

State of Arizona  
Senate  
Fiftieth Legislature  
First Regular Session  
2011

Senate Engrossed  
**FILED**  
**KEN BENNETT**  
**SECRETARY OF STATE**

CHAPTER 273

# **SENATE BILL 1473**

AN ACT

AMENDING SECTION 16-411, ARIZONA REVISED STATUTES; RELATING TO CONDUCT OF ELECTIONS.

(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 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.

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

37 C. If the board fails to designate the place for holding the election,  
38 or if it cannot be held at or about the place designated, the justice of the  
39 peace in the precinct, two days before the election, by an order, copies of  
40 which the justice of the peace shall immediately post in three public places  
41 in the precinct, shall designate the place within the precinct for holding  
42 the election. If there is no justice of the peace in the precinct, or if the  
43 justice of the peace fails to do so, the election board of the precinct shall  
44 designate and give notice of the place within the precinct of holding the  
45 election. For any election in which there are no candidates for elected

1 office appearing on the ballot, the board may consolidate polling places and  
2 precinct boards and may consolidate the tabulation of results for that  
3 election if all of the following apply:

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

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

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

11 D. The board is not required to designate a polling place for special  
12 district mail ballot elections held pursuant to article 8.1 of this chapter,  
13 but the board may designate one or more sites for voters to deposit marked  
14 ballots until 7:00 p.m. on the day of the election.

15 E. Except as provided in subsection F of this section, a public school  
16 shall provide sufficient space for use as a polling place for any city,  
17 county or state election when requested by the officer in charge of  
18 elections.

19 F. The principal of the school may deny a request to provide space for  
20 use as a polling place for any city, county or state election if, within two  
21 weeks after a request has been made, the principal provides a written  
22 statement indicating a reason the election cannot be held in the school,  
23 including any of the following:

24 1. Space is not available at the school.

25 2. The safety or welfare of the children would be jeopardized.

26 G. The board shall make available to the public as a public record a  
27 list of the polling places for all precincts in which the election is to be  
28 held including identification of polling place changes that were submitted to  
29 the United States department of justice for approval.

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

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

44 1. The number of ballots voted in the prior primary and general  
45 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.

APPROVED BY THE GOVERNOR APRIL 26, 2011.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 26, 2011.

Passed the House April 14, 2011,

by the following vote: 55 Ayes,

1 Nays, 4 Not Voting

[Signature]  
Speaker of the House

Cheryl Laube  
Chief Clerk of the House

Passed the Senate March 2, 2011,

by the following vote: 30 Ayes,

0 Nays, 0 Not Voting

[Signature]  
President of the Senate

Charmaine Bellinger  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

18 day of April, 2011,

at 4:30 o'clock P. M.

[Signature]  
Secretary to the Governor

Approved this 26<sup>th</sup> day of

April, 2011,

at 3:09 o'clock P. M.

[Signature]  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 26<sup>th</sup> day of April, 2011,

at 4:57 o'clock P. M.

[Signature]  
Secretary of State

S.B. 1473