

PROPOSED AMENDMENT

SENATE AMENDMENTS TO S.B. 1274

(Reference to printed bill)

1 Page 1, between lines 1 and 2, insert:

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

14           B. Not less than 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, except  
17      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      such precinct may be designated within an adjacent precinct.

22           2. Adjacent precincts may be combined if boundaries so established are  
23      included in election districts prescribed by law for state elected officials  
24      and political subdivisions including community college districts but not  
25      including elected officials prescribed by titles 30 and 48. The officer in  
26      charge of elections may also split a precinct for administrative purposes.  
27      Any such polling places shall be listed in separate sections of the order or  
28      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           4. On a specific resolution of the board, the board may authorize the  
10 use of voting centers in place of or in addition to specifically designated  
11 polling places. A voting center shall allow any voter in that county to  
12 receive the appropriate ballot for that voter on election day and lawfully  
13 cast the ballot. Voting centers may be established in coordination and  
14 consultation with the county recorder, at other county offices or at other  
15 locations in the county deemed appropriate.

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

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

30           2. Notice of the change in polling places includes notice of the new  
31 voting location, notice of the hours for voting on election day and notice of  
32 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 special  
4 district mail ballot elections held pursuant to article 8.1 of this chapter,  
5 but the board may designate one or more sites for voters to deposit marked  
6 ballots until 7:00 p.m. on the **TUESDAY BEFORE THE** day of the election.

7           E. Except as provided in subsection F of this section, a public school  
8 shall provide sufficient space for use as a polling place for any city,  
9 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 for  
12 use as a polling place for any city, county or state election if, within two  
13 weeks after a request has been made, the principal provides a written  
14 statement indicating a reason the election cannot be held in the school,  
15 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 a  
19 list of the polling places for all precincts in which the election is to be  
20 held including identification of polling place changes that were submitted to  
21 the United States department of justice for approval.

22          H. Except in the case of an emergency, any facility that is used as a  
23 polling place on election day or that is used as an early voting site during  
24 the period of early voting shall allow persons to electioneer and engage in  
25 other political activity outside of the seventy-five foot limit prescribed by  
26 section 16-515 in public areas and parking lots used by voters. This  
27 subsection shall not be construed to permit the temporary or permanent  
28 construction of structures in public areas and parking lots or the blocking  
29 or other impairment of access to parking spaces for voters. The county  
30 recorder shall post on its website at least two weeks before election day a  
31 list of those polling places in which emergency conditions prevent  
32 electioneering and shall specify the reason the emergency exemption was

1        granted. If the polling place is not on the website list of polling places  
2        with emergency conditions, electioneering and other political activity shall  
3        be permitted outside of the seventy-five foot limit. If an emergency arises  
4        after the county recorder's initial website posting, the county recorder  
5        shall update the website as soon as is practicable to include any new polling  
6        places, shall highlight the polling place location on the website and shall  
7        specify the reason the emergency exemption was granted.

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

14            1. The number of ballots voted in the prior primary and general  
15      elections.

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

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

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

22            J. The board of supervisors of a county shall not change precinct  
23      lines during the period after July 31, 2008 and before January 1, 2011. The  
24      board of supervisors may subdivide an election precinct for administrative  
25      purposes or may provide for more than one polling place within the boundaries  
26      of the election precincts established for use in voting in elections held  
27      after July 31, 2008 and before January 1, 2011. In providing for multiple  
28      polling places within a precinct, the board of supervisors shall consider the  
29      particular population characteristics of each precinct in order to provide  
30      the voters the most reasonable access to the polls possible."

31      Renumber to conform

Senate Amendments to S.B. 1274

1 Page 2, after line 40 insert:

2           "Sec. 5. Effective date

3           This act is effective from and after December 31. 2015."

4 Amend title to conform

MICHELE REAGAN

2/18/13  
10:45 AM  
S: CRS/KP/tf