

State of Arizona
House of Representatives
Fifty-second Legislature
Second Regular Session
2016

HOUSE BILL 2017

AN ACT

AMENDING SECTIONS 16-248, 16-411 AND 16-1019, 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 16-248, Arizona Revised Statutes, is amended to
3 read:

4 16-248. Designation of polling places; electioneering

5 A. Not less than twenty days before a presidential preference
6 election, the board of supervisors shall designate a reasonable and adequate
7 number of polling places where the election shall be held.

8 B. The number of polling places for the presidential preference
9 election is to be determined according to the number of active registered
10 voters as of January 1 of the year of the presidential preference election.

11 C. EACH COUNTY WITH ONE MILLION OR MORE ACTIVE REGISTERED VOTERS SHALL
12 DETERMINE THE NUMBER OF POLLING PLACES FOR THE PRESIDENTIAL PREFERENCE
13 ELECTION BY USING AT LEAST ONE POLLING PLACE FOR EVERY ONE THOUSAND SEVEN
14 HUNDRED ACTIVE REGISTERED VOTERS WHO ARE NOT ON THE PERMANENT EARLY VOTING
15 LIST PRESCRIBED BY SECTION 16-544 AND WHO ARE ELIGIBLE TO PARTICIPATE IN THE
16 PRESIDENTIAL PREFERENCE ELECTION AS DETERMINED AS OF JANUARY 1 OF THE YEAR OF
17 THE PRESIDENTIAL PREFERENCE ELECTION.

18 ~~C.~~ D. Each county with LESS THAN ONE MILLION ACTIVE REGISTERED VOTERS
19 BUT two hundred thousand or more active registered voters shall determine the
20 number of polling places for the presidential preference election by using no
21 more than one-half of the number of precincts as of January 1 of the year of
22 the presidential preference election.

23 ~~D.~~ E. Each county with less than two hundred thousand active
24 registered voters but ten thousand or more active registered voters shall
25 determine the number of polling places for the presidential preference
26 election by using no more than one polling place for every two thousand
27 active registered voters as of January 1 of the year of the presidential
28 preference primary.

29 ~~E.~~ F. Each county with less than ten thousand active registered
30 voters shall determine the number of polling places for the presidential
31 preference election by using no more than one polling place for every one
32 thousand active registered voters as of January 1 of the year of the
33 presidential preference election.

34 G. EXCEPT IN THE CASE OF AN EMERGENCY, ANY FACILITY THAT IS USED AS A
35 POLLING PLACE OR A VOTING CENTER SHALL ALLOW PERSONS TO ELECTIONEER AND
36 ENGAGE IN OTHER POLITICAL ACTIVITY INCLUDING THE POSTING OF POLITICAL SIGNS
37 AS DEFINED IN SECTION 16-1019. A COUNTY RECORDER OR OTHER OFFICER IN CHARGE
38 OF ELECTIONS MAY DESIGNATE A POLLING PLACE FOR A PRESIDENTIAL PREFERENCE
39 ELECTION AS AN EMERGENCY POLLING PLACE AND THUS PROHIBIT PERSONS FROM
40 ELECTIONEERING AND ENGAGING IN OTHER POLITICAL ACTIVITY, INCLUDING THE
41 POSTING OF POLITICAL SIGNS AS DEFINED IN SECTION 16-1019 OUTSIDE OF THE
42 SEVENTY-FIVE FOOT LIMIT PRESCRIBED BY SECTION 16-515 BUT INSIDE THE PROPERTY
43 OF THE FACILITY THAT IS HOSTING THE POLLING PLACE, IF ANY OF THE FOLLOWING
44 OCCURS:

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

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

5 ~~F.~~ H. If it is determined by the secretary of state that compliance
6 with state and federal regulations would be jeopardized, the secretary of
7 state has the authority to release a county from the number of polling places
8 prescribed by this section.

9 ~~G.~~ I. This section does not apply to land located on an Indian
10 reservation.

11 ~~H.~~ J. In precincts that contain fewer than three hundred active
12 registered voters, the officer in charge of elections may conduct a
13 presidential preference election by mail.

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

15 16-411. Designation of election precincts and polling places;
16 voting centers; electioneering; wait times

17 A. ~~Except as prescribed by subsection J of this section,~~ The board of
18 supervisors of each county, on or before December 1 of each year preceding
19 the year of a general election, by an order, shall establish a convenient
20 number of election precincts in the county and define the boundaries of the
21 precincts. The election precinct boundaries shall be so established as
22 included within election districts prescribed by law for elected officers of
23 the state and its political subdivisions including community college district
24 precincts, except those elected officers provided for in titles 30 and 48.

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

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

33 2. Adjacent precincts may be combined if boundaries so established are
34 included in election districts prescribed by law for state elected officials
35 and political subdivisions including community college districts but not
36 including elected officials prescribed by titles 30 and 48. The officer in
37 charge of elections may also split a precinct for administrative purposes.
38 The polling places shall be listed in separate sections of the order or
39 resolution.

40 3. On a specific finding of the board that the number of persons who
41 are listed as permanent early voters pursuant to section 16-544 is likely to
42 substantially reduce the number of voters appearing at one or more specific
43 polling places at that election, adjacent precincts may be consolidated by
44 combining polling places and precinct boards for that election. The board of
45 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.

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

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

42 1. Space is not available at the school.

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

44 G. The board shall make available to the public as a public record a
45 list of the polling places for all precincts in which the election is to be

1 held including identification of polling place changes that were submitted to
2 the United States department of justice for approval.

3 H. Except in the case of an emergency, any facility that is used as a
4 polling place on election day or that is used as an early voting site during
5 the period of early voting shall allow persons to electioneer and engage in
6 other political activity, **INCLUDING THE POSTING OF POLITICAL SIGNS AS DEFINED**
7 **IN SECTION 16-1019**, outside of the seventy-five foot limit prescribed by
8 section 16-515 in public areas and parking lots used by voters. This
9 subsection shall not be construed to permit the temporary or permanent
10 construction of structures in public areas and parking lots or the blocking
11 or other impairment of access to parking spaces for voters. The county
12 recorder or other officer in charge of elections shall post on its website at
13 least two weeks before election day a list of those polling places in which
14 emergency conditions prevent electioneering and shall specify the reason the
15 emergency designation was granted and the number of attempts that were made
16 to find a polling place before granting an emergency designation. If the
17 polling place is not on the website list of polling places with emergency
18 designations, electioneering and other political activity, **INCLUDING THE**
19 **POSTING OF POLITICAL SIGNS AS DEFINED IN SECTION 16-1019**, shall be permitted
20 outside of the seventy-five foot limit. If an emergency arises after the
21 county recorder or other officer in charge of elections' initial website
22 posting, the county recorder or other officer in charge of elections shall
23 update the website as soon as is practicable to include any new polling
24 places, shall highlight the polling place location on the website and shall
25 specify the reason the emergency designation was granted and the number of
26 attempts that were made to find a polling place before granting an emergency
27 designation.

28 I. For the purposes of this section, a county recorder or other
29 officer in charge of elections shall designate a polling place as an
30 emergency polling place and thus prohibit persons from electioneering and
31 engaging in other political activity, **INCLUDING THE POSTING OF POLITICAL**
32 **SIGNS AS DEFINED IN SECTION 16-1019**, outside of the seventy-five foot limit
33 prescribed by section 16-515 but inside the property of the facility that is
34 hosting the polling place if any of the following occurs:

35 1. An act of god renders a previously set polling place as unusable.

36 2. A county recorder or other officer in charge of elections has
37 exhausted all options and there are no suitable facilities in a precinct that
38 are willing to be a polling place unless a facility can be given an emergency
39 designation.

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

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

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

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

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

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

18 Sec. 3. Section 16-1019, Arizona Revised Statutes, is amended to read:

19 16-1019. Political signs; printed materials; tampering;
20 violation; classification; definition

21 A. It is a class 2 misdemeanor for any person to knowingly remove,
22 alter, deface, ~~or~~ cover OR OBSCURE any political sign ~~of any~~ FOR A candidate
23 for public office, or knowingly remove, alter or deface any political
24 mailers, handouts, flyers or other printed materials of a ~~candidate~~ POLITICAL
25 COMMITTEE that are delivered by hand to a residence for the period commencing
26 ~~forty five~~ EIGHTY-SIX days before a- THE primary election DATE PRESCRIBED BY
27 SECTION 16-201 and ending seven days after the general election DATE
28 PRESCRIBED BY SECTION 16-211. THIS SUBSECTION DOES NOT APPLY TO A SIGN OR
29 PRINTED CAMPAIGN MATERIALS THAT DO NOT BEAR THE DISCLOSURE STATEMENT
30 PRESCRIBED BY SECTION 16-912 OR 16-912.01.

31 B. This section does not apply to the removal, alteration, defacing or
32 covering of a political sign or other printed materials by the candidate or
33 the authorized agent of the candidate in support of whose election the sign
34 or materials were placed, by the owner or authorized agent of the owner of
35 private property on which such signs or printed materials are placed with or
36 without permission of the owner or placed in violation of state law or
37 county, city or town ordinance or regulation.

38 C. Notwithstanding any other statute, ordinance or regulation, a city,
39 town or county of this state shall not remove, alter, deface or cover any
40 political sign if the following conditions are met:

41 1. The sign is placed in a public right-of-way that is owned or
42 controlled by that jurisdiction.

43 2. The sign supports or opposes a candidate for public office or it
44 supports or opposes a ballot measure.

1 3. The sign is not placed in a location that is hazardous to public
2 safety, obstructs clear vision in the area or interferes with the
3 requirements of the Americans with disabilities act (42 United States Code
4 sections 12101 through 12213 and 47 United States Code sections 225 and 611).

5 4. The sign has a maximum area of sixteen square feet, if the sign is
6 located in an area zoned for residential use, or a maximum area of thirty-two
7 square feet if the sign is located in any other area.

8 5. The sign contains the name and telephone number or website address
9 of the candidate or campaign committee contact person.

10 D. If the city, town or county deems that the placement of a political
11 sign constitutes an emergency, the jurisdiction may immediately relocate the
12 sign. The jurisdiction shall notify the candidate or campaign committee that
13 placed the sign within twenty-four hours after the relocation. If a sign is
14 placed in violation of subsection C OF THIS SECTION and the placement is not
15 deemed to constitute an emergency, the city, town or county may notify the
16 candidate or campaign committee that placed the sign of the violation. If
17 the sign remains in violation at least twenty-four hours after the
18 jurisdiction notified the candidate or campaign committee, the jurisdiction
19 may remove the sign. The jurisdiction shall contact the candidate or
20 campaign committee contact and shall retain the sign AND SIGN POLES for at
21 least ~~ten~~ TWENTY business days to allow the candidate or campaign committee
22 to retrieve the sign without penalty.

23 E. A city, town or county employee acting within the scope of the
24 employee's employment is not liable for an injury caused by the failure to
25 remove a sign pursuant to subsection D OF THIS SECTION unless the employee
26 intended to cause injury or was grossly negligent.

27 F. Subsection C OF THIS SECTION does not apply to commercial tourism,
28 commercial resort and hotel sign free zones as those zones are designated by
29 municipalities. The total area of those zones shall not be larger than three
30 square miles, and each zone shall be identified as a specific contiguous area
31 where, by resolution of the municipal governing body, the municipality has
32 determined that based on a predominance of commercial tourism, resort and
33 hotel uses within the zone the placement of political signs within the
34 rights-of-way in the zone will detract from the scenic and aesthetic appeal
35 of the area within the zone and deter its appeal to tourists. Not more than
36 two zones may be identified within a municipality.

37 G. SUBSECTION C OF THIS SECTION DOES NOT APPLY TO A SIGN THAT DOES NOT
38 BEAR THE DISCLOSURE STATEMENT PRESCRIBED BY SECTION 16-912 OR 16-912.01.

39 ~~G.~~ H. A city, town or county may prohibit the installation of a sign
40 on any structure owned by the jurisdiction.

41 ~~H.~~ I. Subsection C OF THIS SECTION applies only during the period
42 commencing ~~sixty~~ EIGHTY-SIX days before ~~a~~ THE primary election DATE
43 PRESCRIBED BY SECTION 16-201 and ending fifteen days after the general
44 election DATE PRESCRIBED BY SECTION 16-211, except that for a sign for a
45 candidate in a primary election who does not advance to the general election,

1 the period ends fifteen days after the primary election DATE PRESCRIBED BY
2 SECTION 16-201.

3 ~~I.~~ J. This section does not apply to state highways or routes, or
4 overpasses over those state highways or routes.

5 K. FOR THE PURPOSES OF THIS SECTION, "POLITICAL SIGN" MEANS A SIGN
6 THAT IS INTENDED TO INFLUENCE THE OUTCOME OF AN ELECTION.