

REFERENCE TITLE: precincts; combination; prohibition

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

## **HB 2287**

Introduced by  
Representative Fillmore

AN ACT

AMENDING SECTION 16-411, ARIZONA REVISED STATUTES; RELATING TO ELECTION  
PRECINCTS AND POLLING PLACES.

(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 NOT be combined ~~if boundaries so~~  
23 ~~established are included in election districts prescribed by law for state~~  
24 ~~elected officials and political subdivisions including community college~~  
25 ~~districts but not including elected officials prescribed by titles 30 and~~  
26 ~~48. The 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 shall provide sufficient space for use as a polling place for any  
3 city, county or state election when requested by the officer in charge of  
4 elections.

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

10 1. Space is not available at the school.

11 2. The safety or welfare of the children would be jeopardized.

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

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

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

44 1. An act of God renders a previously set polling place as  
45 unusable.

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

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

11           1. The number of ballots voted in the prior primary and general  
12 elections.

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

15           3. The number of registered voters and the number of registered  
16 voters who cast an early ballot for the current primary or general  
17 election.

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