



Bill Number: H.B. 2304

Gould Floor Amendment

Reference to: House engrossed bill

Amendment drafted by: Legislative Council – Marge Ray

FLOOR AMENDMENT EXPLANATION

- Requires facilities used as an early voting site during the period of early voting to allow persons to electioneer and engage in other political activity outside the 75 foot limit in public areas and parking lots used by voters, except in the case of an emergency.

Amendment explanation prepared by Garth Kamp

4/6/2011

GOULD FLOOR AMENDMENT
SENATE AMENDMENTS TO H.B. 2304
(Reference to House engrossed bill)

1 Page 7, between lines 32 and 33, insert:

2 "Sec. 6. Section 16-411, Arizona Revised Statutes, is amended to read:

3 16-411. Designation of election precincts and polling places;
4 electioneering; wait times

5 A. Except as prescribed by subsection J of this section, the board of
6 supervisors of each county, on or before December 1 of each year preceding
7 the year of a general election, by an order, shall establish a convenient
8 number of election precincts in the county and define the boundaries of the
9 precincts. Such election precinct boundaries shall be so established as
10 included within election districts prescribed by law for elected officers of
11 the state and its political subdivisions including community college district
12 precincts, except those elected officers provided for in titles 30 and 48.

13 B. Not less than twenty days before a general or primary election, and
14 at least ten days before a special election, the board shall designate one
15 polling place within each precinct where the election shall be held, except
16 that:

17 1. On a specific finding of the board, included in the order or
18 resolution designating polling places pursuant to this subsection, that no
19 suitable polling place is available within a precinct, a polling place for
20 such precinct may be designated within an adjacent precinct.

21 2. Adjacent precincts may be combined if boundaries so established are
22 included in election districts prescribed by law for state elected officials
23 and political subdivisions including community college districts but not
24 including elected officials prescribed by titles 30 and 48. The officer in
25 charge of elections may also split a precinct for administrative purposes.
26 Any such polling places shall be listed in separate sections of the order or
27 resolution.

1 3. On a specific finding of the board that the number of persons who
2 are listed as permanent early voters pursuant to section 16-544 is likely to
3 substantially reduce the number of voters appearing at one or more specific
4 polling places at that election, adjacent precincts may be consolidated by
5 combining polling places and precinct boards for that election. The board of
6 supervisors shall ensure that a reasonable and adequate number of polling
7 places will be designated for that election. Any consolidated polling places
8 shall be listed in separate sections of the order or resolution of the board.

9 C. If the board fails to designate the place for holding the election,
10 or if it cannot be held at or about the place designated, the justice of the
11 peace in the precinct, two days before the election, by an order, copies of
12 which the justice of the peace shall immediately post in three public places
13 in the precinct, shall designate the place within the precinct for holding
14 the election. If there is no justice of the peace in the precinct, or if the
15 justice of the peace fails to do so, the election board of the precinct shall
16 designate and give notice of the place within the precinct of holding the
17 election. For any election in which there are no candidates for elected
18 office appearing on the ballot, the board may consolidate polling places and
19 precinct boards and may consolidate the tabulation of results for that
20 election if all of the following apply:

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

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

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

28 D. The board is not required to designate a polling place for special
29 district mail ballot elections held pursuant to article 8.1 of this chapter,
30 but the board may designate one or more sites for voters to deposit marked
31 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 school
2 shall provide sufficient space for use as a polling place for any city,
3 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 for
6 use as a polling place for any city, county or state election if, within two
7 weeks after a request has been made, the principal provides a written
8 statement indicating a reason the election cannot be held in the school,
9 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 a
13 list of the polling places for all precincts in which the election is to be
14 held including identification of polling place changes that were submitted to
15 the United States department of justice for approval.

16 H. Except in the case of an emergency, any facility that is used as a
17 polling place on election day **OR THAT IS USED AS AN EARLY VOTING SITE DURING**
18 **THE PERIOD OF EARLY VOTING** shall allow persons to electioneer and engage in
19 other political activity outside of the seventy-five foot limit prescribed by
20 section 16-515 in public areas and parking lots used by voters. This
21 subsection shall not be construed to permit the temporary or permanent
22 construction of structures in public areas and parking lots or the blocking
23 or other impairment of access to parking spaces for voters.

24 I. The secretary of state shall provide through the instructions and
25 procedures manual adopted pursuant to section 16-452 the maximum allowable
26 wait time for any election that is subject to section 16-204 and provide for
27 a method to reduce voter wait time at the polls in the primary and general
28 elections. The method shall consider at least all of the following for
29 primary and general elections in each precinct:

30 1. The number of ballots voted in the prior primary and general
31 elections.

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

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

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

7 J. The board of supervisors of a county shall not change precinct
8 lines during the period after July 31, 2008 and before January 1, 2011. The
9 board of supervisors may subdivide an election precinct for administrative
10 purposes or may provide for more than one polling place within the boundaries
11 of the election precincts established for use in voting in elections held
12 after July 31, 2008 and before January 1, 2011. In providing for multiple
13 polling places within a precinct, the board of supervisors shall consider the
14 particular population characteristics of each precinct in order to provide
15 the voters the most reasonable access to the polls possible."

16 Renumber to conform

17 Amend title to conform

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