**CHAPTER 40. TYPES OF ELECTIONS**

**SUBCHAPTER 7. SCHOOL ELECTIONS**

**PART 9. PROCEDURES**

**230:40-7-35.** **Precincts in school elections**

(a) **Precincts in school and technology center district elections.** All precincts totally or partially contained within the geographical boundaries of a school district or a technology center district shall be open for all elections held by the district except as provided in (b) ~~or (c)~~ of this section.

(b) **Closing a split precinct in which no one ~~lives~~ ~~in the district~~ resides.** A school district or technology center district may close a split precinct by certifying in the resolution that no one resides in the part of the precinct located within the district's boundaries. [26:13A-101(B)] Prior to preparing the resolution, district officials should contact the Secretary of the County Election Board to verify that no registered voters in the precinct are assigned ~~by MESA~~ to the district and that no voters who are unassigned to a school district in the precinct are believed to be located within the district's boundary. In addition, before including the certification required to close the precinct in the resolution, a district official should visit the area in question to verify that no one resides there. When a split precinct is closed as provided in this subsection, the precinct shall not be included in the district's election; the district shall incur no expenses related to the precinct polling place; neither regular nor absentee ballots shall be printed for the precinct; and the services of neither the nursing home nor in-person Absentee Voting Board shall be required by the district for the precinct.

~~(c)~~**~~Closing the polling place for a split precinct with 100 or fewer voters.~~**~~A school district or technology center school district may close the polling place for a split precinct in which there are 100 or fewer registered voters in the district only under the circumstances outlined in 230:40-7-35.1 and by following the procedure outlined in that Section. [26:13A-101(C)] When a polling place for a split precinct is closed as outlined in 230:40-7-35.1, the precinct shall remain in the district's election but the district shall not incur any costs or share in Precinct Official compensation, Precinct Registry fees, or polling place rent for the precinct polling place for the election. Regular ballots shall not be printed for the precinct. However, absentee ballots shall be printed for the precinct and the services of the in-person Absentee Voting Board and a nursing home Absentee Voting Board, if necessary, shall be required.~~

~~(d)~~ (c) **Closing a split precinct or a polling place for a split precinct located in an affected county.** If the split precinct to be closed as outlined in (b) of this section is located in an affected county, the Secretary of the control (parent) County Election Board shall close and remove the precinct ~~in MESA~~ during election setup and shall notify the Secretary of the affected County Election Board that the precinct will be closed and removed from the district's election. ~~If the polling place for a split precinct to be closed as outlined in (c) of this section and in 230:40-7-35.1 is located in an affected county, the request to close the polling place for the precinct shall be submitted to the Secretary of the control (parent) County Election Board with the resolution calling the election. The control (parent) county Secretary immediately shall forward the request to close the polling place for the split precinct to the Secretary of the affected County Election Board. The Secretary of the affected County Election Board shall follow the procedure outlined in 230:40-7-35.1 and shall notify both the district officials and the control (parent) County Election Board Secretary of the approval or denial of the request. If the request is approved, the Secretary of the control (parent) County Election Board shall close the polling place for the split precinct in MESA.~~

~~(e) Closing split precinct or a polling place for a split precinct prohibited on state election dates. A school district shall not be permitted to close a precinct or a polling place for a split precinct for any reason in a regular or special election held on the date of the state Primary Election, Runoff Primary Election, General Election, or Presidential Preferential Primary Election or a special state or county election.~~

**~~230:40-7-35.1.~~** **~~Procedure for closing the polling place for a split precinct in which 100 or fewer voters are registered in school district or technology center district~~**

~~(a) A request to close a the polling place for a split precinct with 100 or fewer voters registered in the school district or technology center district shall be made in writing and shall be submitted to the Secretary of the control (parent) County Election Board with the resolution calling the election. A request to close a polling place for a split precinct in the Annual School Election shall be submitted no later than 15 days before the candidate filing period for Board of Education candidates. A request to close a polling place for a split precinct in the Annual School Runoff Election shall be submitted no later than 45 days prior to the election. A request to close such a polling place for a split precinct in a special election shall be submitted no later than 60 days before the special election date. District officials may use a form prescribed by the Secretary of the State Election Board to make the request but use of the form is not required. A letter containing substantially the same information shall be sufficient.~~

~~(b) Upon receiving a request to close a polling place for a split precinct in which 100 or fewer voters are registered at addresses within the district's boundaries and when all voters in the precinct are assigned to a school district in the Street Guide, the Secretary of the County Election Board shall follow these steps to approve or disapprove the request.~~

~~(1) Determine the number of registered voters in the precinct who are assigned in the Street Guide to this school or technology center district.~~

~~(A) If more than 100 voters already are assigned to the district, the polling place for the split precinct cannot be closed for the election. Notify the district superintendent that the request cannot be approved for this reason.~~

~~(B) If fewer than 100 voters are assigned to the district, proceed to the next step.~~

~~(2) Determine whether the voters in the district are eligible to vote in any other election being held on the same date.~~

~~(A) If voters in the district are eligible to vote in another election on the same date, the request to close the polling place for a split precinct shall be denied.~~

~~(B) If voters in the district are not eligible to vote in another election on the same date, the request to close the polling place for a split precinct shall be approved.~~

~~(c) Upon receiving a request to close a polling place for a split precinct in which 100 or fewer voters are registered at addresses within the district's boundaries and when some voters in the precinct are not assigned to a school district in the Street Guide, the Secretary of the County Election Board shall follow these steps to approve or disapprove the request.~~

~~(1) Follow the steps outlined in (b) (1) and (2) of this Section, then proceed with the following steps.~~

~~(2) Send a copy of the Registered Voter Mailing List or of a Precinct Registry for the precinct and a copy of the precinct map showing the district's boundary to the district superintendent.~~

~~(3) The superintendent shall be required to examine the residence addresses of voters in the precinct who are not assigned to a school district. The superintendent shall mark the list to indicate which voters, if any, are believed to be registered at addresses located within the boundaries of the district. The superintendent shall return the marked list to the Secretary of the County Election Board within five business days.~~

~~(4) Upon receiving the list of unassigned voters back from the superintendent, the Secretary shall count the voters marked by the superintendent. Add the number of voters marked on the list to the number of voters assigned to the school district by MESA.~~

~~(A) If the total number is 100 or less, the polling place for the split precinct may be closed for the election.~~

~~(B) If the total number is more than 100, the request must be denied and the polling place for the split precinct must remain open for the district's election.~~

~~(C) Even if the number is 100 or less, the polling place for the split precinct must remain open for the district's election if voters in the district are eligible to vote in another election in the precinct on the same date.~~

~~(5) The Secretary shall notify district officials whether the polling place for the split precinct will be closed or must remain open.~~

~~(6) The Secretary shall prepare and mail to each voter identified in the district a notice that the polling place for the split precinct will be closed for the district's election. A yellow application for absentee ballots shall be enclosed with the notice, as well as information about in-person absentee voting for the election. These notices shall be mailed to voters not less than 30 days prior to the election.~~

~~(7) The Secretary shall monitor voter registration activity in the precinct. If a new voter is assigned in the Street Guide to the school or technology center district in the split precinct, the Secretary shall mail the notice and information described in (6) of this subsection to the new voter immediately.~~

**CHAPTER 40. TYPES OF ELECTIONS**

**SUBCHAPTER 5. MUNICIPAL ELECTIONS**

**PART 9. PROCEDURES**

**230:40-5-33. Precincts in municipal elections**

(a) “All precincts totally or partially contained within the limits of a municipality shall be open for all elections held by such municipality; provided, however, that a municipality may authorize any precinct which is only partially contained within the limits of the municipality not to be opened by certifying to the county election board in its resolution calling for an election that no persons reside within that portion of the precinct contained within the limits of the municipality.” [26:13-103]

(b) **Closing a split precinct in which no persons reside.**  Prior to preparing the resolution, municipal officials should contact the Secretary of the County Election Board to verify that no registered voters are assigned to precincts located within the limits of he municipality. In addition, before including the certification required to close the precinct in the resolution, a municipal official should visit the area in question to verify that no persons reside there. When a split precinct is closed as provided in this subsection, the precinct shall not be included in the municipality’s election; the municipality shall incur no expenses related to the closed precinct; neither regular nor absentee ballots shall be printed for the precinct; and the services of neither the nursing home nor in-person Absentee Voting Board shall be required by the municipality for the precinct.