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LAW ENFORCEMENT QUICK REFERENCE GUIDE ON ARIZONA ELECTION LAW

The Arizona Secretary of State's Office is committed to ensuring safe, secure, and orderly elections. Each voting location is overseen by an inspector and has a designated poll worker—the election marshal—whose primary responsibility is maintaining order. In the rare occasions when there is violence or threats of violence, poll workers, election officials, or voters may contact local law enforcement for assistance. Election officials will balance the potentially intimidating effect of law enforcement presence at a voting location with the need to respond to emergencies and maintain safety. This guide describes key provisions of Arizona's election law on conduct at voting locations that can be a helpful reference for local law enforcement when called to a voting location. In addition to the prohibited conduct below, additional election crimes are defined in Title 16, Ch. 7 of the Arizona Revised Statutes, and information on federal election crimes is available at <https://bit.ly/3jFvLff>.

1. OBSTRUCTING ELECTION OFFICIALS

Arizona law prohibits interfering with an election official's ability to lawfully carry out their official duties, including at voting locations and during the transport of voting materials and ballots.

- **A.R.S. § 16-1004:** A person who at any election knowingly interferes in any manner with an officer of such election in the discharge of the officer's duty, or who induces an officer of an election or officer whose duty it is to ascertain, announce or declare the result of such election, to violate or refuse to comply with the officer's duty or any law regulating the election, is guilty of a class 5 felony.

2. 75-FOOT LIMIT AND ELECTIONEERING AT VOTING LOCATIONS

Arizona law establishes a 75-foot perimeter around all voting locations to create a safe place to vote. Campaigning or electioneering—including handing out campaign literature, talking to voters/poll workers about political candidates or issues, and otherwise attempting to influence the election—is prohibited inside the 75-foot-limit. If the location has an “emergency” designation, electioneering is prohibited anywhere on-site, even outside the 75-foot limit.

The only individuals permitted within the 75-foot limit are voters (who may be accompanied by minor children or an assistant of the voter's choice), election officials performing official duties, and credentialed observers.

- **A.R.S. § 16-515:** Except as prescribed in this section and section 16-580, a person shall not be allowed to remain inside the seventy-five foot limit while the polls are open, except for the purpose of voting, and except the election officials, one representative at any one time of each political party represented on the ballot who has been appointed by the county chairman of that political party and the challengers allowed by law, and no electioneering may occur within the seventy-five foot limit.
- **A.R.S. § 16-1018:** A person who “knowingly electioneers on election day within a polling place or in a public manner within seventy-five feet of the main outside entrance of a polling place or on-site early voting location established by a county recorder” is guilty of a class 2 misdemeanor.

3. DIRECT VOTER INTERFERENCE

Arizona law criminalizes behavior that frustrates the ability of voters to cast their ballots.

- **A.R.S. § 16-1017:** A person who knowingly commits any of the following acts is guilty of a class 2 misdemeanor: Interferes with a voter within the seventy-five foot limit of the polling place as posted by the election marshal or within seventy-five feet of the main outside entrance to an on-site early voting location ... [e]ndeavors while within the seventy-five foot limit for a polling place or on-site early voting location to induce a voter to vote for or against a particular candidate or issue ... [p]rior to the close of an election defaces or destroys a sample ballot posted by election officers, or defaces, tears down, removes or destroys a card of instructions posted for the instruction of voters or [r]emoves or destroys supplies or conveniences furnished to enable a voter to prepare the voter's ballot.

4. FIREARMS IN VOTING LOCATIONS

Arizona law prohibits private citizens from carrying firearms into the 75-foot limit of a voting location. Further, openly carrying a firearm outside the 75-foot-limit can result in voter intimidation, and any aggressive or ostentatious display of a weapon will almost certainly constitute an unlawful act of intimidation.

- **A.R.S. § 13-3102(A)(11):** A person commits misconduct involving weapons by ... entering an election polling place on the day of any election carrying a deadly weapon.

5. TAKING PHOTOS/VIDEOS IN VOTING LOCATIONS

While photographing early ballots away from the voting location is permitted, taking any photos/videos within the 75-foot limit is prohibited. Further, even outside the 75-foot limit, taking photos or videos may have an intimidating effect, particularly if done in an aggressive or threatening way, or based on race, ethnicity, religion, or political affiliation.

- **A.R.S. § 16-515(G)-(H):** Notwithstanding section 16-1018, a person may not take photographs or videos while within the seventy-five foot limit. ... Any person violating this section is guilty of a class 2 misdemeanor.
- **A.R.S. § 16-1018(A)(4):** A person who commits any of the following acts is guilty of a class 2 misdemeanor: ...Shows another voter's ballot to any person after it is prepared for voting in such a manner as to reveal the contents, except to an authorized person lawfully assisting the voter. A voter who makes available an image of the voter's own ballot by posting on the internet or in some other electronic medium is deemed to have consented to retransmittal of that image and that retransmittal does not constitute a violation of this section.

6. VOTER INTIMIDATION/HARASSMENT

Arizona law prohibits any activity by a person with the intent or effect of threatening, harassing, intimidating, or coercing voters (or conspiring with others to do so).

- **A.R.S. § 16-1006:** It is unlawful for a person knowingly by force, threats, menaces, bribery or any corrupt means, either directly or indirectly...To attempt to influence an elector in casting his vote or to deter him from casting his vote ...To attempt to awe, restrain, hinder or disturb an elector in the free exercise of the right of suffrage. ...To defraud an elector by deceiving and causing him to vote for a different person for an office or for a different measure than he intended or desired to vote for. ...A person who violates any provision of this section is guilty of a class 5 felony.
- **A.R.S. § 16-1013:** It is unlawful for a person directly or indirectly, to make use of force, violence or restraint, or to inflict or threaten infliction, by himself or through any other person, of any injury, damage, harm or loss, or in any manner to practice intimidation upon or against any person, in order to induce or compel such person to vote or refrain from voting for a particular person or measure at any election provided by law, or on account of such person having voted or refrained from voting at an election.

Examples of activity that may be considered intimidating conduct, inside or outside the voting location, include:

- Aggressive or ostentatious display of weapons;
- Aggressive behavior, such as raising one's voice or taunting a voter or poll worker;
- Using threatening, insulting, or offensive language to a voter or poll worker;
- Blocking the entrance to a voting location or disrupting voting lines (see also A.R.S. § 16-411(H));
- Intentionally disseminating false or misleading information at a voting location, such as flyers or communications that misstate the date of the election, hours of operation for voting locations, addresses for voting locations, or similar efforts intended to disenfranchise voters;
- Impersonating a law enforcement officer, or otherwise wearing clothing, uniforms or official-looking apparel, intended to deter, intimidate, or harass voters (see also A.R.S. § 26-123 (prohibiting private military units); A.R.S. § 26-170 (prohibiting unauthorized wearing of national guard or U.S. armed forces uniform));
- Directly confronting or questioning voters in a harassing or intimidating manner;
- Asking voters for "documentation" or other questions that only poll workers should perform;
- Raising repeated frivolous voter challenges to poll workers without any good faith basis, or raising voter challenges solely based on race, ethnicity, national origin, language, religion or disability; or
- Posting signs or communicating messages about penalties for "voter fraud" in a harassing or intimidating manner.

7. REPORTING ELECTION INCIDENTS

Law enforcement officers are encouraged to report election-related incidents, including threats or perceived threats against the voting process, election and election-related systems, election facilities, elections staff, candidates, or voters to the Arizona Counter Terrorism Information Center (ACTIC) at (602) 644-5805 or www.azactic.gov, which will ensure prompt dissemination to appropriate government agencies. The Secretary of State's Office can be reached at (602) 364-1562 or klorick@azsos.gov. A listing of county election officials, including contact information, is available at www.Arizona.Vote.