

State of Arizona
House of Representatives
Fifty-first Legislature
First Regular Session
2013

HOUSE BILL 2527

AN ACT

AMENDING SECTIONS 9-231, 16-411 AND 33-1261, ARIZONA REVISED STATUTES;
RELATING TO ELECTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

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~~ ON 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 section~~ PURSUANT TO
14 SECTION 16-204.

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

26 16-411. Designation of election precincts and polling places;
27 voting centers; electioneering; wait times

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

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

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

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

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

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

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

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

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

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

42 D. The board is not required to designate a polling place for special
43 district mail ballot elections held pursuant to article 8.1 of this chapter,

1 but the board may designate one or more sites for voters to deposit marked
2 ballots until 7:00 p.m. on the day of the election.

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

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

12 1. Space is not available at the school.

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

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

18 H. Except in the case of an emergency, any facility that is used as a
19 polling place on election day or that is used as an early voting site during
20 the period of early voting shall allow persons to electioneer and engage in
21 other political activity outside of the seventy-five foot limit prescribed by
22 section 16-515 in public areas and parking lots used by voters. This
23 subsection shall not be construed to permit the temporary or permanent
24 construction of structures in public areas and parking lots or the blocking
25 or other impairment of access to parking spaces for voters. The county
26 recorder ~~OR OTHER OFFICER IN CHARGE OF ELECTIONS~~ shall post on its website at
27 least two weeks before election day a list of those polling places in which
28 emergency conditions prevent electioneering and shall specify the reason the
29 emergency ~~exemption~~ DESIGNATION was granted AND THE NUMBER OF ATTEMPTS THAT
30 WERE MADE TO FIND A POLLING PLACE BEFORE GRANTING AN EMERGENCY DESIGNATION.
31 If the polling place is not on the website list of polling places with
32 emergency ~~conditions~~ DESIGNATIONS, electioneering and other political
33 activity shall be permitted outside of the seventy-five foot limit. If an
34 emergency arises after the county ~~recorder's~~ RECORDER OR OTHER OFFICER IN
35 CHARGE OF ELECTIONS' initial website posting, the county recorder OR OTHER
36 OFFICER IN CHARGE OF ELECTIONS shall update the website as soon as is
37 practicable to include any new polling places, shall highlight the polling
38 place location on the website and shall specify the reason the emergency
39 ~~exemption~~ DESIGNATION was granted AND THE NUMBER OF ATTEMPTS THAT WERE MADE
40 TO FIND A POLLING PLACE BEFORE GRANTING AN EMERGENCY DESIGNATION.

41 I. FOR THE PURPOSES OF THIS SECTION, A COUNTY RECORDER OR OTHER
42 OFFICER IN CHARGE OF ELECTIONS SHALL DESIGNATE A POLLING PLACE AS AN
43 EMERGENCY POLLING PLACE AND THUS PROHIBIT PERSONS FROM ELECTIONEERING AND
44 ENGAGING IN OTHER POLITICAL ACTIVITY OUTSIDE OF THE SEVENTY-FIVE FOOT LIMIT

1 PRESCRIBED BY SECTION 16-515 BUT INSIDE THE PROPERTY OF THE FACILITY THAT IS
2 HOSTING THE POLLING PLACE IF ANY OF THE FOLLOWING OCCURS:

- 3 1. AN ACT OF GOD RENDERS A PREVIOUSLY SET POLLING PLACE AS UNUSABLE.
- 4 2. A COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS HAS
5 EXHAUSTED ALL OPTIONS AND THERE ARE NO SUITABLE FACILITIES IN A PRECINCT THAT
6 ARE WILLING TO BE A POLLING PLACE UNLESS A FACILITY CAN BE GIVEN AN EMERGENCY
7 DESIGNATION.

8 ~~J.~~ J. The secretary of state shall provide through the instructions
9 and procedures manual adopted pursuant to section 16-452 the maximum
10 allowable wait time for any election that is subject to section 16-204 and
11 provide for a method to reduce voter wait time at the polls in the primary
12 and general elections. The method shall consider at least all of the
13 following for 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 ~~K.~~ K. 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 Sec. 3. Section 33-1261, Arizona Revised Statutes, is amended to read:

32 33-1261. Flag display; for sale, rent or lease signs; political
33 signs and activities; applicability

34 A. Notwithstanding any provision in the condominium documents, an
35 association shall not prohibit the outdoor display of any of the following:

- 36 1. The American flag or an official or replica of a flag of the United
37 States army, navy, air force, marine corps or coast guard by a unit owner on
38 that unit owner's property if the American flag or military flag is displayed
39 in a manner consistent with the federal flag code (P.L. 94-344; 90 Stat. 810;
40 4 United States Code sections 4 through 10).
- 41 2. The POW/MIA flag.
- 42 3. The Arizona state flag.
- 43 4. An Arizona Indian nations flag.
- 44 5. The Gadsden flag.

1 B. The association shall adopt reasonable rules and regulations
2 regarding the placement and manner of display of the American flag, the
3 military flag, the POW/MIA flag, the Arizona state flag or an Arizona Indian
4 nations flag. The association rules may regulate the location and size of
5 flagpoles but shall not prohibit the installation of a flagpole.

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

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

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

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

39 D. Notwithstanding any provision in the condominium documents, an
40 association shall not prohibit door to door political activity, including
41 solicitations of support or opposition regarding candidates or ballot issues,
42 and shall not prohibit the circulation of political petitions, including
43 candidate nomination petitions or petitions in support of or opposition to an
44 initiative, referendum or recall or other political issue on property

1 normally open to visitors within the association, except that an association
2 may do the following:

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

5 2. Require the prominent display of an identification tag for each
6 person engaged in the activity, along with the prominent identification of
7 the candidate or ballot issue that is the subject of the support or
8 opposition.

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

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

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

40 H. An association or managing agent that violates subsection C of this
41 section forfeits and extinguishes the lien rights authorized under section
42 33-1256 against that unit for a period of six consecutive months from the
43 date of the violation.

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

3 Sec. 4. Implementation of consolidated elections

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

7 B. For any city or town whose alternate expenditure limit expires in
8 the spring of 2014, the penalties specified in section 41-1279.07, Arizona
9 Revised Statutes, shall not apply in fiscal year 2015 provided the city or
10 town seeks voter approval of an alternative expenditure limit in the fall of
11 2014.