

COMMITTEE ON ELECTIONS

SENATE AMENDMENTS TO H.B. 2536

(Reference to House engrossed bill)

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

2 "Section 1. Section 9-231, Arizona Revised Statutes, is amended to  
3 read:

4 9-231. Common council; date of election

5 A. The corporate powers of a town incorporated under the provisions of  
6 section 9-101 shall be vested in a common council. The first common council  
7 shall be appointed by the board of supervisors, upon declaring the town  
8 incorporated, and the members shall continue in office until their successors  
9 are elected and qualified. The successors shall be elected by qualified  
10 electors residing in the town at an election held for that purpose on the  
11 third Tuesday in May following, and on the third Tuesday in May each two  
12 years thereafter, ~~unless and until the date of such election is changed~~  
13 ~~pursuant to the provisions of subsection C of this~~ PURSUANT TO section 16-  
14 204.

15 B. The common council of every town shall consist of five members if  
16 the population is fifteen hundred persons or less, or seven members if the  
17 population exceeds fifteen hundred persons at the time of incorporation. If  
18 thereafter the population of such town exceeds fifteen hundred persons as  
19 determined by the latest official United States census, the council may pass  
20 an ordinance increasing the membership to seven, with the additional two  
21 members to be elected at the first election subsequent to the passage of the  
22 ordinance.

23 ~~C. A city or town may only hold a general election on a date~~  
24 ~~prescribed by section 16-204.~~

25

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

2           16-411. Designation of election precincts and polling places:  
3                           voting centers; electioneering; wait times

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

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

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

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

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

1 places will be designated for that election. Any consolidated polling places  
2 shall be listed in separate sections of the order or resolution of the board.

3 4. On a specific resolution of the board, the board may authorize the  
4 use of voting centers in place of or in addition to specifically designated  
5 polling places. A voting center shall allow any voter in that county to  
6 receive the appropriate ballot for that voter on election day and lawfully  
7 cast the ballot. Voting centers may be established in coordination and  
8 consultation with the county recorder, at other county offices or at other  
9 locations in the county deemed appropriate.

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

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

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

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

29 D. The board is not required to designate a polling place for special  
30 district mail ballot elections held pursuant to article 8.1 of this chapter,  
31 but the board may designate one or more sites for voters to deposit marked  
32 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. The county  
24 recorder **OR OTHER OFFICER IN CHARGE OF ELECTIONS** shall post on its website at  
25 least two weeks before election day a list of those polling places in which  
26 emergency conditions prevent electioneering and shall specify the reason the  
27 emergency ~~exemption~~ **DESIGNATION** was granted **AND THE NUMBER OF ATTEMPTS THAT**  
28 **WERE MADE TO FIND A POLLING PLACE BEFORE GRANTING AN EMERGENCY**  
29 **DESIGNATION**. If the polling place is not on the website list of polling  
30 places with emergency ~~conditions~~ **DESIGNATIONS**, electioneering and other  
31 political activity shall be permitted outside of the seventy-five foot limit.

32 If an emergency arises after the county ~~recorder's~~ **RECORDER OR OTHER OFFICER**

1        IN CHARGE OF ELECTIONS initial website posting, the county recorder OR OTHER  
2        OFFICER IN CHARGE OF ELECTIONS shall update the website as soon as is  
3        practicable to include any new polling places, shall highlight the polling  
4        place location on the website and shall specify the reason the emergency  
5        ~~exemption~~ DESIGNATION was granted AND THE NUMBER OF ATTEMPTS THAT WERE MADE  
6        TO FIND A POLLING PLACE BEFORE GRANTING AN EMERGENCY DESIGNATION.

7            I. FOR THE PURPOSES OF THIS SECTION, A COUNTY RECORDER OR OTHER  
8        OFFICER IN CHARGE OF ELECTIONS SHALL DESIGNATE A POLLING PLACE AS AN  
9        EMERGENCY POLLING PLACE AND THUS PROHIBIT PERSONS FROM ELECTIONEERING AND  
10       ENGAGING IN OTHER POLITICAL ACTIVITY OUTSIDE OF THE SEVENTY-FIVE FOOT LIMIT  
11       PRESCRIBED BY SECTION 16-515 BUT INSIDE THE PROPERTY OF THE FACILITY THAT IS  
12       HOSTING THE POLLING PLACE IF ANY OF THE FOLLOWING OCCURS:

13            1. AN ACT OF GOD RENDERS A PREVIOUSLY SET POLLING PLACE AS UNUSABLE.

14            2. A COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS HAS  
15        EXHAUSTED ALL OPTIONS AND THERE ARE NO SUITABLE FACILITIES IN A PRECINCT THAT  
16        ARE WILLING TO BE A POLLING PLACE UNLESS A FACILITY CAN BE GIVEN AN EMERGENCY  
17        DESIGNATION.

18            ~~I.~~ J. The secretary of state shall provide through the instructions  
19        and procedures manual adopted pursuant to section 16-452 the maximum  
20        allowable wait time for any election that is subject to section 16-204 and  
21        provide for a method to reduce voter wait time at the polls in the primary  
22        and general elections. The method shall consider at least all of the  
23        following for primary and general elections in each precinct:

24            1. The number of ballots voted in the prior primary and general  
25        elections.

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

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

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



1 of or the indoor or outdoor display of a for sale, for rent or for lease sign  
2 and a sign rider by a unit owner on that owner's property in any combination,  
3 including a sign that indicates the unit owner is offering the property for  
4 sale by owner. The size of a sign offering a property for sale, for rent or  
5 for lease shall be in conformance with the industry standard size sign, which  
6 shall not exceed eighteen by twenty-four inches, and the industry standard  
7 size sign rider, which shall not exceed six by twenty-four inches. This  
8 subsection applies only to a commercially produced sign and an association  
9 may prohibit the use of signs that are not commercially produced. With  
10 respect to real estate for sale, for rent or for lease in the condominium, an  
11 association shall not prohibit in any way other than as is specifically  
12 authorized by this section or otherwise regulate any of the following:

13 1. Temporary open house signs or a unit owner's for sale sign. The  
14 association shall not require the use of particular signs indicating an open  
15 house or real property for sale and may not further regulate the use of  
16 temporary open house or for sale signs that are industry standard size and  
17 that are owned or used by the seller or the seller's agent.

18 2. Open house hours. The association may not limit the hours for an  
19 open house for real estate that is for sale in the condominium, except that  
20 the association may prohibit an open house being held before 8:00 a.m. or  
21 after 6:00 p.m. and may prohibit open house signs on the common elements of  
22 the condominium.

23 3. An owner's or an owner's agent's for rent or for lease sign unless  
24 an association's documents prohibit or restrict leasing of a unit or units.  
25 An association shall not further regulate a for rent or for lease sign or  
26 require the use of a particular for rent or for lease sign other than the for  
27 rent or for lease sign shall not be any larger than the industry standard  
28 size sign of eighteen by twenty-four inches and on or in the unit owner's  
29 property. If rental or leasing of a unit is allowed, the association may  
30 prohibit an open house for rental or leasing being held before 8:00 a.m. or  
31 after 6:00 p.m.

1           D. Notwithstanding any provision in the condominium documents, an  
2 association shall not prohibit door to door political activity, including  
3 solicitations of support or opposition regarding candidates or ballot issues,  
4 and shall not prohibit the circulation of political petitions, including  
5 candidate nomination petitions or petitions in support of or opposition to an  
6 initiative, referendum or recall or other political issue on property  
7 normally open to visitors within the association, except that an association  
8 may do the following:

9           1. Restrict or prohibit door to door political activity regarding  
10 candidates or ballot issues from sunset to sunrise.

11           2. Require the prominent display of an identification tag for each  
12 person engaged in the activity, along with the prominent identification of  
13 the candidate or ballot issue that is the subject of the support or  
14 opposition.

15           E. NOTWITHSTANDING ANY PROVISION IN THE CONDOMINIUM DOCUMENTS, AN  
16 ASSOCIATION SHALL NOT PROHIBIT THE INDOOR OR OUTDOOR DISPLAY OF A POLITICAL  
17 SIGN BY A UNIT OWNER ON THAT UNIT OWNER'S PROPERTY, INCLUDING ANY LIMITED  
18 COMMON ELEMENTS FOR THAT UNIT, EXCEPT THAT AN ASSOCIATION MAY PROHIBIT THE  
19 DISPLAY OF POLITICAL SIGNS EARLIER THAN SEVENTY-ONE DAYS BEFORE THE DAY OF AN  
20 ELECTION AND LATER THAN THREE DAYS AFTER AN ELECTION DAY. AN ASSOCIATION MAY  
21 REGULATE THE SIZE AND NUMBER OF POLITICAL SIGNS THAT MAY BE PLACED ON A UNIT  
22 OWNER'S PROPERTY IF THE ASSOCIATION'S REGULATION IS NO MORE RESTRICTIVE THAN  
23 ANY APPLICABLE CITY, TOWN OR COUNTY ORDINANCE THAT REGULATES THE SIZE AND  
24 NUMBER OF POLITICAL SIGNS ON RESIDENTIAL PROPERTY. IF THE CITY, TOWN OR  
25 COUNTY IN WHICH THE PROPERTY IS LOCATED DOES NOT REGULATE THE SIZE AND NUMBER  
26 OF POLITICAL SIGNS ON RESIDENTIAL PROPERTY, THE ASSOCIATION SHALL NOT LIMIT  
27 THE NUMBER OF POLITICAL SIGNS, EXCEPT THAT THE MAXIMUM AGGREGATE TOTAL  
28 DIMENSIONS OF ALL POLITICAL SIGNS ON A UNIT OWNER'S PROPERTY SHALL NOT EXCEED  
29 NINE SQUARE FEET. An association shall not make any regulations regarding the  
30 number of candidates supported, the number of public officers supported or  
31 opposed in a recall or the number of propositions supported or opposed on a  
32 political sign FOR THE PURPOSES OF THIS SUBSECTION, "POLITICAL SIGN" MEANS A

1 SIGN THAT ATTEMPTS TO INFLUENCE THE OUTCOME OF AN ELECTION, INCLUDING  
2 SUPPORTING OR OPPOSING THE RECALL OF A PUBLIC OFFICER OR SUPPORTING OR  
3 OPPOSING THE CIRCULATION OF A PETITION FOR A BALLOT MEASURE, QUESTION OR  
4 PROPOSITION OR THE RECALL OF A PUBLIC OFFICER.

5 F. An association shall not require political signs to be commercially  
6 produced or professionally manufactured or prohibit the utilization of both  
7 sides of a political sign.

8 G. A condominium is not required to comply with subsection D of this  
9 section if the condominium restricts vehicular or pedestrian access to the  
10 condominium. Nothing in this section requires a condominium to make its  
11 common elements other than roadways and sidewalks that are normally open to  
12 visitors available for the circulation of political petitions to anyone who  
13 is not an owner or resident of the community.

14 H. An association or managing agent that violates subsection C of this  
15 section forfeits and extinguishes the lien rights authorized under section  
16 33-1256 against that unit for a period of six consecutive months from the  
17 date of the violation.

18 I. This section does not apply to timeshare plans or associations that  
19 are subject to chapter 20 of this title.

20 Sec. 10. Implementation of consolidated elections

21 A. Notwithstanding any other law, in order to comply with the  
22 consolidation of election dates prescribed in Laws 2012, chapter 353, a city  
23 or town may shorten or lengthen the term of office for its elected officials.

24 B. For any city or town whose alternate expenditure limit expires in  
25 the spring of 2014, the penalties specified in section 41-1279.07, Arizona  
26 Revised Statutes, shall not apply in fiscal year 2015 provided the city or  
27 town seeks voter approval of an alternative expenditure limit in the fall of  
28 2014.”

29 Amend title to conform

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