

REFERENCE TITLE: in-person early voting; time period

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

HB 2245

Introduced by
Representatives Finchem: Barton, Parker

AN ACT

AMENDING SECTIONS 16-411 AND 16-542, 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 USED FOR IN-PERSON EARLY
44 VOTING ONLY DURING THE PERIOD BEGINNING ON THE SATURDAY BEFORE ELECTION
45 DAY FOR A PRIMARY OR GENERAL ELECTION AND CONTINUING THROUGH THE MONDAY

1 BEFORE ELECTION DAY FOR A PRIMARY OR GENERAL ELECTION AND MAY NOT BE USED
2 FOR IN-PERSON EARLY VOTING FOR ANY OTHER ELECTION OR TIME PERIOD. Voting
3 centers may be established in coordination and consultation with the
4 county recorder, at other county offices or at other locations in the
5 county deemed appropriate.

6 5. On a specific resolution of the board of supervisors that is
7 limited to a specific election date and that is voted on by a recorded
8 vote, the board may authorize the county recorder or other officer in
9 charge of elections to use emergency voting centers FOR IN-PERSON
10 EMERGENCY VOTING ONLY DURING THE PERIOD BEGINNING ON THE SATURDAY BEFORE
11 ELECTION DAY FOR A PRIMARY OR GENERAL ELECTION AND CONTINUING THROUGH THE
12 MONDAY BEFORE ELECTION DAY FOR A PRIMARY OR GENERAL ELECTION as follows,
13 EXCEPT THAT THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS
14 MAY NOT USE EMERGENCY VOTING CENTERS FOR IN-PERSON EMERGENCY VOTING FOR
15 ANY OTHER ELECTION OR TIME PERIOD:

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

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

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

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

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

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

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

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

12 E. Except as provided in subsection F of this section, a public
13 school shall provide sufficient space for use as a polling place for any
14 city, county or state election when requested by the officer in charge of
15 elections.

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

21 1. Space is not available at the school.

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

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

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

1 polling place location on the website and shall specify the reason the
2 emergency designation was granted and the number of attempts that were
3 made to find a polling place before granting an emergency designation.

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

10 1. An act of God renders a previously set polling place as
11 unusable.

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

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

22 1. The number of ballots voted in the prior primary and general
23 elections.

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

26 3. The number of registered voters and the number of registered
27 voters who cast an early ballot for the current primary or general
28 election.

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

31 Sec. 2. Section 16-542, Arizona Revised Statutes, is amended to
32 read:

33 16-542. Request for ballot; civil penalties; violation;
34 classification

35 A. Within ninety-three days before any election called pursuant to
36 the laws of this state, an elector may make a verbal or signed request to
37 the county recorder, or other officer in charge of elections for the
38 applicable political subdivision of this state in whose jurisdiction the
39 elector is registered to vote, for an official early ballot. In addition
40 to name and address, the requesting elector shall provide the date of
41 birth and state or country of birth or other information that if compared
42 to the voter registration information on file would confirm the identity
43 of the elector. If the request indicates that the elector needs a primary
44 election ballot and a general election ballot, the county recorder or
45 other officer in charge of elections shall honor the request. For any

1 partisan primary election, if the elector is not registered as a member of
2 a political party that is entitled to continued representation on the
3 ballot pursuant to section 16-804, the elector shall designate the ballot
4 of only one of the political parties that is entitled to continued
5 representation on the ballot and the elector may receive and vote the
6 ballot of only that one political party, which also shall include any
7 nonpartisan offices and ballot questions, or the elector shall designate
8 the ballot for nonpartisan offices and ballot questions only and the
9 elector may receive and vote the ballot that contains only nonpartisan
10 offices and ballot questions. The county recorder or other officer in
11 charge of elections shall process any request for an early ballot for a
12 municipal election pursuant to this subsection. The county recorder may
13 establish on-site early voting locations at the recorder's office, which
14 shall be open and available for use beginning the ~~same day that a county~~
15 ~~begins to send out the early ballots~~ SATURDAY BEFORE ELECTION DAY FOR A
16 PRIMARY OR GENERAL ELECTION THROUGH THE MONDAY BEFORE ELECTION DAY FOR A
17 PRIMARY OR GENERAL ELECTION BUT WHICH MAY NOT BE USED FOR IN-PERSON EARLY
18 VOTING FOR ANY OTHER ELECTION OR TIME PERIOD. The county recorder may
19 also establish any other early voting locations in the county the recorder
20 deems necessary. Any on-site early voting location or other early voting
21 location shall require each elector to present identification as
22 prescribed in section 16-579 before receiving a ballot. Notwithstanding
23 section 16-579, subsection A, paragraph 2, at any on-site early voting
24 location or other early voting location the county recorder or other
25 officer in charge of elections may provide for a qualified elector to
26 update the elector's voter registration information as provided for in the
27 secretary of state's instructions and procedures manual adopted pursuant
28 to section 16-452.

29 B. Notwithstanding subsection A of this section, a request for an
30 official early ballot from an absent uniformed services voter or overseas
31 voter as defined in the uniformed and overseas citizens absentee voting
32 act of 1986 (P.L. 99-410; 52 United States Code section 20310) or a voter
33 whose information is protected pursuant to section 16-153 that is received
34 by the county recorder or other officer in charge of elections more than
35 ninety-three days before the election is valid. If requested by the
36 absent uniformed services or overseas voter, or a voter whose information
37 is protected pursuant to section 16-153, the county recorder or other
38 officer in charge of elections shall provide to the requesting voter early
39 ballot materials through the next regularly scheduled general election for
40 federal office immediately following receipt of the request unless a
41 different period of time, which does not exceed the next two regularly
42 scheduled general elections for federal office, is designated by the
43 voter.

1 C. The county recorder or other officer in charge of elections
 2 shall mail the early ballot and the envelope for its return postage
 3 prepaid to the address provided by the requesting elector within five days
 4 after receipt of the official early ballots from the officer charged by
 5 law with the duty of preparing ballots pursuant to section 16-545, except
 6 that early ballot distribution shall not begin more than twenty-seven days
 7 before the election. If an early ballot request is received on or before
 8 the thirty-first day before the election, the early ballot shall be
 9 distributed not earlier than the twenty-seventh day before the election
 10 and not later than the twenty-fourth day before the election.

11 D. Only the elector may be in possession of that elector's unvoted
 12 early ballot. If a complete and correct request is made by the elector
 13 within twenty-seven days before the election, the mailing must be made
 14 within forty-eight hours after receipt of the request. Saturdays, Sundays
 15 and other legal holidays are excluded from the computation of the
 16 forty-eight hour period prescribed by this subsection. If a complete and
 17 correct request is made by an absent uniformed services voter or an
 18 overseas voter before the election, the regular early ballot shall be
 19 transmitted by mail, by fax or by other electronic format approved by the
 20 secretary of state within twenty-four hours after the early ballots are
 21 delivered pursuant to section 16-545, subsection B, excluding Sundays.

22 E. In order to be complete and correct and to receive an early
 23 ballot by mail, an elector's request that an early ballot be mailed to the
 24 elector's residence or temporary address must include all of the
 25 information prescribed by subsection A of this section and must be
 26 received by the county recorder or other officer in charge of elections ~~no~~
 27 ~~NOT~~ later than 5:00 p.m. on the eleventh day preceding the election. An
 28 elector who appears personally ~~no later than 5:00 p.m. on the Friday~~
 29 ~~preceding the~~ ONLY DURING THE PERIOD BEGINNING ON THE SATURDAY BEFORE
 30 ELECTION DAY FOR A PRIMARY OR GENERAL ELECTION THROUGH THE MONDAY BEFORE
 31 ELECTION DAY FOR A PRIMARY OR GENERAL election at an on-site early voting
 32 location that is established by the county recorder or other officer in
 33 charge of elections shall be given a ballot after presenting
 34 identification as prescribed in section 16-579 and shall be ~~permitted~~
 35 ~~ALLOWED~~ to vote at the on-site location. AN ON-SITE EARLY VOTING LOCATION
 36 ~~MAY NOT BE USED FOR IN-PERSON EARLY VOTING FOR ANY OTHER ELECTION OR TIME~~
 37 ~~PERIOD.~~ Notwithstanding section 16-579, subsection A, paragraph 2, at any
 38 on-site early voting location the county recorder or other officer in
 39 charge of elections may provide for a qualified elector to update the
 40 elector's voter registration information as provided for in the secretary
 41 of state's instructions and procedures manual adopted pursuant to section
 42 16-452. If an elector's request to receive an early ballot is not
 43 complete and correct but complies with all other requirements of this
 44 section, the county recorder or other officer in charge of elections shall
 45 attempt to notify the elector of the deficiency of the request.

1 F. Unless an elector specifies that the address to which an early
2 ballot is to be sent is a temporary address, the recorder may use the
3 information from an early ballot request form to update voter registration
4 records.

5 G. The county recorder or other officer in charge of early
6 balloting shall provide an alphabetized list of all voters in the precinct
7 who have requested and have been sent an early ballot to the election
8 board of the precinct in which the voter is registered not later than the
9 day before the election.

10 H. As a result of experiencing an emergency between 5:00 p.m. on
11 the Friday preceding the election and 5:00 p.m. on the Monday preceding
12 the election, qualified electors may request to vote in the manner
13 prescribed by the board of supervisors of their respective county. Before
14 voting pursuant to this subsection, an elector who experiences an
15 emergency shall provide identification as prescribed in section 16-579 and
16 shall sign a statement under penalty of perjury that states that the
17 person is experiencing or experienced an emergency after 5:00 p.m. on the
18 Friday immediately preceding the election and before 5:00 p.m. on the
19 Monday immediately preceding the election that would prevent the person
20 from voting at the polls. Signed statements received pursuant to this
21 subsection are not subject to inspection pursuant to title 39, chapter 1,
22 article 2. For the purposes of this subsection, "emergency" means any
23 unforeseen circumstances that would prevent the elector from voting at the
24 polls.

25 I. Notwithstanding section 16-579, subsection A, paragraph 2, for
26 any voting pursuant to subsection H of this section, the county recorder
27 or other officer in charge of elections may allow a qualified elector to
28 update the elector's voter registration information as provided for in the
29 secretary of state's instructions and procedures manual adopted pursuant
30 to section 16-452.

31 J. A candidate, political committee or other organization may
32 distribute early ballot request forms to voters. If the early ballot
33 request forms include a printed address for return, the addressee shall be
34 the political subdivision that will conduct the election. Failure to use
35 the political subdivision as the return addressee is punishable by a civil
36 penalty of up to three times the cost of the production and distribution
37 of the request.

38 K. All original and completed early ballot request forms that are
39 received by a candidate, political committee or other organization shall
40 be submitted within six business days after receipt by a candidate,
41 political committee or other organization or eleven days before the
42 election day, whichever is earlier, to the political subdivision that will
43 conduct the election. Any person, political committee or other
44 organization that fails to submit a completed early ballot request form
45 within the prescribed time is subject to a civil penalty of up to \$25 per

1 day for each completed form withheld from submittal. Any person who
2 knowingly fails to submit a completed early ballot request form before the
3 submission deadline for the election immediately following the completion
4 of the form is guilty of a class 6 felony.

5 L. Except for a voter who is on the active early voting list
6 prescribed by section 16-544, a voter who requests a onetime early ballot
7 pursuant to THIS section ~~16-542~~ or for an election conducted pursuant to
8 section 16-409 or article 8.1 of this chapter, a county recorder, city or
9 town clerk or other election officer may not deliver or mail an early
10 ballot to a person who has not requested an early ballot for that
11 election. An election officer who knowingly violates this subsection is
12 guilty of a class 5 felony.