

House Engrossed
polling places; emergency voting centers

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

HOUSE BILL 2602

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 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) AN EMERGENCY VOTING CENTER MAY BE ESTABLISHED ONLY ON
24 OCCURRENCE OF A GENUINE EMERGENCY SUCH AS WAR, CIVIL UNREST OR NATURAL
25 DISASTER THAT MAKES IT LIKELY THAT LARGE NUMBERS OF VOTERS WILL BE
26 SUBSTANTIALLY IMPAIRED IN THEIR ABILITY TO VOTE ON ELECTION DAY AS
27 COMPARED TO OTHER ELECTIONS.

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

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

42 2. Notice of the change in polling places includes notice of the
43 new voting location, notice of the hours for voting on election day and
44 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.~~

1 ~~I.~~ 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~~ A NONELECTIONEERING polling place and thus prohibit persons from
4 electioneering and engaging in other political activity outside of the
5 seventy-five foot limit prescribed by section 16-515 but inside the
6 property of the facility that is hosting the polling place if any of the
7 following occurs:

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

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

14 I. EXCEPT IN THE CASE OF A FACILITY THAT IS DESIGNATED AS A
15 NONELECTIONEERING SITE PURSUANT TO SUBSECTION H OF THIS SECTION, ANY
16 FACILITY THAT IS USED AS A POLLING PLACE ON ELECTION DAY OR THAT IS USED
17 AS AN EARLY VOTING SITE DURING THE PERIOD OF EARLY VOTING SHALL ALLOW
18 PERSONS TO ELECTIONEER AND ENGAGE IN OTHER POLITICAL ACTIVITY OUTSIDE OF
19 THE SEVENTY-FIVE FOOT LIMIT PRESCRIBED IN SECTION 16-515 IN PUBLIC AREAS
20 AND PARKING LOTS USED BY VOTERS. THIS SUBSECTION DOES NOT ALLOW THE
21 TEMPORARY OR PERMANENT CONSTRUCTION OF STRUCTURES IN PUBLIC AREAS AND
22 PARKING LOTS OR THE BLOCKING OR OTHER IMPAIRMENT OF ACCESS TO PARKING
23 SPACES FOR VOTERS. THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF
24 ELECTIONS SHALL POST ON ITS WEBSITE AT LEAST TWO WEEKS BEFORE ELECTION DAY
25 A LIST OF THOSE POLLING PLACES THAT ARE DESIGNATED AS NONELECTIONEERING
26 SITES AS A CONDITION OF USE OF THE FACILITY AND SHALL SPECIFY THE REASON
27 THE NONELECTIONEERING DESIGNATION WAS GRANTED AND THE NUMBER OF ATTEMPTS
28 THAT WERE MADE TO FIND A POLLING PLACE BEFORE GRANTING A NONELECTIONEERING
29 DESIGNATION. IF THE POLLING PLACE IS NOT ON THE WEBSITE LIST OF POLLING
30 PLACES WITH NONELECTIONEERING DESIGNATIONS, ELECTIONEERING AND OTHER
31 POLITICAL ACTIVITY SHALL BE ALLOWED OUTSIDE OF THE SEVENTY-FIVE FOOT
32 LIMIT. IF A FACILITY REFUSES TO ALLOW ELECTIONEERING AFTER THE COUNTY
33 RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS POSTS THE INITIAL LIST OF
34 DESIGNATED NONELECTIONEERING SITES WEBSITE, THE COUNTY RECORDER OR OTHER
35 OFFICER IN CHARGE OF ELECTIONS SHALL UPDATE THE WEBSITE AS SOON AS IS
36 PRACTICABLE TO INCLUDE ANY NEW POLLING PLACES, SHALL HIGHLIGHT THE POLLING
37 PLACE LOCATION ON THE WEBSITE AND SHALL SPECIFY THE REASON THE
38 NONELECTIONEERING DESIGNATION WAS GRANTED AND THE NUMBER OF ATTEMPTS THAT
39 WERE MADE TO FIND A POLLING PLACE BEFORE GRANTING A NONELECTIONEERING
40 DESIGNATION.

41 J. The secretary of state shall provide through the instructions
42 and procedures manual adopted pursuant to section 16-452 the maximum
43 allowable wait time for any election that is subject to section 16-204 and
44 provide for a method to reduce voter wait time at the polls in the primary

1 and general elections. The method shall consider at least all of the
2 following for primary and general elections in each precinct:

3 1. The number of ballots voted in the prior primary and general
4 elections.

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

7 3. The number of registered voters and the number of registered
8 voters who cast an early ballot for the current primary or general
9 election.

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