

11-201. Powers of county

A. The powers of a county shall be exercised only by the board of supervisors or by agents and officers acting under its authority and authority of law. It has the power to:

1. Sue and be sued.
2. Purchase and hold lands within its limits.
3. Make such contracts and purchase and hold such personal property as may be necessary to the exercise of its powers.
4. Make such orders for the disposition or use of its property as the interests of the inhabitants of the county require.
5. Levy and collect taxes for purposes under its exclusive jurisdiction as are authorized by law.
6. Determine the budgets of all elected and appointed county officers enumerated under section 11-401 by action of the board of supervisors.

B. Except for the purposes of acting as an intermediary in a license transfer or sale, a county shall not own a commercial cable television system or any other pay television system.

C. Section 11-251.05, subsection A, paragraph 1 does not authorize a county to levy and collect taxes for any purposes beyond those otherwise specifically authorized by statute.

11-211. Membership; qualifications; term

A. There shall be in each county having a population of one hundred seventy-five thousand or more persons a board of supervisors consisting of five members who shall be qualified electors of their supervisorial district, and who shall be elected at a general election at which the president of the United States is elected. In each county having a population of less than one hundred seventy-five thousand persons, a board of supervisors shall consist of three members, except as prescribed by subsection B of this section, who shall be qualified electors of their supervisorial district and who shall be elected at a general election at which the president of the United States is elected. They shall enter upon their duties on January 1 subsequent to their election, and shall hold office for four years. No person holding any other county or precinct office is eligible to the office of supervisor.

B. Any county having a population of less than one hundred seventy-five thousand persons but more than one hundred thousand persons shall call an election to change from a three-member to a five-member board of supervisors, or from a five-member to a three-member board of supervisors, upon receipt by the board of supervisors of a petition containing signatures of qualified electors equal to at least ten per cent of the votes cast in the county at the preceding general election at which a president of the United States was elected. The board shall submit to the electors in such county, at a special election called for such purpose, the question whether or not such county shall elect five members or three members to the board of supervisors. The election shall be held before the first Monday in January preceding the next general election. The ballots shall contain the words: "Five supervisors, yes. Five supervisors, no." or "Three supervisors, yes. Three supervisors, no." If the majority of the qualified electors voting on the question

votes in the affirmative, the board of supervisors shall redistrict the county in accordance with section 11-212. The county shall thereafter elect the prescribed number of members to the board of supervisors who shall have the same qualifications as provided in subsection A of this section for a board of supervisors with a population of one hundred seventy-five thousand or more persons, and shall hold office for a term of four years to commence on January 1.

11-212. Supervisorial districts

The board of supervisors shall meet at the county seat on or before December 1 following the release of the United States decennial census data and divide the county into three or five supervisorial districts as provided in this article, which shall be numbered, respectively, districts one, two and three or districts one, two, three, four and five. The board shall define the boundaries and limits of each district and make the division equal or with not more than ten per cent difference in population. The county may redistrict as often as deemed necessary between each United States decennial census.

11-213. Election; vacancies

A. At the general election for state and county officers, one supervisor shall be elected from each district from among those nominated at the preceding primary election. They shall be nominated and elected by the qualified electors of their respective districts. If a supervisor moves from the district from which he was elected his office shall at once become vacant.

B. When a vacancy occurs in the office of supervisor, the remaining supervisors, together with the clerk of the board of supervisors, shall fill the vacancy by appointment of a resident of the district in which the vacancy occurred.

11-251. Powers of board

The board of supervisors, under such limitations and restrictions as are prescribed by law, may:

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2. Divide the counties into such districts or precincts as required by law, change them and create others as convenience requires.

15-1441. Selection of precincts; district board members; terms; qualifications; vacancies

A. The board of supervisors shall establish in the same manner as provided in section 16-411 five precincts in a community college district for the election of a district board member from each precinct. A precinct in a community college district shall be composed of the number of election precincts as determined by the board of supervisors and shall have the same boundaries as are defined for the election precincts under section 16-411. If the board of supervisors redefines the boundaries of election precincts under section 16-411 that are included within a precinct in a community college district, the board of supervisors shall redefine the

boundaries of the precinct in the community college district to conform with the election precinct changes. The precincts shall be established in a newly organized district subsequent to the organizational vote, and the county school superintendent shall appoint five members, one from each precinct, who are qualified electors.

B. Where two or more counties constitute a district, as many precincts shall be set up by the board of supervisors in each county as the county is entitled to membership. In no case shall a county that is part of a district have more than four precincts, and where a district consists of two or more counties at least one member shall reside in each county.

C. At the first general election held for a district, the candidate having the most votes in each precinct shall be declared elected, provided the candidate meets the requirements provided in subsection A of this section. The two elected members having the highest number of votes receive six year terms, the two elected members receiving the next highest number of votes receive four year terms and the one elected member receiving the lowest number of votes receives a two year term. Thereafter each member's term is six years, except for a county with a population of at least three million persons, beginning at the next election after June 30, 2012, each member's term is four years.

D. The next general election of district board members following the first general election shall be for the precinct where the elected candidate received the lowest number of votes and the second general election for the two precincts where the elected candidates received the next highest number of votes and the third general election for the two precincts where the elected candidates received the highest number of votes. The order of elections as established through this procedure shall thereafter be the order of precinct elections.

E. Vacancies shall be filled by appointment by the county school superintendent for the unexpired term for the precinct where the vacancy occurs, except that if the unexpired term is two years or longer, the county school superintendent may do one of the following:

1. Make an appointment for a term, which shall be until the next regular election for district board members, at which time a successor shall be elected to serve the unexpired portion of the term.

2. With the approval of the district board, leave the vacancy until the next regular election for governing board members, at which time a successor shall be elected to serve the unexpired portion of the term.

F. When a vacancy occurs in a district with more than one county, the county school superintendent of the county where the previous incumbent resided shall fill the appointment for the unexpired term.

G. A county officer as provided in section 11-401 is not eligible to serve as a member of a community college district governing board during his term of office.

H. Employees of a community college district or their spouses are not eligible to hold membership on the community college district governing board in the district in which the employee is employed.

I. Beginning July 1, 2012, in addition to the governing board members who are elected from each of the five precincts in a community college district, a county with a population of at least three million persons shall elect two additional governing members from the district at large. At the first general election held to

elect at-large governing board members, the two candidates having the most votes shall be declared elected, if each candidate is a qualified elector who resides in that county. The elected member who receives the highest number of votes of the at-large candidates shall serve a four year term and the elected member who receives the next highest number of votes shall serve a two year term. Thereafter each member's term is four years.

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

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

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

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

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

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

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

C. If the board fails to designate the place for holding the election, or if it cannot be held at or about the place designated, the justice of the peace in the precinct, two days before the election, by an order, copies of which the justice of the peace shall

immediately post in three public places in the precinct, shall designate the place within the precinct for holding the election. If there is no justice of the peace in the precinct, or if the justice of the peace fails to do so, the election board of the precinct shall designate and give notice of the place within the precinct of holding the election. For any election in which there are no candidates for elected office appearing on the ballot, the board may consolidate polling places and precinct boards and may consolidate the tabulation of results for that election if all of the following apply:

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

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

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

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

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

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

1. Space is not available at the school.

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

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

H. Except in the case of an emergency, any facility that is used as a polling place on election day or that is used as an early voting site during the period of early voting shall allow persons to electioneer and engage in other political activity outside of the seventy-five foot limit prescribed by section 16-515 in public areas and parking lots used by voters. This subsection shall not be construed to permit the temporary or permanent construction of structures in public areas and parking lots or the blocking or other impairment of access to parking spaces for voters. The county recorder shall post on its website at least two weeks before election day a list of those polling places in which emergency conditions prevent electioneering and shall specify the reason the emergency exemption was granted. If the polling place is not on the website list of polling places with emergency conditions, electioneering and other political activity shall be permitted outside of the seventy-five foot limit. If an emergency arises after the county recorder's initial website posting, the county recorder shall update the website as soon as is practicable to include any new polling places, shall highlight the polling place location on the website and shall specify the reason the emergency exemption was granted.

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

1. The number of ballots voted in the prior primary and general elections.
2. The number of registered voters who voted early in the prior primary and general elections.
3. The number of registered voters and the number of registered voters who cast an early ballot for the current primary or general election.
4. The number of election board members and clerks and the number of rosters that will reduce voter wait time at the polls.

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