

Arizona: Protections Against Intimidation of Voters and Election Workers

This resource details state and federal laws protecting against the intimidation of voters and election workers and the disruption of the voting process.

Voters in Arizona have the right to vote free from intimidation under federal and state law.¹

The federal protections that apply to all states are explained [here](#). The following actions are specifically prohibited by Arizona law:

- Hindering the voting of others.²
- Removing or destroying materials that help a voter cast their ballot.³
- Attempting to convince a voter to vote for or against anything on the ballot within 75 feet of a polling place.⁴
- Bringing weapons into a polling place or within 75 feet of a polling place entrance, even if the voter is licensed to carry such weapons. Military and on-duty peace officers acting in performance of their official duties are excepted.⁵

The below addresses the laws that serve as guardrails against specific threats of intimidation.

Voter Challenges

Although Arizona law permits any properly registered voter to challenge another voter's eligibility,⁶ state law also provides for some guardrails:

- Arizona law requires that a challenger must show that a voter is not eligible by clear and convincing evidence.⁷
- Challenges at a polling place must be made [only to poll workers](#). No challenger may confront or question a voter directly.
- Any challenges based at all on race, national origin, disability, language, or religion may constitute voter intimidation.⁸

¹ See, e.g., 18 U.S.C. §§ 241, 594; 52 U.S.C. § 10101(b); Ariz. Rev. Stat. § 16-1013.

² Ariz. Rev. Stat. § 16-1017(A)(6).

³ Ariz. Rev. Stat. § 16-1017(A)(5).

⁴ Ariz. Rev. Stat. § 16-1017(A)(3).

⁵ Ariz. Rev. Stat. § 13-3102(A)(11), (C).

⁶ Ariz. Rev. Stat. § 16-591.

⁷ Arizona Department of State, State of Arizona 2023 Election Procedures Manual, December 30, 2023, 194, http://apps.azsos.gov/election/files/epm/2023/EPM_20231231_Final_Edits_to_Cal_1_11_2024.pdf.

⁸ Arizona Department of State, State of Arizona 2023 Election Procedures Manual, 182–83.

- Repeated frivolous challenges, or those that are made to harass and intimidate voters, may amount to prohibited voter intimidation, and the challenger may be removed from the polling place.⁹

Arizona law requires a high burden of proof for challenges to be sustained:

- Challengers must have clear and convincing evidence that the challenged voter is ineligible to vote.¹⁰ The challenge is assessed promptly at the voting location by a board made up of one election inspector and two election judges.¹¹
- Challenged voters may vote a regular ballot if they appear to be registered and take an oath and if the majority of the board finds the challenge to be invalid.¹²
- If the majority of the board finds the challenge to be valid or if a challenged voter does not wish to take the prescribed oath or answer the inspector's questions, the voter may still cast a provisional ballot.¹³

The National Voter Registration Act (NVRA) provides additional safeguards to protect voters from mass challenges before an election:

- The NVRA expressly recognizes that National Change of Address information is not sufficient on its own to serve as the basis for canceling a voter's registration.¹⁴
- The NVRA prohibits the systematic removal of voters from the rolls within 90 days of a federal election.¹⁵

Intimidation of Poll Workers and Election Officials

In addition to federal protections against the intimidation of election workers, interfering with the work of an election worker in any manner is a felony in Arizona.¹⁶ It is also a misdemeanor to use or threaten to use violence or physical force to obstruct any public servant in performing a governmental function.¹⁷

Voter Intimidation by Poll Workers

The Brennan Center and All Voting is Local published a detailed resource on the rules and constraints for Arizona poll workers [here](#).

⁹ Arizona Department of State, State of Arizona 2023 Election Procedures Manual, 182–83.

¹⁰ Ariz. Rev. Stat. § 16-121.01(B).

¹¹ Arizona Department of State, State of Arizona 2023 Election Procedures Manual, 195.

¹² Ariz. Rev. Stat. § 16-592.

¹³ Ariz. Rev. Stat. § 16-592.

¹⁴ 52 U.S.C. § 20507(c)(1)(B).

¹⁵ 52 U.S.C. § 20507(c)(2)(A).

¹⁶ Ariz. Rev. Stat. § 16-1004(A).

¹⁷ Ariz. Rev. Stat. § 13-2402.

Intimidation by Poll Watchers

In addition to Arizona’s voter intimidation laws detailed above, the state places limits on who may serve as poll watchers and what they may do:¹⁸

- Observers must be appointed by the county chairman of each political party, and each political party represented on the ballot may only appoint one representative unless the number of representatives is otherwise mutually agreed upon by the parties.¹⁹
- All observers must obtain credentials.²⁰
- No observer may enter a voting booth except to mark their own ballot.²¹
- Observers at a central counting place are given identifying badges.²²
- Observers may not wear, carry, or display any materials that express support for or opposition to any political entity.²³

Election officials may remove from a polling place any watcher who interferes with the election process.²⁴

State and Local Law Enforcement

Inspectors or marshals may contact law enforcement to preserve order or remove disruptive persons from polling places; however, they must use sound judgment before doing so.²⁵

Guns at Polling Places

Private citizens are prohibited from bringing weapons into polling places or within 75 feet of a polling place, even if the voter is licensed to carry such weapons.²⁶ Military and on-duty peace officers acting in performance of their official duties are excepted.²⁷ Openly carrying a firearm outside the 75-foot limit may constitute intimidation.²⁸ Therefore, private citizen possession of a firearm in or around a polling place should be treated as intimidation.

Even at locations where firearms are not expressly prohibited, firearm carry may constitute unlawful intimidation. Such conduct may consist of carrying a visible firearm near a polling location or at a drop box or vote-counting site, displaying a concealed firearm during a

¹⁸ Note that watchers in Arizona are referred to as “challengers” in state statute, and “observers” in Department of State guidance.

¹⁹ Ariz. Rev. Stat. § 16-590(A), (C).

²⁰ Arizona Department of State, State of Arizona 2023 Election Procedures Manual, 139.

²¹ Ariz. Rev. Stat. § 16-590(B).

²² Arizona Department of State, State of Arizona 2023 Election Procedures Manual, 140.

²³ Ariz. Rev. Stat. § 16-515(F).

²⁴ Arizona Department of State, State of Arizona 2023 Election Procedures Manual, 139.

²⁵ Arizona Department of State, State of Arizona 2023 Election Procedures Manual, 182.

²⁶ Ariz. Rev. Stat. § 13-3102(A)(11).

²⁷ Ariz. Rev. Stat. § 13-3102(C).

²⁸ Arizona Department of State, State of Arizona 2023 Election Procedures Manual, 182.

discussion or argument with a voter or election worker, or approaching a voter or election worker while displaying a firearm.

Door-to-Door Intimidation

Arizona and federal law prohibit canvassing efforts that are used to intimidate voters.²⁹ Moreover, in response to a 2021 proposal in Arizona to conduct a door-to-door canvass of voters to investigate voter eligibility, the Department of Justice sent a [letter](#) to the Arizona senate specifically warning that such a system may constitute unlawful voter intimidation under federal law. Any voter who receives a visit from a privately organized canvassing group does not have to answer any questions and should report any incidents of intimidation to their local officials.

²⁹ 18 U.S.C. §§ 594, 241; Ariz. Rev. Stat. § 16-1013.