS POLLING PLACES.

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

21 ~~H.~~ G. Except in the case of an emergency, any facility that is
22 used as a polling place on election day or that is used as an early voting
23 site during the period of early voting shall allow persons to electioneer
24 and engage in other political activity outside of the seventy-five foot
25 limit prescribed by section 16-515 in public areas and parking lots used
26 by 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.

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

7 1. An act of God renders a previously set polling place as
8 unusable.

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

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

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

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

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

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