

State of Arizona
Senate
Forty-seventh Legislature
Second Regular Session
2006

SENATE BILL 1041

AN ACT

AMENDING SECTIONS 15-424, 15-481, 15-491, 16-134, 16-204, 16-228, 16-312, 16-411, 16-515, 16-564, 16-580, 16-624, 16-801, 35-454, 48-144, 48-261, 48-806 AND 48-815, 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 15-424, Arizona Revised Statutes, is amended to
3 read:

4 15-424. Election of governing board members; terms; statement
5 of contributions and expenditures

6 A. A regular election shall be held for each school district at the
7 time and place, and in the manner, of general elections as provided in title
8 16.

9 B. Except as provided in subsection C of this section and sections
10 15-429 and 15-430, the term of office for each member shall be four years
11 from January 1 next following his election.

12 C. At the first general election held for a newly formed district,
13 three members shall be elected. The candidate receiving the highest number
14 of votes shall be elected to a four year term, and the candidates having the
15 second and third highest number of votes shall be elected to two year
16 terms. A district increasing its governing board to five members shall at
17 the next general election elect members in the following manner:

18 1. If one of the previous three offices is to be filled, the three
19 candidates receiving the highest, the second highest and the third highest
20 number of votes shall be elected to four year terms.

21 2. If two of the previous three offices are to be filled, the
22 candidates receiving the highest, the second highest and the third highest
23 number of votes shall be elected to four year terms. The candidate receiving
24 the fourth highest number of votes shall be elected to a two year
25 term. Thereafter all such offices shall have four year terms.

26 D. If only one person files or no person files a nominating petition
27 **OR NOMINATION PAPER FOR A WRITE-IN CANDIDATE** for an election to fill a
28 district office, the board of supervisors ~~up to~~ **NO EARLIER THAN** seventy-five
29 days before the election, ~~may~~ cancel the election for the position and
30 appoint the person who filed the nominating petition to fill the
31 position. If no person files a nominating petition for an election to fill a
32 district office, the board of supervisors ~~up to~~ **NO EARLIER THAN** seventy-five
33 days before the election, ~~may~~ cancel the election for that office and that
34 office is deemed vacant and shall be filled as provided in section 15-302. A
35 person who is appointed pursuant to this ~~section~~ **SUBSECTION** is fully vested
36 with the powers and duties of the office as if elected to that office.

37 E. If two or more candidates receive an equal number of votes for the
38 same office, and a higher number than any other candidate for that office,
39 whether upon the tally by the school election board or canvass of returns by
40 the board of supervisors, or upon recount by a court, the officer or board
41 whose duty it is to declare the result shall determine by lot and in the
42 presence of the candidates which candidate shall be declared elected.

43 F. Position of the names of candidates for each office shall be
44 rotated so that each candidate occupies each position on the ballot an equal
45 number of times, insofar as is possible, for each ballot style. For

1 candidates seeking election to fill a vacancy on the governing board, the
2 ballot shall be designated as provided in section 16-502.

3 G. This section does not require that a school election at which no
4 member is to be elected be held on a general election day.

5 H. All candidates for the office of school district governing board
6 member shall file with the county school superintendent a statement of
7 contributions and expenditures as provided in section 16-913.

8 Sec. 2. Section 15-481, Arizona Revised Statutes, is amended effective
9 from and after June 30, 2006, to read:

10 15-481. Override election; budget increases; notice; ballot;
11 effect

12 A. If the proposed budget of a school district exceeds the aggregate
13 budget limit for the budget year, the governing board shall order an override
14 election to be held not less than ninety days from the date of the order for
15 the purpose of presenting the proposed budget to the qualified electors of
16 the school district who shall by a majority of those voting either affirm or
17 reject the budget. In addition, the governing board shall prepare an
18 alternate budget which does not include an increase in the budget of more
19 than the amount permitted as provided in section 15-905. If the qualified
20 electors approve the proposed budget, the governing board of the school
21 district shall follow the procedures prescribed in section 15-905 for
22 adopting a budget that includes the authorized increase. If the qualified
23 electors disapprove the proposed budget, the governing board shall follow the
24 procedures prescribed in section 15-905 for adopting a budget that does not
25 include the proposed increase or the portion of the proposed increase that
26 exceeds the amount authorized by a previously approved budget increase as
27 prescribed in subsection P of this section.

28 B. The county school superintendent shall prepare an informational
29 report on the proposed increase in the budget and a sample ballot and, at
30 least ~~thirty five~~ FORTY days prior to the election, shall transmit the report
31 and the SAMPLE ballot to the governing board of the school district. ~~For a~~
32 ~~school district located in a county with a population of two hundred thousand~~
33 ~~persons or more,~~ The governing board, upon receipt of the report and the
34 ballot, shall mail or distribute the report and the ballot to the
35 households, ~~in which qualified electors reside,~~ within the school district
36 at least ~~thirty~~ THIRTY-FIVE days prior to the election. ~~For a school~~
37 ~~district located in a county with a population of less than two hundred~~
38 ~~thousand persons, the governing board, upon receipt of the report and the~~
39 ~~ballot, shall mail or distribute the report and the ballot to the households~~
40 ~~within the school district at least thirty days prior to the election.~~ Any
41 distribution of material concerning the proposed increase in the budget shall
42 not be conducted by children enrolled in the school district. The report
43 shall contain the following information:

- 1 1. The date of the election.
- 2 2. The VOTER'S polling places PLACE and THE times ~~they are~~ IT IS open.
- 3 3. The proposed total increase in the budget which exceeds the amount
- 4 permitted pursuant to section 15-905.
- 5 4. The total amount of the current year's budget, the total amount of
- 6 the proposed budget and the total amount of the alternate budget.
- 7 5. If the override is for a period of more than one year, a statement
- 8 indicating the number of years the proposed increase in the budget would be
- 9 in effect and the percentage of the school district's revenue control limit
- 10 that the district is requesting for the future years.
- 11 6. The proposed total amount of revenues which will fund the increase
- 12 in the budget and the amount which will be obtained from a levy of taxes upon
- 13 the taxable property within the school district for the first year for which
- 14 the budget increase was adopted.
- 15 7. The proposed amount of revenues which will fund the increase in the
- 16 budget and which will be obtained from other than a levy of taxes upon the
- 17 taxable property within the school district for the first year for which the
- 18 budget increase was adopted.
- 19 8. The dollar amount and the purpose for which the proposed increase
- 20 in the budget is to be expended for the first year for which the budget
- 21 increase was adopted.
- 22 9. At least two arguments, if submitted, but no more than ten
- 23 arguments for and two arguments, if submitted, but no more than ten arguments
- 24 against the proposed increase in the budget. The arguments shall be in a
- 25 form prescribed by the county school superintendent and each argument shall
- 26 not exceed two hundred words. Arguments for the proposed increase in the
- 27 budget shall be provided in writing and signed by the governing board. If
- 28 submitted, additional arguments in favor of the proposed increase in the
- 29 budget shall be provided in writing and signed by those in favor. Arguments
- 30 against the proposed increase in the budget shall be provided in writing and
- 31 signed by those in opposition. The names of those persons other than the
- 32 governing board or superintendent submitting written arguments shall not be
- 33 included in the report without their specific permission, but shall be made
- 34 available only upon request to the county school superintendent. The county
- 35 school superintendent shall review all factual statements contained in the
- 36 written arguments and correct any inaccurate statements of fact. The
- 37 superintendent shall not review and correct any portion of the written
- 38 arguments which are identified as statements of the author's opinion. The
- 39 county school superintendent shall make the written arguments available to
- 40 the public as provided in title 39, chapter 1, article 2. A deadline for
- 41 submitting arguments to be included in the informational report shall be set
- 42 by the county school superintendent.
- 43 10. A statement that the alternate budget shall be adopted by the
- 44 governing board if the proposed budget is not adopted by the qualified
- 45 electors of the school district.

1 11. The full cash value, the assessed valuation and the estimated
2 amount of the secondary tax bill if the proposed budget is adopted for each
3 of the following:

4 (a) An owner-occupied residence whose assessed valuation is the
5 average assessed valuation of property classified as class three, as
6 prescribed by section 42-12003 for the current year in the school district.

7 (b) An owner-occupied residence whose assessed valuation is one-half
8 of the assessed valuation of the residence in subdivision (a) of this
9 paragraph.

10 (c) An owner-occupied residence whose assessed valuation is twice the
11 assessed valuation of the residence in subdivision (a) of this paragraph.

12 (d) A business whose assessed valuation is the average of the assessed
13 valuation of property classified as class one, as prescribed by section
14 42-12001, paragraphs 12 and 13 for the current year in the school district.

15 12. If the election is conducted pursuant to subsection L or M of this
16 section, the following information:

17 (a) An executive summary of the school district's most recent capital
18 improvement plan submitted to the school facilities board.

19 (b) A complete list of each proposed capital improvement that will be
20 funded with the budget increase and a description of the proposed cost of
21 each improvement, including a separate aggregation of capital improvements
22 for administrative purposes as defined by the school facilities board.

23 (c) The tax rate associated with each of the proposed capital
24 improvements and the estimated cost of each capital improvement for the owner
25 of a single family home that is valued at eighty thousand dollars.

26 C. For the purpose of this section, the school district may use its
27 staff, equipment, materials, buildings or other resources only to distribute
28 the informational report at the school district office or at public hearings
29 and to produce such information as required in subsection B of this section,
30 provided that nothing in this subsection shall preclude school districts from
31 holding or participating in any public hearings at which testimony is given
32 by at least one person for the proposed increase and one person against the
33 proposed increase.

34 D. The elections prescribed in subsection A of this section shall be
35 held on a date prescribed by section 16-204 and shall be conducted as nearly
36 as practicable in the manner prescribed in article 1 of this chapter,
37 sections 15-422 through 15-424 and section 15-426, relating to special
38 elections, except that:

39 1. The notices required pursuant to section 15-403 shall be posted not
40 less than twenty-five days before the election.

41 2. Ballots shall be counted pursuant to title 16, chapter 4,
42 article 10.

1 E. If the election is to exceed the revenue control limit and if the
2 proposed increase will be fully funded by a levy of taxes upon the taxable
3 property within the school district, the ballot shall contain the words
4 "budget increase, yes" and "budget increase, no", and the voter shall signify
5 his desired choice. The ballot shall also contain the amount of the proposed
6 increase of the proposed budget over the alternate budget, a statement that
7 the amount of the proposed increase will be based on a percentage of the
8 school district's revenue control limit in future years, if applicable, as
9 provided in subsection P of this section and the following statement:

10 Any budget increase authorized by this election shall be
11 entirely funded by a levy of taxes upon the taxable property
12 within this school district for the year for which adopted and
13 for ____ subsequent years, shall not be realized from monies
14 furnished by the state and shall not be subject to the
15 limitation on taxes specified in article IX, section 18,
16 Constitution of Arizona. Based on an estimate of assessed
17 valuation used for secondary property tax purposes, the proposed
18 increase in the school district's budget over that allowed by
19 law would result in an estimated increase in the school
20 district's tax rate of _____ dollar per one hundred
21 dollars of assessed valuation used for secondary property tax
22 purposes and is in addition to the school district's tax rate
23 which will be levied to fund the school district's revenue
24 control limit allowed by law.

25 F. If the election is to exceed the revenue control limit and if the
26 proposed increase will be fully funded by revenues from other than a levy of
27 taxes upon the taxable property within the school district, the ballot shall
28 contain the words "budget increase, yes" and "budget increase, no", and the
29 voter shall signify the voter's desired choice. The ballot shall also
30 contain:

31 1. The amount of the proposed increase of the proposed budget over the
32 alternate budget.

33 2. A statement that the amount of the proposed increase will be based
34 on a percentage of the school district's revenue control limit in future
35 years, if applicable, as provided in subsection P of this section.

36 3. The following statement:

37 Any budget increase authorized by this election shall be
38 entirely funded by this school district with revenues from other
39 than a levy of taxes on the taxable property within the school
40 district for the year for which adopted and for ____
41 subsequent years and shall not be realized from monies furnished
42 by the state.

43 G. Except as provided in subsection H of this section, the maximum
44 budget increase which may be requested and authorized as provided in
45 subsection E or F of this section or the combination of subsections E and F

1 of this section is ten per cent of the revenue control limit as provided in
 2 section 15-947, subsection A for the budget year.

3 H. Special budget override provisions for school districts with a
 4 student count of less than one hundred fifty-four in kindergarten programs
 5 and grades one through eight or with a student count of less than one hundred
 6 seventy-six in grades nine through twelve are as follows:

7 1. The maximum budget increase that may be requested and authorized as
 8 provided in subsections E and F of this section is the greater of the amount
 9 prescribed in subsection G of this section or a limit computed as follows:

10 (a) For common or unified districts with a student count of less than
 11 one hundred fifty-four in kindergarten programs and grades one through eight,
 12 the limit computed as prescribed in item (i) or (ii) of this subdivision,
 13 whichever is appropriate:

14 (i)

15		Small School	Support Level Weight		Phase Down
16	Student	Student	for Small Isolated		Reduction
17	<u>Count</u>	<u>Count Limit</u>	<u>School Districts</u>	<u>Base Level</u>	<u>Factor</u>
18		- 125	x 1.358 + (0.0005 x	x \$	= \$
19			(500 - Student Count))		
20				Small Isolated	
21		Phase Down	Phase Down	School District	
22		<u>Base</u>	<u>Reduction Factor</u>	<u>Elementary Limit</u>	
23		\$150,000	- \$	= \$	

24 (ii)

25		Small School	Support Level Weight		Phase Down
26	Student	Student	for Small		Reduction
27	<u>Count</u>	<u>Count Limit</u>	<u>School Districts</u>	<u>Base Level</u>	<u>Factor</u>
28		- 125	x 1.278 + (0.0003 x	x \$	= \$
29			(500 - Student Count))		
30				Small	
31		Phase Down	Phase Down	School District	
32		<u>Base</u>	<u>Reduction Factor</u>	<u>Elementary Limit</u>	
33		\$150,000	- \$	= \$	

34 (b) For unified or union high school districts with a student count of
 35 less than one hundred seventy-six in grades nine through twelve, the limit
 36 computed as prescribed in item (i) or (ii) of this subdivision, whichever is
 37 appropriate:

38 (i)

39		Small School	Support Level Weight		Phase Down
40	Student	Student	for Small Isolated		Reduction
41	<u>Count</u>	<u>Count Limit</u>	<u>School Districts</u>	<u>Base Level</u>	<u>Factor</u>
42		- 100	x 1.468 + (0.0005 x	x \$	= \$
43			(500 - Student Count))		

1					Small Isolated
2		Phase Down	Phase Down		District
3		<u>Base</u>	<u>Reduction Factor</u>		<u>Secondary Limit</u>
4		\$350,000	- \$ _____	=	\$ _____
5	(ii)				
6		Small School	Support Level Weight		Phase Down
7	Student	Student	for Small		Reduction
8	<u>Count</u>	<u>Count Limit</u>	<u>School Districts</u>	<u>Base Level</u>	<u>Factor</u>
9	-	100	x 1.398 + (0.0004 x	x \$ _____	= \$ _____
10			(500 - Student Count))		
11					Small
12		Phase Down	Phase Down		School District
13		<u>Base</u>	<u>Reduction Factor</u>		<u>Secondary Limit</u>
14		\$350,000	- \$ _____	=	\$ _____

15 (c) If both subdivisions (a) and (b) of this paragraph apply to a
 16 unified school district, its limit for the purposes of this paragraph is the
 17 combination of its elementary limit and its secondary limit.

18 (d) If only subdivision (a) or (b) of this paragraph applies to a
 19 unified school district, the district's limit for the purposes of this
 20 paragraph is the sum of the limit computed as provided in subdivision (a) or
 21 (b) of this paragraph plus ten per cent of the revenue control limit
 22 attributable to those grade levels that do not meet the eligibility
 23 requirements of this subsection. If a school district budgets monies outside
 24 the revenue control limit pursuant to section 15-949, subsection E, the
 25 district's limit for the purposes of this paragraph is only the ten per cent
 26 of the revenue control limit attributable to those grade levels that are not
 27 included under section 15-949, subsection E. For the purposes of this
 28 subdivision, the revenue control limit is separated into elementary and
 29 secondary components based on the weighted student count as provided in
 30 section 15-971, subsection B, paragraph 2, subdivision (a).

31 2. If a school district utilizes the provisions of this subsection to
 32 request an override of more than one year, the ballot shall include an
 33 estimate of the amount of the proposed increase in the future years in place
 34 of the statement that the amount of the proposed increase will be based on a
 35 percentage of the school district's revenue control limit in future years, as
 36 prescribed in subsections E and F of this section.

37 3. Notwithstanding subsection P of this section, the maximum period of
 38 an override authorized pursuant to this subsection is five years.

39 4. Subsection P, paragraphs 1 and 2 of this section do not apply to
 40 overrides authorized pursuant to this subsection.

41 I. If the election is to exceed the revenue control limit as provided
 42 in section 15-482 and if the proposed increase will be fully funded by a levy
 43 of taxes on the taxable property within the school district, the ballot shall
 44 contain the words "budget increase, yes" and "budget increase, no", and the
 45 voter shall signify the voter's desired choice. The ballot shall also

1 contain the amount of the proposed increase of the budget over the alternate
2 budget, a statement that the amount of the proposed increase will be based on
3 a percentage of the school district's revenue control limit in future years,
4 if applicable, as provided in subsection Q of this section, and the following
5 statement:

6 Any budget increase authorized by this election shall be
7 entirely funded by a levy of taxes on the taxable property
8 within this school district for the year for which adopted and
9 for ____ subsequent years, shall not be realized from monies
10 furnished by the state and shall not be subject to the
11 limitation on taxes specified in article IX, section 18,
12 Constitution of Arizona. Based on an estimate of assessed
13 valuation used for secondary property tax purposes, the portion
14 of the proposed increase in the school district's budget over
15 that allowed by law which will be funded by a levy of taxes upon
16 the taxable property within this school district would result in
17 an estimated increase in the school district's tax rate of
18 _____ dollar per one hundred dollars of assessed valuation
19 used for secondary property tax purposes and is in addition to
20 the school district's tax rate that will be levied to fund the
21 school district's revenue control limit allowed by law.

22 J. If the election is to exceed the revenue control limit as provided
23 in section 15-482 and if the proposed increase will be fully funded by
24 revenues other than a levy of taxes on the taxable property within the school
25 district, the ballot shall contain the words "budget increase, yes" and
26 "budget increase, no", and the voter shall signify the voter's desired
27 choice. The ballot shall also contain the amount of the proposed increase of
28 the proposed budget over the alternate budget, a statement that the amount of
29 the proposed increase will be based on a percentage of the school district's
30 revenue control limit in future years, if applicable, as provided in
31 subsection Q of this section and the following statement:

32 Any budget increase authorized by this election shall be
33 entirely funded by this school district with revenues from other
34 than a levy of taxes on the taxable property within the school
35 district for the year for which adopted and for ____ subsequent
36 years and shall not be realized from monies furnished by the
37 state.

38 K. The maximum budget increase that may be requested and authorized as
39 provided in subsection I or J of this section, or a combination of both of
40 these subsections, is five per cent of the revenue control limit as provided
41 in section 15-947, subsection A for the budget year. For a unified school
42 district, a common school district not within a high school district or a
43 common school district within a high school district that offers instruction
44 in high school subjects as provided in section 15-447, five per cent of the
45 revenue control limit means five per cent of the revenue control limit

1 attributable to the weighted student count in preschool programs for children
2 with disabilities, kindergarten programs and grades one through eight as
3 provided in section 15-971, subsection B.

4 L. If the election is to exceed the capital outlay revenue limit and
5 if the proposed increase will be fully funded by a levy of taxes upon the
6 taxable property within the school district, the ballot shall contain the
7 words "budget increase, yes" and "budget increase, no", and the voter shall
8 signify the voter's desired choice. An election held pursuant to this
9 subsection shall be held on the first Tuesday after the first Monday of
10 November. The ballot shall also contain the amount of the proposed increase
11 of the proposed budget over the alternate budget and the following statement:

12 Any budget increase authorized by this election shall be
13 entirely funded by a levy of taxes upon the taxable property
14 within this school district for the year in which adopted and
15 for _____ subsequent years, shall not be realized from monies
16 furnished by the state and shall not be subject to the
17 limitation on taxes specified in article IX, section 18,
18 Constitution of Arizona. Based on an estimate of assessed
19 valuation used for secondary property tax purposes, the proposed
20 increase in the school district's budget over that allowed by
21 law would result in an estimated increase in the school
22 district's tax rate of _____ dollar per one hundred
23 dollars of assessed valuation used for secondary property tax
24 purposes and is in addition to the school district's tax rate
25 which will be levied to fund the school district's capital
26 outlay revenue limit allowed by law.

27 M. If the election is to exceed the capital outlay revenue limit and
28 if the proposed increase will be fully funded by revenues from other than a
29 levy of taxes upon the taxable property within the school district, the
30 ballot shall contain the words "budget increase, yes" and "budget increase,
31 no", and the voter shall signify the voter's desired choice. An election
32 held pursuant to this subsection shall be held on the first Tuesday after the
33 first Monday of November. The ballot shall also contain the amount of the
34 proposed increase of the proposed budget over the alternate budget and the
35 following statement:

36 Any budget increase authorized by this election shall be
37 entirely funded by this school district with revenues from other
38 than a levy of taxes on the taxable property within the school
39 district for the year in which adopted and for _____ subsequent
40 years and shall not be realized from monies furnished by the
41 state.

42 N. If the election is to exceed a combination of the revenue control
43 limit as provided in subsection E or F of this section, the revenue control
44 limit as provided in subsection I or J of this section or the capital outlay
45 revenue limit as provided in subsection L or M of this section, the ballot

1 shall be prepared so that the voters may vote on each proposed increase
2 separately and shall contain statements required in the same manner as if
3 each proposed increase were submitted separately.

4 O. If the election provides for a levy of taxes on the taxable
5 property within the school district, at least thirty days prior to the
6 election, the department of revenue shall provide the school district
7 governing board and the county school superintendent with an estimate of the
8 school district's assessed valuation used for secondary property tax purposes
9 for the ensuing fiscal year. The governing board and the county school
10 superintendent shall use this estimate to translate the amount of the
11 proposed dollar increase in the budget of the school district over that
12 allowed by law into a tax rate figure.

13 P. If the voters in a school district vote to adopt a budget in excess
14 of the revenue control limit as provided in subsection E or F of this
15 section, any additional increase shall be included in the aggregate budget
16 limit for each of the years authorized. Any additional increase shall be
17 excluded from the determination of equalization assistance. The school
18 district governing board may, however, levy on the assessed valuation used
19 for secondary property tax purposes of the property in the school district
20 the additional increase if adopted under subsection E of this section for the
21 period of one year, two years or five through seven years as authorized. If
22 an additional increase is approved as provided in subsection F of this
23 section, the school district governing board may only use revenues derived
24 from the school district's prior year's maintenance and operation fund ending
25 cash balance to fund the additional increase. If a budget increase was
26 previously authorized and will be in effect for the budget year or budget
27 year and subsequent years, as provided in subsection E or F of this section,
28 the governing board may request a new budget increase as provided in the same
29 subsection under which the prior budget increase was adopted which shall not
30 exceed the maximum amount permitted under subsection G of this section. If
31 the voters in the school district authorize the new budget increase amount,
32 the existing budget increase no longer is in effect. If the voters in the
33 school district do not authorize the budget increase amount, the existing
34 budget increase remains in effect for the time period for which it was
35 authorized. The maximum additional increase authorized as provided in
36 subsection E or F of this section and the additional increase which is
37 included in the aggregate budget limit is based on a percentage of a school
38 district's revenue control limit in future years, if the budget increase is
39 authorized for more than one year. If the additional increase:

40 1. Is for two years, the proposed increase in the second year is equal
41 to the initial proposed percentage increase.

42 2. Is for five years or more, the proposed increase is equal to the
43 initial proposed percentage increase in the following years of the proposed
44 increase, except that in the next to last year it is two-thirds of the

1 initial proposed percentage increase and it is one-third of the initial
2 proposed percentage increase in the last year of the proposed increase.

3 Q. If the voters in a school district vote to adopt a budget in excess
4 of the revenue control limit as provided in subsection I or J of this
5 section, any additional increase shall be included in the aggregate budget
6 limit for each of the years authorized. Any additional increase shall be
7 excluded from the determination of equalization assistance. The school
8 district governing board, however, may levy on the assessed valuation used
9 for secondary property tax purposes of the property in the school district
10 the additional increase if adopted under subsection I of this section for the
11 period of one year, two years or five through seven years as authorized. If
12 an additional increase is approved as provided in subsection J of this
13 section, the increase may only be budgeted and expended if sufficient monies
14 are available in the maintenance and operation fund of the school district.
15 If a budget increase was previously authorized and will be in effect for the
16 budget year or budget year and subsequent years, as provided in subsection I
17 or J of this section, the governing board may request a new budget increase
18 as provided in the same subsection under which the prior budget increase was
19 adopted that does not exceed the maximum amount permitted under subsection K
20 of this section. If the voters in the school district authorize the new
21 budget increase amount, the existing budget increase no longer is in
22 effect. If the voters in the school district do not authorize the budget
23 increase amount, the existing budget increase remains in effect for the time
24 period for which it was authorized. The maximum additional increase
25 authorized as provided in subsection I or J of this section and the
26 additional increase that is included in the aggregate budget limit is based
27 on a percentage of a school district's revenue control limit in future years,
28 if the budget increase is authorized for more than one year. If the
29 additional increase:

30 1. Is for two years, the proposed increase in the second year is equal
31 to the initial proposed percentage increase.

32 2. Is for five years or more, the proposed increase is equal to the
33 initial proposed percentage increase in the following years of the proposed
34 increase, except that in the next to last year it is two-thirds of the
35 initial proposed percentage increase and it is one-third of the initial
36 proposed percentage increase in the last year of the proposed increase.

37 R. If the voters in a school district vote to adopt a budget in excess
38 of the capital outlay revenue limit as provided in subsection L of this
39 section, any additional increase shall be included in the aggregate budget
40 limit for each of the years authorized. The additional increase shall be
41 excluded from the determination of equalization assistance. The school
42 district governing board may, however, levy on the assessed valuation used
43 for secondary property tax purposes of the property in the school district
44 the additional increase for the period authorized but not to exceed ten
45 years. For overrides approved by a vote of the qualified electors of the

1 school district at an election held from and after October 31, 1998, the
2 period of the additional increase prescribed in this subsection shall not
3 exceed seven years for any capital override election.

4 S. If the voters in a school district vote to adopt a budget in excess
5 of the capital outlay revenue limit as provided in subsection M of this
6 section, any additional increase shall be included in the aggregate budget
7 limit for each of the years authorized. The additional increase shall be
8 excluded from the determination of equalization assistance. The school
9 district governing board may only use revenues derived from the school
10 district's prior year's maintenance and operation fund ending cash balance
11 and capital outlay fund ending cash balance to fund the additional increase
12 for the period authorized but not to exceed ten years. For overrides
13 approved by a vote of the qualified electors of the school district at an
14 election held from and after October 31, 1998, the period of the additional
15 increase prescribed in this subsection shall not exceed seven years for any
16 capital override election.

17 T. In addition to subsections P and S of this section, from the
18 maintenance and operation fund and capital outlay fund ending cash balances,
19 the school district governing board shall first use any available revenues to
20 reduce its primary tax rate to zero and shall use any remaining revenues to
21 fund the additional increase authorized as provided in subsections F and M of
22 this section.

23 U. If the voters in a school district disapprove the proposed budget,
24 the alternate budget which, except for any budget increase authorized by a
25 prior election, does not include an increase in the budget in excess of the
26 amount provided in section 15-905 shall be adopted by the governing board as
27 provided in section 15-905.

28 V. The governing board may request that any override election be
29 cancelled if any change in chapter 9 of this title changes the amount of the
30 aggregate budget limit as provided in section 15-905. The request to cancel
31 the override election shall be made to the county school superintendent at
32 least ten days prior to the date of the scheduled override election.

33 W. For any election conducted pursuant to subsection L or M of this
34 section:

35 1. The ballot shall include the following statement in addition to any
36 other statement required by this section:

37 The capital improvements that are proposed to be funded
38 through this override election are to exceed the state standards
39 and are in addition to monies provided by the state.

40 _____ school district is proposing to increase its
41 budget by \$_____ to fund capital improvements over and
42 above those funded by the state. Under the students first
43 capital funding system, _____ school district is entitled to
44 state monies for building renewal, new construction and
45 renovation of school buildings in accordance with state law.

1 2. The ballot shall contain the words "budget increase, yes" and
2 "budget increase, no", and the voter shall signify the voter's desired
3 choice.

4 3. At least eighty-five days before the election, the school district
5 shall submit proposed ballot language to the director of the Arizona
6 legislative council. The director of the Arizona legislative council shall
7 review the proposed ballot language to determine whether the proposed ballot
8 language complies with this section. If the director of the Arizona
9 legislative council determines that the proposed ballot language does not
10 comply with this section, the director, within ten calendar days of the
11 receipt of the proposed ballot language, shall notify the school district of
12 the director's objections and the school district shall resubmit revised
13 ballot language to the director for approval.

14 X. If the voters approve the budget increase pursuant to subsection L
15 or M of this section, the school district shall not use the override proceeds
16 for any purposes other than the proposed capital improvements listed in the
17 publicity pamphlet, except that up to ten per cent of the override proceeds
18 may be used for general capital expenses, including cost overruns of proposed
19 capital improvements.

20 Y. Each school district that currently increases its budget pursuant
21 to subsection L or M of this section is required to hold a public meeting
22 each year between September 1 and October 31 at which an update of the
23 progress of capital improvements financed through the override is discussed
24 and at which the public is permitted an opportunity to comment. At a
25 minimum, the update shall include a comparison of the current status and the
26 original projections on the construction of capital improvements, the costs
27 of capital improvements and the costs of capital improvements in progress or
28 completed since the prior meeting and the future capital plans of the school
29 district. The school district shall include in the public meeting a
30 discussion of the school district's use of state capital aid and
31 voter-approved bonding in funding capital improvements, if any.

32 Z. If a budget in excess of the capital outlay revenue limit was
33 previously adopted by the voters in a school district and will be in effect
34 for the budget year or budget year and subsequent years, as provided in
35 subsection L or M of this section, the governing board may request an
36 additional budget in excess of the capital outlay revenue limit. If the
37 voters in a school district authorize the additional budget in excess of the
38 capital outlay revenue limit, the existing capital outlay revenue limit
39 budget increase remains in effect.

40 Sec. 3. Section 15-491, Arizona Revised Statutes, is amended effective
41 from and after June 30, 2006, to read:

42 15-491. Elections on school property; exceptions

43 A. The governing board of a school district may, and upon petition of
44 fifteen per cent of the school electors as shown by the poll list at the last

1 preceding annual school election shall, call an election for the following
2 purposes:

3 1. To locate or change the location of school buildings.

4 2. To purchase or sell school sites or buildings or sell school sites
5 pursuant to section 15-342 or to build school buildings, but the
6 authorization by vote of the school district shall not necessarily specify
7 the site to be purchased.

8 3. To decide whether the bonds of the school district shall be issued
9 and sold for the purpose of raising money for purchasing or leasing school
10 lots, for building or renovating school buildings, for improving school
11 grounds, for purchasing pupil transportation vehicles or for liquidating any
12 indebtedness already incurred for such purposes. Except as provided in
13 section 15-1021, subsection H, the proceeds of class B bonds or impact aid
14 revenue bonds shall not be used for soft capital purposes except for pupil
15 transportation vehicles. A school district shall not issue class B bonds
16 until the school district has obligated in contract the entire proceeds of
17 any class A bonds issued by the school district. The total amount of class A
18 and class B bonds issued by a school district shall not exceed the debt
19 limitations prescribed in article IX, sections 8 and 8.1, Constitution of
20 Arizona.

21 4. To lease for five or more years, as lessor or as lessee, school
22 buildings or grounds. Approval by a majority of the school district electors
23 voting authorizes the governing board to negotiate for and enter into a
24 lease. The ballot shall list the school buildings or grounds for which a
25 lease is sought. If the governing board does not enter into a lease of five
26 or more years of the school buildings or grounds listed on the ballot within
27 five years of the date of the election and the board continues to seek such a
28 lease, the governing board shall call a special election to reauthorize the
29 board to negotiate for and to enter into a lease of five or more years.

30 B. No petition shall be required for the holding of the first election
31 to be held in a joint common school district for any of the purposes
32 specified in subsection A of this section. The notice of election required
33 by section 15-492 shall be published in each of the counties which comprise
34 the joint common school district. The certification of election results
35 required by section 15-493 shall be made to the board of supervisors of the
36 jurisdictional county.

37 C. When the election is called to determine whether or not bonds of
38 the school district shall be issued and sold for the purposes enumerated in
39 the call for the election, the question shall be submitted to the vote of the
40 qualified electors of the school district as defined in section 15-401 and
41 subject to the provisions of section 15-402.

42 D. The governing board shall order the election to be held in the
43 manner prescribed in title 35, chapter 3, article 3. If a petition for an
44 election has been filed with the governing board as provided in subsection A
45 of this section, the board shall act upon the petition within sixty days by

1 ordering the election to be held as provided in this subsection. If a school
2 district bond election is scheduled for the same date a school district will
3 hold an override election, the governing body shall deliver a copy of the
4 notice of election and ballot to the county school superintendent who shall
5 include the notice of election and ballot with the information report and
6 ballot prepared for the override election. Mailing of the information
7 required for both the override and bond elections shall constitute compliance
8 with the notice provisions of this section.

9 E. The elections to be held pursuant to this section shall only be
10 held on dates prescribed by section 16-204, except that elections held
11 pursuant to this section to decide whether class B bonds shall be issued
12 shall only be held on the first Tuesday after the first Monday of November.

13 F. Subsection A, paragraph 2 of this section does not apply to the
14 sale of school property if the market value of the school property is less
15 than fifty thousand dollars.

16 G. Bond counsel fees, financial advisory fees, printing costs and
17 paying agent and registrar fees for bonds issued pursuant to an election
18 under this section shall be paid from either the amount authorized by the
19 qualified electors of the school district or current operating funds. Bond
20 election expenses shall be paid from current operating funds only.

21 H. For any election conducted to decide whether class B bonds will be
22 issued pursuant to this section:

23 1. Except as provided in paragraph 2 of this subsection, the ballot
24 shall include the following statement:

25 The capital improvements that are proposed to be funded
26 through this bond issuance are to exceed the state standards and
27 are in addition to monies provided by the state.

28 _____ school district is proposing to issue class B
29 general obligation bonds totaling \$_____ to fund capital
30 improvements over and above those funded by the state. Under the
31 students first capital funding system, _____ school district
32 is entitled to state monies for building renewal, new
33 construction and renovation of school buildings in accordance
34 with state law.

35 2. For a school district that is a joint technological education
36 district, the ballot shall include the following statement:

37 _____, a joint technological education district, is
38 proposing to issue class B general obligation bonds totaling
39 \$_____ to fund capital improvements at the main campus of
40 the joint technological education district.

41 3. The ballot shall contain the words "bond approval, yes" and "bond
42 approval, no", and the voter shall signify the voter's desired choice.

43 4. The ballot shall also contain the phrase "the issuance of these
44 bonds will result in an annual levy of property taxes sufficient to pay the
45 debt on the bonds".

1 5. At least eighty-five days before the election, the school district
2 shall submit proposed ballot language to the director of the Arizona
3 legislative council. The director of the Arizona legislative council shall
4 review the proposed ballot language to determine whether the proposed ballot
5 language complies with this section. If the director of the Arizona
6 legislative council determines that the proposed ballot language does not
7 comply with this section, the director, within ten calendar days of the
8 receipt of the proposed ballot language, shall notify the school district of
9 the director's objections and the school district shall resubmit revised
10 ballot language to the director for approval.

11 6. No later than ~~ten~~ THIRTY-FIVE days before a class B bond election
12 conducted pursuant to this section, the school district shall mail A
13 PUBLICITY PAMPHLET to each HOUSEHOLD THAT CONTAINS A qualified elector in the
14 school district ~~a publicity pamphlet~~. The publicity pamphlet shall contain,
15 at a minimum, the following information:

16 (a) An executive summary of the school district's most recent capital
17 plan submitted to the school facilities board.

18 (b) A complete list of each proposed capital improvement that will be
19 funded with the proceeds of the bonds and a description of the proposed cost
20 of each improvement, including a separate aggregation of capital improvements
21 for administrative purposes as defined by the school facilities board.

22 (c) The tax rate associated with each of the proposed capital
23 improvements and the estimated cost of each capital improvement for the owner
24 of a single family home that is valued at one hundred thousand dollars.

25 I. For any election conducted to decide whether impact aid revenue
26 bonds shall be issued pursuant to this section:

27 1. The ballot shall include the following statement:

28 The capital improvements that are proposed to be funded
29 through this bond issuance are to exceed the state standards and
30 are in addition to monies provided by the state.

31 _____ school district is proposing to issue impact
32 aid revenue bonds totaling \$_____ to fund capital
33 improvements over and above those funded by the state. Under
34 the students first capital funding system, _____ school
35 district is entitled to state monies for building renewal, new
36 construction and renovation of school buildings in accordance
37 with state law.

38 2. The ballot shall contain the words "bond approval, yes" and "bond
39 approval, no", and the voter shall signify the voter's desired choice.

40 3. At least eighty-five days before the election, the school district
41 shall submit proposed ballot language to the director of the legislative
42 council. The director of the legislative council shall review the proposed
43 ballot language to determine whether the proposed ballot language complies
44 with this section. If the director of the legislative council determines
45 that the proposed ballot language does not comply with this section, the

1 director, within ten calendar days of the receipt of the proposed ballot
2 language, shall notify the school district of the director's objections and
3 the school district shall resubmit revised ballot language to the director
4 for approval.

5 4. No later than ~~ten~~ THIRTY-FIVE days before an impact aid revenue
6 bond election conducted pursuant to this section, the school district shall
7 mail A PUBLICITY PAMPHLET to each HOUSEHOLD THAT CONTAINS A qualified elector
8 in the school district ~~a publicity pamphlet~~. The publicity pamphlet shall
9 contain, at a minimum, the following information:

10 (a) THE DATE OF THE ELECTION.

11 (b) THE VOTER'S POLLING PLACE AND THE TIMES IT IS OPEN.

12 ~~(a)~~ (c) An executive summary of the school district's most recent
13 capital plan submitted to the school facilities board.

14 ~~(b)~~ (d) A complete list of each proposed capital improvement that
15 will be funded with the proceeds of the bonds and a description of the
16 proposed cost of each improvement, including a separate aggregation of
17 capital improvements for administrative purposes as defined by the school
18 facilities board.

19 ~~(e)~~ (e) A statement that impact aid revenue bonds will be fully
20 funded by aid that the school district receives from the federal government
21 and do not require a levy of taxes in the district.

22 ~~(d)~~ (f) A statement that if the bonds are approved the first priority
23 for the impact aid will be to pay the debt service for the bonds and that
24 other uses of the monies are prohibited until the debt service obligation is
25 met.

26 ~~(e)~~ (g) A statement that if the impact aid revenue bonds are
27 approved, the school district shall not issue or sell class B bonds while the
28 district has existing indebtedness from impact aid revenue bonds, except for
29 bonds issued to refund any bonds issued by the board.

30 J. If the voters approve the issuance of school district class B bonds
31 or impact aid revenue bonds, the school district shall not use the bond
32 proceeds for any purposes other than the proposed capital improvements listed
33 in the publicity pamphlet, except that up to ten per cent of the bond
34 proceeds may be used for general capital expenses, including cost overruns of
35 proposed capital improvements.

36 K. Each school district that issues bonds under this section is
37 required to hold a public meeting each year between September 1 and October
38 31, until the bond proceeds are spent, at which an update of the progress of
39 capital improvements financed through bonding is discussed and at which the
40 public is permitted an opportunity to comment. At a minimum, the update
41 shall include a comparison of the current status and the original projections
42 on the construction of capital improvements, the costs of capital
43 improvements and the costs of capital improvements in progress or completed
44 since the prior meeting and the future capital bonding plans of the school
45 district. The school district shall include in the public meeting a

1 discussion of the school district's use of state capital aid and
2 voter-approved capital overrides in funding capital improvements, if any.

3 Sec. 4. Section 16-134, Arizona Revised Statutes, is amended to read:

4 16-134. Return of registrations made outside office of county
5 recorder; incomplete or illegible forms

6 A. A county recorder shall authorize persons to accept registration
7 forms, shall designate places for receipt of registration forms and shall
8 designate additional locations for distribution of voter registration forms.
9 Public assistance agencies and disabilities agencies as defined in section
10 16-140 shall return or mail completed voter registrations to the county
11 recorder of the county in which the applicant resides within five days after
12 receipt of those registrations.

13 B. If the information on the registration form is incomplete or
14 illegible and the county recorder is not able to process the registration
15 form, the county recorder shall notify the applicant within ten business days
16 of receipt of the registration form, shall specify the missing or illegible
17 information and, if the missing or illegible information includes any of the
18 information prescribed by section 16-121.01, subsection A, shall state that
19 the registration cannot be completed until the information is supplied. **IF**
20 **THE MISSING OR ILLEGIBLE INFORMATION IS SUPPLIED BEFORE 7:00 P.M. ON ELECTION**
21 **DAY, THAT PERSON IS DEEMED TO HAVE BEEN REGISTERED ON THE DATE THE**
22 **REGISTRATION WAS FIRST RECEIVED.**

23 C. In the case of registration by mail, a voter registration is valid
24 for an election if it complies with either of the following:

25 1. The form is postmarked twenty-nine days or more before an election
26 and is received by the county recorder by 7:00 p.m. on the day of that
27 election.

28 2. The registration is dated twenty-nine days or more before an
29 election and is received by the county recorder **BY FIRST CLASS MAIL** within
30 five days after the last day to register to vote in that election.

31 D. The date of registration entered for registration forms that are
32 received by the county recorder from persons, groups or agencies that are not
33 authorized to accept registrations pursuant to subsection A of this section
34 and that do not bear a legible postmark date or an otherwise reliable date
35 shall be the date that those forms are received by the county recorder.

36 Sec. 5. Section 16-204, Arizona Revised Statutes, is amended to read:

37 16-204. Declaration of statewide concern; consolidated election
38 dates

39 A. While the legislature recognizes that the method of conducting
40 elections by political subdivisions, including charter counties and cities,
41 may be a matter of local concern, the legislature finds and determines that
42 for the purposes of increasing voter participation and for decreasing the
43 costs to the taxpayers it is a matter of statewide concern that all elections
44 in this state be conducted on a limited number of days and, therefore, the

1 legislature finds and declares that the holding of all elections on certain
2 specific consolidated days is a matter of statewide concern.

3 B. Notwithstanding any other law or any charter or ordinance of any
4 county, city or town to the contrary, an election held for or on behalf of a
5 county, city or town, a school district, a community college district or
6 special districts organized pursuant to title 48, chapters 5, 6, 8, 10, 13
7 through 16 and 33 may only be held on the following dates:

8 1. FOR ELECTIONS OTHER THAN ELECTIONS FOR CANDIDATES, EXCEPT RECALL
9 ELECTIONS AND SPECIAL ELECTIONS TO FILL VACANCIES, IN A CITY OR TOWN WITH A
10 POPULATION OF ONE HUNDRED SEVENTY-FIVE THOUSAND OR MORE PERSONS:

11 ~~1-~~ (a) The second Tuesday in March.

12 ~~2-~~ (b) The third Tuesday in May.

13 ~~3-~~ (c) The eighth Tuesday before the first Tuesday after the first
14 Monday in November.

15 ~~4-~~ (d) The first Tuesday after the first Monday in November.

16 2. FOR ELECTIONS FOR CANDIDATES IN A CITY OR TOWN WITH A POPULATION OF
17 ONE HUNDRED SEVENTY-FIVE THOUSAND OR MORE PERSONS:

18 (a) THE EIGHTH TUESDAY BEFORE THE FIRST TUESDAY AFTER THE FIRST MONDAY
19 IN NOVEMBER.

20 (b) THE FIRST TUESDAY AFTER THE FIRST MONDAY IN NOVEMBER.

21 C. This section does not apply to an election regarding a county or
22 city charter committee or county or city charter proposal that is conducted
23 pursuant to article XIII, section 2 or 3 or article XII, section 5,
24 Constitution of Arizona.

25 Sec. 6. Section 16-228, Arizona Revised Statutes, is amended to read:

26 16-228. Notice of election for nonpartisan elections

27 A. The governing body shall publish a notice of election at least
28 twice in a newspaper of general circulation in the election district in which
29 a nonpartisan election is being held not less than one week apart during the
30 six calendar weeks preceding twenty days before the election. This notice
31 shall contain at least:

32 1. The date of the election.

33 2. The location of the polls.

34 3. The hours the polls will be open.

35 4. The purpose of the election.

36 5. The election district conducting the election.

37 B. In lieu of publishing the notice described in subsection A, the
38 governing body may, and for a nonresident qualified elector of any special
39 district shall, mail a notice of election to each household containing a
40 qualified elector of the district. Such notice shall contain the same
41 information described in subsection A ~~and be mailed not later than ten days~~
42 ~~before the election~~, PARAGRAPHS 1, 4 AND 5 AND THE POLLING PLACE FOR THAT
43 HOUSEHOLD'S QUALIFIED ELECTORS AND THE TIMES IT IS OPEN. MAILINGS MAY BE
44 MADE OVER A PERIOD OF DAYS BUT SHALL BE MAILED IN ORDER TO BE DELIVERED TO

1 HOUSEHOLDS BEFORE THE EARLIEST DATE OF MAILING TO REGISTERED VOTERS OF ANY
2 REQUESTED EARLY BALLOTS FOR THAT ELECTION.

3 C. In mail ballot elections, the governing body shall publish a notice
4 of election at least twice in a newspaper of general circulation in the
5 special district in which the election is being held once a week during each
6 of the two weeks immediately preceding the thirty days before the
7 election. This notice shall contain at least:

- 8 1. The date of the election.
- 9 2. The date ballots will be mailed.
- 10 3. The deadline and location for return of the ballots.
- 11 4. The method for obtaining a replacement if a ballot is destroyed,
12 lost, spoiled or not received.
- 13 5. A statement that no polling place will be provided.
- 14 6. The name of the district that is conducting the election.
- 15 7. The qualifications of electors.

16 D. In lieu of publishing the notice described in subsection C, the
17 governing body may, and for a nonresident qualified elector of any special
18 district shall, mail a notice of election to each household containing a
19 qualified elector of the district. The notice shall contain the same
20 information described in subsection C and shall be mailed not later than
21 forty-five days before the election.

22 Sec. 7. Section 16-312, Arizona Revised Statutes, is amended to read:

23 16-312. Filing of nomination papers for write-in candidates

24 A. EXCEPT FOR AN ELECTION THAT HAS BEEN CANCELED, any person desiring
25 to become a write-in candidate for an elective office in any election shall
26 file a nomination paper, signed by the candidate, giving the person's actual
27 residence address or description of place of residence and post office
28 address, age, length of residence in the state and date of birth.

29 B. A write-in candidate shall file the nomination paper no later than
30 5:00 p.m. on the fortieth day prior to the election, except that a candidate
31 running as a write-in candidate as provided in section 16-343, subsection D,
32 shall file the nomination paper no later than 5:00 p.m. on the fifth day
33 before the election. The write-in filing procedure shall be in the same
34 manner as prescribed in section 16-311. Any person who does not file a
35 timely nomination paper shall not be counted in the tally of ballots. The
36 filing officer shall not accept the nomination paper of a candidate for state
37 or local office unless the candidate provides or has provided both of the
38 following:

- 39 1. A political committee statement of organization or the five hundred
40 dollar threshold exemption statement for that office.
- 41 2. The financial disclosure statement as prescribed for candidates for
42 that office.

43 C. The secretary of state shall notify the various boards of
44 supervisors as to write-in candidates filing with the secretary of state's
45 office. The county school superintendent shall notify the appropriate board

1 of supervisors as to write-in candidates filing with the superintendent's
2 office. The board of supervisors shall notify the appropriate election board
3 inspector of all candidates who have properly filed such statements. In the
4 case of a city or town election, the city or town clerk shall notify the
5 appropriate election board inspector of candidates properly filed. No other
6 write-ins shall be counted. The election board inspector shall post the
7 notice of official write-in candidates in a conspicuous location within the
8 polling place.

9 D. Except as provided in section 16-343, subsection E, a candidate may
10 not file pursuant to this section if any of the following applies:

11 1. For a candidate in the general election, the candidate ran in the
12 immediately preceding primary election and failed to be nominated to the
13 office sought in the current election.

14 2. For a candidate in the general election, the candidate filed a
15 nomination petition for the immediately preceding primary election for the
16 office sought and failed to provide a sufficient number of valid petition
17 signatures as prescribed by section 16-322.

18 3. For a candidate in the primary election, the candidate filed a
19 nomination petition for the current primary election for the office sought
20 and failed to provide a sufficient number of valid petition signatures as
21 prescribed by section 16-322.

22 4. For a candidate in the general election, the candidate filed a
23 nomination petition for nomination other than by primary for the office
24 sought and failed to provide a sufficient number of valid petition signatures
25 as prescribed by section 16-341.

26 E. A person who files a nomination paper pursuant to this section for
27 the office of president of the United States shall designate in writing to
28 the secretary of state at the time of filing the name of the candidate's
29 vice-presidential running mate, the names of presidential electors who will
30 represent that candidate and a statement signed by the vice-presidential
31 running mate and designated presidential electors that indicates their
32 consent to be designated. A nomination paper for each presidential elector
33 designated shall be filed with the candidate's nomination paper. The number
34 of presidential electors shall equal the number of United States senators and
35 representatives in Congress from this state.

36 Sec. 8. Section 16-411, Arizona Revised Statutes, is amended to read:

37 16-411. Designation of election precincts and polling places;
38 electioneering

39 A. The board of supervisors of each county ~~shall~~, on or before
40 December 1 of each year preceding the year of a general election, by an
41 order, **SHALL** establish a convenient number of election precincts in the
42 county and define the boundaries ~~thereof~~ **OF THE PRECINCTS**. Such election
43 precinct boundaries shall be so established as included within election
44 districts prescribed by law for elected officers of the state and its

1 political subdivisions including community college district precincts, except
2 those elected officers provided for in titles 30 and 48.

3 B. Not less than twenty days before a general or primary election, and
4 at least ten days before a special election, the board shall designate one
5 polling place within each precinct where the election shall be held. Upon a
6 specific finding of the board, included in the order or resolution
7 designating polling places pursuant to this subsection, that no suitable
8 polling place is available within a precinct, a polling place for such
9 precinct may be designated within an adjacent precinct. Adjacent precincts
10 may be combined if boundaries so established are included in election
11 districts prescribed by law for state elected officials and political
12 subdivisions including community college districts but not including elected
13 officials prescribed by titles 30 and 48. The officer in charge of elections
14 may also split a precinct for administrative purposes. Any such polling
15 places shall be listed in separate sections of the order or resolution.

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

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

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

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

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

39 E. Except as provided in subsection F **OF THIS SECTION**, a public school
40 shall provide sufficient space for use as a polling place for any city,
41 county or state election when requested by the officer in charge of
42 elections.

43 F. The principal of the school may deny a request to provide space for
44 use as a polling place for any city, county or state election if, within two
45 weeks after a request has been made, he provides a written statement

1 indicating a reason the election cannot be held in the school, including any
2 of the following:

3 1. Space is not available at the school.

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

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

9 H. Except in the case of an emergency, any facility that is used as a
10 polling place on election day shall allow ~~electioneering~~ PERSONS TO
11 ELECTIONEER and ENGAGE IN other political activity outside of the
12 seventy-five foot limit prescribed by section 16-515 in public areas and
13 parking lots used by voters. THIS SUBSECTION SHALL NOT BE CONSTRUED TO
14 PERMIT THE TEMPORARY OR PERMANENT CONSTRUCTION OF STRUCTURES IN PUBLIC AREAS
15 AND PARKING LOTS OR THE BLOCKING OR OTHER IMPAIRMENT OF ACCESS TO PARKING
16 SPACES FOR VOTERS.

17 Sec. 9. Section 16-515, Arizona Revised Statutes, is amended to read:
18 16-515. "Seventy-five foot limit" notices; posting; violation;
19 classification

20 A. EXCEPT AS PRESCRIBED IN THIS SECTION AND SECTION 16-580, A PERSON
21 SHALL NOT BE ALLOWED TO REMAIN INSIDE THE SEVENTY-FIVE FOOT LIMIT WHILE THE
22 POLLS ARE OPEN, EXCEPT FOR THE PURPOSE OF VOTING, AND EXCEPT THE ELECTION
23 OFFICIALS, ONE REPRESENTATIVE AT ANY ONE TIME OF EACH POLITICAL PARTY
24 REPRESENTED ON THE BALLOT WHO HAS BEEN APPOINTED BY THE COUNTY CHAIRMAN OF
25 THAT POLITICAL PARTY AND THE CHALLENGERS ALLOWED BY LAW, AND NO POLITICAL OR
26 ELECTIONEERING MATERIALS MAY BE DISPLAYED WITHIN THE SEVENTY-FIVE FOOT LIMIT.
27 VOTERS HAVING CAST THEIR BALLOTS SHALL PROMPTLY MOVE OUTSIDE THE SEVENTY-FIVE
28 FOOT LIMIT.

29 ~~A-~~ B. The board of supervisors shall furnish, with the ballots for
30 each polling place, three notices, printed in letters not less than two
31 inches high, ~~reading~~ WITH THE HEADING: "Seventy-five foot limit" and
32 underneath that heading the following:

33 No person shall be allowed to remain inside these limits while
34 the polls are open, except for the purpose of voting, and except
35 the election officials, one representative at any one time of
36 each political party represented on the ballot who has been
37 appointed by the county chairman of such political party, and
38 the challengers allowed by law. Voters having cast their
39 ballots shall at once retire without the seventy-five foot
40 limit. A person violating any provision of this notice is
41 guilty of a class 2 misdemeanor.

42 ~~B-~~ C. A minor voting in a simulated election at a polling place is
43 subject to the same seventy-five foot limit restrictions prescribed for a
44 voter. Persons supervising or working in a simulated election in which
45 minors vote may remain within the seventy-five foot limit of the polling

1 place. The inspector for the polling place shall exercise authority over all
2 election and simulated election related activities at the polling place.

3 ~~E.~~ D. For an election that is held by an Indian tribe and that is
4 held at a polling place at the same time and on the same date as any other
5 election, the following apply:

6 1. A person who is voting is subject to the same seventy-five foot
7 limit restrictions prescribed for other voters.

8 2. An election official for the tribal election may remain within the
9 seventy-five foot limit for the polling place.

10 ~~D.~~ E. With the permission of the voter, a minor may enter and remain
11 within the seventy-five foot limit in order to accompany a voter into a
12 polling place, an on-site early voting facility and a voting booth while the
13 voter is voting.

14 ~~E.~~ F. Any person violating ~~any provision of the seventy-five foot~~
15 ~~limit notice~~ THIS SECTION is guilty of a class 2 misdemeanor.

16 Sec. 10. Section 16-564, Arizona Revised Statutes, is amended to read:

17 16-564. Opening, exhibiting and locking ballot box before
18 receipt of ballots; removal and opening of box

19 A. Before receiving any ballots the election board ~~shall~~, in the
20 presence of the persons assembled at the polling place, SHALL open, exhibit
21 and lock the ballot box, and thereafter it shall not be removed from the
22 polling place or presence of the bystanders until all ballots are counted,
23 nor opened until after the polls are finally closed, EXCEPT IN THE CASE OF AN
24 EMERGENCY THAT RENDERS THE POLLING PLACE UNUSABLE TO THE POINT WHERE IT CAN
25 NO LONGER FUNCTION AS A POLLING PLACE BECAUSE LAW ENFORCEMENT OR OTHER
26 EMERGENCY PERSONNEL HAVE ORDERED THAT THE POLLING PLACE BE EVACUATED OR AS
27 DETERMINED BY THE OFFICER IN CHARGE OF ELECTIONS TO ALLOW VOTING TO CONTINUE
28 WHILE AWAITING AN EVACUATION ORDER FROM LAW ENFORCEMENT OR OTHER EMERGENCY
29 PERSONNEL.

30 B. IF A LOCKED BALLOT BOX MUST BE MOVED FROM A POLLING PLACE DUE TO AN
31 EMERGENCY, AT LEAST TWO MEMBERS OF THE ELECTION BOARD FROM THAT POLLING PLACE
32 WHO ARE NOT MEMBERS OF THE SAME POLITICAL PARTY SHALL ACCOMPANY THE LOCKED
33 BALLOT BOX TO A NEW POLLING PLACE DESIGNATED BY THE OFFICER IN CHARGE OF
34 ELECTIONS, SUBJECT TO THE FOLLOWING:

35 1. IF PRACTICABLE AND AVAILABLE, A LAW ENFORCEMENT OFFICER SHALL AID
36 IN THE TRANSFER OF THE LOCKED BALLOT BOX.

37 2. IF TWO MEMBERS OF THE ELECTION BOARD FROM THAT POLLING PLACE ARE
38 NOT AVAILABLE, ONE MEMBER OF THE ELECTION BOARD AND ONE LAW ENFORCEMENT
39 OFFICER MAY ACCOMPANY THE LOCKED BALLOT BOX TO THE NEW POLLING PLACE.

40 C. IF A BALLOT BOX WAS MOVED DUE TO AN EMERGENCY, TWO ADDITIONAL BOARD
41 MEMBERS SHALL VERIFY WHETHER THE LOCKED BALLOT BOX ARRIVED AT THE NEW POLLING
42 PLACE LOCATION AND THAT IT WAS NOT OPENED OR DAMAGED.

43 D. ALL ELECTION BOARD MEMBERS WHO ACCOMPANIED THE LOCKED BALLOT BOX TO
44 THE NEW LOCATION AND THE ONE OR TWO ELECTION BOARD MEMBERS WHO VERIFIED THE
45 BALLOT BOX'S ARRIVAL SHALL FILE A REPORT WITH THE OFFICER IN CHARGE OF

1 ELECTIONS THAT DESCRIBES THE ACTIONS TAKEN BY THE ELECTION BOARD MEMBERS.
2 THIS REPORT SHALL BE FILED ON THE DAY OF THE EMERGENCY.

3 E. ON THE DAY THAT AN EMERGENCY OCCURS AS PRESCRIBED IN SUBSECTION A,
4 ALL ELECTION BOARD MEMBERS, INCLUDING THOSE WHO AIDED IN THE TRANSFER AND
5 VERIFICATION OF THE LOCKED BALLOT BOX, SHALL INDICATE ON THE OFFICIAL
6 DOCUMENTS CONTAINING THEIR OATH WHETHER THEY WITNESSED THE TRANSFER OF THE
7 BALLOT BOX AND WHETHER THE BALLOT BOX REMAINED LOCKED.

8 F. IF DURING THE COURSE OF AN ELECTION DAY THE BALLOT BOX CAN NO
9 LONGER ACCOMMODATE ADDITIONAL BALLOTS, THE BOARD MEMBERS MAY REMOVE A
10 SUFFICIENT NUMBER OF BALLOTS FROM THE BALLOT BOX AND SHALL PLACE THE REMOVED
11 BALLOTS INTO THE CASE THAT WILL BE USED FOR THE TRANSFER OF THE BALLOTS TO
12 THE OFFICER IN CHARGE OF ELECTIONS. THE INSPECTOR AND BOTH JUDGES SHALL
13 OVERSEE THE TRANSFER AND THE FOLLOWING SHALL APPLY:

14 1. AN IMMEDIATE COUNT OF THE NUMBER OF BALLOTS REMOVED SHALL BE MADE
15 BY THE ELECTION BOARD MEMBERS AND A SHEET INDICATING THE COUNT AND SIGNED BY
16 THE BOARD MEMBERS SUPERVISING THE COUNT SHALL BE PLACED IN THE TRANSFER CASE
17 WITH THE REMOVED BALLOTS AND SHALL BE KEPT SEALED FOR THE REMAINDER OF THE
18 ELECTION DAY.

19 2. ONCE THE REMOVED BALLOTS ARE SEALED IN THE TRANSFER CASE, THE
20 ORIGINAL BALLOT BOX SHALL BE RELOCKED AND VOTING MAY CONTINUE.

21 3. AT THE CLOSE OF THE POLLS, THE REMOVED BALLOTS AND THE BALLOTS IN
22 THE LOCKED BALLOT BOX SHALL BE MOVED TOGETHER TO THE TABULATING PLACE
23 DESIGNATED BY THE OFFICER IN CHARGE OF ELECTIONS.

24 G. AT THE CLOSE OF THE POLLS, IF A BALLOT BOX HAS BEEN TRANSFERRED TO
25 A NEW POLLING PLACE OR A BALLOT BOX HAS BEEN OPENED, A REPORT DETAILING THOSE
26 EVENTS AND OTHER PERTINENT INFORMATION SHALL BE MADE BY THE OFFICER IN CHARGE
27 OF ELECTIONS TO THE CHAIRPERSONS OF ALL RECOGNIZED POLITICAL PARTIES IN THAT
28 COUNTY.

29 Sec. 11. Section 16-580, Arizona Revised Statutes, is amended to read:
30 16-580. Manner of voting; assistance for certain electors

31 A. Except as prescribed by subsection G of this section, only one
32 person per voting booth shall be permitted at any one time to sign for the
33 receipt of a ballot and to wait for an opportunity to vote.

34 B. On receiving a ballot the voter shall promptly and without leaving
35 the voting area retire alone, except as provided in subsection G of this
36 section, to one of the voting booths that is not occupied, prepare the ballot
37 in secret and vote in the manner and substantial form as required by the
38 instruction to voters.

39 C. In order that the rights of other voters shall not be interfered
40 with, a voter shall not be allowed to occupy a voting booth for more than
41 five minutes when other voters are waiting to occupy the booth. If the voter
42 refuses to leave after the lapse of five minutes the voter may be removed by
43 the judges. If a voter has not completed a ballot after the allotted five
44 minutes, the voter may request the marshal to hold the ballot and when

1 another booth is empty and all voters present have had an opportunity to vote
2 the removed person may be allowed an additional five minutes in the booth.

3 D. Before leaving the voting booth the voter shall fold the ballot
4 lengthwise and crosswise, or place the voter's card in the ballot envelope,
5 but in such a way that the contents of the ballot shall be concealed and the
6 stub, if any, can be removed without exposing the contents of the ballot and
7 shall keep the ballot folded until the voter has delivered it to the
8 inspector, or judge acting as such.

9 E. The election board official shall receive the ballot from the voter
10 and in the presence of the election board and if the ballot includes a stub,
11 remove the stub without opening the ballot, deposit the ballot in the ballot
12 box, or if the voter so requests, hand the ballot to the voter and permit the
13 voter to deposit the ballot in the ballot box, and string the stub, if any,
14 upon a string provided. If the ballot is of the type that includes a stub
15 and the stub has been removed from the ballot prior to receipt by the
16 election official, it shall not be deposited in the ballot box, but it shall
17 be marked "spoiled" and placed with the spoiled ballots.

18 F. After delivery of the ballot to the election board official, or if
19 the voter has asked to deposit the ballot in the ballot box, after the ballot
20 is deposited, the voter shall then proceed outside the voting area and shall
21 not again enter the voting area unless the voter is an authorized election
22 official.

23 G. Any registered voter may, at the voter's option, be accompanied by
24 a minor who is permitted in the voting booth pursuant to section 16-515,
25 subsection ~~D~~ E, be accompanied and assisted by a person of the voter's own
26 choice or be assisted by two election officials, one from each major
27 political party, during any process relating to voting or during the actual
28 process of voting on a paper ballot, machine or electronic voting system. A
29 person who is a candidate for an office in that election other than the
30 office of precinct committeeman is not eligible to assist any voter.

31 Sec. 12. Section 16-624, Arizona Revised Statutes, is amended to read:
32 16-624. Disposition of official returns and ballots

33 A. ~~Upon receipt of the packages and envelopes containing the returns~~
34 ~~and the voted ballots~~ AFTER THE CANVASS HAS BEEN COMPLETED, the officer in
35 charge of elections shall deposit the package or envelope containing the
36 ballots in ~~the safe of~~ A SECURE FACILITY MANAGED BY the county treasurer, who
37 shall keep it unopened and unaltered for twenty-four months for elections for
38 a federal office or for six months for all other elections, at which time
39 he shall destroy it without opening or examining the contents.

40 B. Irregular ballots shall be preserved for six months after the
41 election and the packages containing them may be opened and the contents
42 examined only upon an order of court. At the expiration of such time, the
43 ballots may be disposed of in the discretion of the officer or board having
44 charge of them.

1 C. The officer in charge of elections shall produce the other packages
2 or envelopes before the board of supervisors when it is in session for the
3 purpose of canvassing the returns.

4 D. If a recount is ordered or a contest begun within six months, the
5 county treasurer may be ordered by the court to deliver to it the packages or
6 envelopes containing the ballots, and thereupon they shall be in the custody
7 and control of the court.

8 Sec. 13. Section 16-801, Arizona Revised Statutes, is amended to read:
9 16-801. Representation of new party on ballot at primary and
10 general elections

11 A new political party may become eligible for recognition and shall be
12 represented by an official party ballot at the next ensuing regular primary
13 election and accorded a column on the official ballot at the succeeding
14 general election upon filing with the secretary of state a petition signed by
15 a number of qualified electors equal to not less than one and one-third per
16 cent of the total votes cast for governor ~~or presidential electors~~ at the
17 last preceding general election **AT WHICH A GOVERNOR WAS ELECTED**. The
18 petition shall:

19 1. Bear the certification of the county recorder of each county that
20 the signatures on the petition have been examined and that these are
21 signatures of qualified electors of the county.

22 2. Be verified by the affidavit of ten qualified electors of the
23 state, asking that the signers thereof be recognized as a new political
24 party. The status as qualified electors of the signers of the affidavit
25 shall be certified by the county recorder of the county in which they reside.

26 3. Be in substantially the form prescribed by section 16-315.

27 4. Be captioned "Petition for political party recognition".

28 Sec. 14. Section 35-454, Arizona Revised Statutes, is amended
29 effective from and after June 30, 2006, to read:

30 35-454. Informational pamphlet for election; review; election;
31 return; canvass of vote; certificate of election

32 A. The governing body or board of the political subdivision shall:

33 1. Not less than ~~ten THIRTY-FIVE~~ days ~~and not more than fifty days~~
34 before the bond election mail a copy of an informational pamphlet to ~~the~~
35 ~~residence of each~~ **EVERY HOUSEHOLD WITHIN THE POLITICAL SUBDIVISION THAT**
36 **CONTAINS A** registered voter ~~within the political subdivision~~. The pamphlet
37 shall contain information on the:

38 (a) Amount of the bond authorization.

39 (b) Maximum interest rate of the bonds.

40 (c) Estimated debt retirement schedule for the current amount of bonds
41 outstanding, showing both principal and interest payments, the current
42 secondary assessed valuation as reported by the department of revenue or the
43 county assessor and the current adopted and estimated tax rates. In this
44 paragraph, "secondary assessed valuation" may include the values used to

1 determine voluntary contributions collected pursuant to title 9, chapter 4,
2 article 3 and title 48, chapter 1, article 8.

3 (d) Estimated debt retirement schedule for the proposed bond
4 authorization, showing both the estimated principal and interest payments and
5 the estimated average annual tax rate for the proposed bond authorization. In
6 preparing this information and the information prescribed by subdivision (c),
7 the projected total annual increase in secondary assessed valuation for any
8 future year shall not exceed:

9 (i) For the first five years of the estimated debt retirement
10 schedule, the average of the annual percentage growth for the previous ten
11 years in the secondary assessed valuation of the political subdivision.

12 (ii) For the remaining years of the estimated debt retirement
13 schedule, twenty per cent of the average of the annual percentage growth for
14 the previous ten years in the secondary assessed valuation of the political
15 subdivision.

16 (e) Source of repayment.

17 (f) Estimated issuance costs.

18 (g) Estimated tax impact on the owner-occupied residential property,
19 agricultural property and commercial and industrial property for the current
20 year in the political subdivision. The tax impact shall be shown for
21 property with a full cash value of one hundred thousand dollars and for
22 property with an average assessed valuation for that class, as determined by
23 the governing body or board. The tax impact shall show the projected average
24 annual cost of the proposed bond authorization, including principal and
25 interest, over the life of the proposed bond authorization. The information
26 on estimated tax impact shall be set forth in substantially the following
27 form:

28 Estimated average annual tax rate per \$100 of secondary assessed
29 valuation: \$_____

30 [The following table for each specified class of property]

		_____ property	
		(assessed at _____%)	
<u>Assessor's full</u>	<u>Secondary assessed</u>	<u>Estimated annual cost</u>	
<u>cash value</u>	<u>value</u>		
_____	_____ (*)	\$ _____	
\$100,000	_____	\$ _____	
(Other values	_____	\$ _____	
may be included)	_____		

39 (*) Estimated average value

40 (h) In bold faced type, estimated total cost of the proposed bond
41 authorization, including principal and interest.

42 (i) Current outstanding general obligation debt and constitutional
43 debt limitation.

44 (j) Purpose for which the bonds are to be issued.

45 (k) Polling location for the addressee.

1 (l) Hours during the day when the polls will be open.

2 (m) Arguments for and against the authorization of one or more of the
3 bond propositions.

4 2. Submit a copy of the informational pamphlet to the department of
5 revenue within thirty days after the bond election. The department of
6 revenue shall maintain copies of the pamphlets.

7 B. The failure of any one or more electors to receive the
8 informational pamphlet shall not be grounds to invalidate the election. The
9 election shall conform with the general election laws of the state. The
10 return of the election held in a county shall be made to the board of
11 supervisors and, in any other case, to the governing body or board of the
12 municipal corporation or district within twelve days after the election.

13 C. For any proposed general obligation bond authorization where the
14 principal and interest will be paid by a levy of property taxes, the ballot
15 shall contain the phrase "the issuance of these bonds will result in an
16 annual levy of property taxes sufficient to pay the debt on the bonds".

17 D. If the governing body intends to use revenues other than property
18 taxes to pay the debt on proposed general obligation bonds, the ballot shall
19 contain the phrase "the issuance of these bonds will result in an annual levy
20 of property taxes sufficient to pay the debt on the bonds, unless the
21 governing body provides for payment from other sources".

22 E. The board of supervisors, governing body or governing board shall
23 hold a special meeting within twenty days after the election to canvass the
24 votes cast and certify the result. The certificate of the result shall be
25 prima facie evidence of full performance of all conditions and requirements
26 precedent to holding the election.

27 F. The governing board or body shall file and record in the office of
28 the county recorder a certificate disclosing the purpose of the election, the
29 total number of votes cast and the total number of votes for and against
30 creating the indebtedness, and stating whether or not the indebtedness is
31 ordered. Upon filing and recording the certificate, the governing board or
32 body shall carry out the purpose of the election.

33 G. Variations between the estimates required by subsection A and the
34 actual debt retirement schedules, issuance costs, annual and total costs and
35 tax rates shall not invalidate either the election or the bonds.

36 Sec. 15. Section 48-144, Arizona Revised Statutes, is amended
37 effective from and after June 30, 2006, to read:

38 48-144. Resolution calling bond election; publication

39 A. The board of directors shall adopt a resolution calling an election
40 upon the question of the issuance of the bonds. The resolution shall state
41 in substance:

- 42 1. The maximum amount of bonds to be issued.
- 43 2. The purpose for which the bonds are to be issued.
- 44 3. The maximum rate of interest which the bonds are to bear.

1 (c) An estimate of the change in the property tax liability, as a
2 result of the proposed district, of a typical resident of the proposed
3 district.

4 (d) A list and explanation of benefits that will result from the
5 proposed district.

6 (e) A list and explanation of the injuries that will result from the
7 proposed district.

8 (f) The names, addresses and occupations of the proposed members of
9 the district's organizing board of directors.

10 2. On receipt of the district impact statement, the board of
11 supervisors shall set a day, not fewer than thirty nor more than sixty days
12 from that date, for a hearing on the impact statement. The board of
13 supervisors ~~may~~, at any time prior to making a determination pursuant to
14 paragraph 4 of this subsection, **MAY** require that the impact statement be
15 amended to include any information that the board of supervisors deems to be
16 relevant and necessary.

17 3. Upon receipt of the district impact statement, the clerk of the
18 board of supervisors shall mail, by first class mail, written notice of the
19 statement, its purpose and notice of the day, hour and place of the hearing
20 on the proposed district to each owner of taxable property and **TO** each
21 **HOUSEHOLD IN WHICH A** qualified elector **RESIDES** within the boundaries of the
22 proposed district. The clerk of the board of supervisors shall post the
23 notice in at least three conspicuous public places in the area of the
24 proposed district and shall publish twice in a daily newspaper of general
25 circulation in the area of the proposed district, at least ten days before
26 the hearing, or, if no daily newspaper of general circulation exists in the
27 area of the proposed district, then at least twice at any time before the
28 date of the hearing, a notice setting forth the purpose of the impact
29 statement, the description of the area of the proposed district and the day,
30 hour and place of the hearing.

31 4. At the hearing called pursuant to paragraph 2 of this subsection,
32 the board of supervisors shall hear those who appear for and against the
33 proposed district and shall determine whether the creation of the district
34 will promote public health, comfort, convenience, necessity or welfare. If
35 the board of supervisors determines that the public health, comfort,
36 convenience, necessity or welfare will be promoted, it shall approve the
37 district impact statement and authorize the persons proposing the district to
38 circulate petitions as provided in this subsection. The order of the board
39 of supervisors shall be final, but if the request to circulate petitions is
40 denied, a subsequent request for a similar district may be refiled with the
41 board of supervisors after six months from the date of such denial.

42 5. Within fifteen days after receiving the approval of the board of
43 supervisors as prescribed by paragraph 4 of this subsection, the clerk of the
44 board shall determine the minimum number of signatures required for
45 compliance with paragraph 7, subdivision (d) of this subsection. After

1 making that determination, that number of signatures shall remain fixed,
2 notwithstanding any subsequent changes in voter registration records.

3 6. After receiving the approval of the board of supervisors as
4 provided in paragraph 4 of this subsection, the person proposing the district
5 may circulate and present petitions to the board of supervisors of the county
6 in which the district is located. All petitions circulated shall be returned
7 to the board of supervisors within one year from the date of the approval of
8 the board of supervisors pursuant to paragraph 4 of this subsection. Any
9 petition that is returned more than one year from that date is void.

10 7. The petitions presented pursuant to paragraph 6 of this subsection
11 shall comply with the provisions regarding petition form in section 48-265
12 and verification in section 48-266 and shall:

13 (a) At all times, contain a legal description of the boundaries of the
14 proposed district and a detailed, accurate map of the proposed district and
15 the names, addresses and occupations of the proposed members of the
16 district's organizing board of directors. No alteration of the proposed
17 district shall be made after receiving the approval of the board of
18 supervisors as provided in paragraph 4 of this subsection.

19 (b) If a petition of property owners, be signed by more than one-half
20 of the property owners in the area of the proposed district.

21 (c) If a petition of property owners, be signed by persons owning
22 collectively more than one-half of the assessed valuation of the property in
23 the area of the proposed district.

24 (d) If a petition of qualified electors, be signed by more than
25 one-half of the qualified electors within the boundaries of the proposed
26 district.

27 8. On receipt of the petitions, the board of supervisors shall set a
28 day, not fewer than ten nor more than thirty days from that date, for a
29 hearing on the petition.

30 9. Prior to the hearing called pursuant to paragraph 8 of this
31 subsection, the board of supervisors shall determine the validity of the
32 petitions presented.

33 10. At the hearing called pursuant to paragraph 8 of this subsection,
34 the board of supervisors, if the petitions are valid, shall order the
35 creation of the district. The board of supervisors shall enter its order
36 setting forth its determination in the minutes of the meeting, not later than
37 ten days from the day of the hearing, and a copy of the order shall be filed
38 in the county recorder's office. The order of the board of supervisors shall
39 be final, and the proposed district shall be created thirty days after the
40 board of supervisors votes to create the district. A decision of the board
41 of supervisors under this subsection is subject to judicial review under
42 title 12, chapter 7, article 6.

43 B. For the purpose of determining the validity of the petitions
44 presented pursuant to subsection A, paragraph 6 of this section:

1 1. Qualified electors shall be those persons qualified to vote
2 pursuant to title 16.

3 2. For the purposes of fulfilling the requirements of subsection A,
4 paragraph 7, subdivisions (b) and (c) of this section, property held in
5 multiple ownership shall be treated as if it had only one property owner, so
6 that the signature of only one of the owners of property held in multiple
7 ownership is required on the formation petition.

8 3. The value of property shall be determined as follows:

9 (a) In the case of property assessed by the county assessor, values
10 shall be the same as those shown on the last assessment roll of the county
11 containing such property.

12 (b) In the case of property valued by the department of revenue, the
13 values shall be those determined by the department in the manner provided by
14 law, for municipal assessment purposes. The county assessor and the
15 department of revenue, respectively, shall furnish to the board of
16 supervisors, within twenty days after such a request, a statement in writing
17 showing the owner, the address of each owner and the appraisal or assessment
18 value of properties contained within the boundaries of the proposed district
19 as described in subsection A of this section.

20 C. The board of supervisors may require of the person desiring to
21 propose creation of a district pursuant to subsection A, paragraph 1 of this
22 section a reasonable bond to be filed with the board at the start of
23 proceedings under this section. The bond shall be in an amount sufficient to
24 cover costs incurred by the county if the district is not finally organized.
25 County costs covered by the bond include any expense incurred from completion
26 of the district impact statement, mailing of the notice of hearing to
27 district property owners and electors, publication of the notice of hearing
28 and other expenses reasonably incurred as a result of any requirements of
29 this section. The requirements of this subsection do not apply to proposed
30 districts having fewer than one hundred qualified electors.

31 D. If a district is created pursuant to this section, the cost of
32 publication of the notice of hearing, the mailing of notices to electors and
33 property owners and all other costs incurred by the county as a result of the
34 provisions of this section shall be a charge against the district.

35 E. If a proposed district would include property located within an
36 incorporated city or town, in addition to the other requirements of
37 subsection A of this section, the board shall approve the creation and
38 authorize the circulation of petitions only if the governing body of the city
39 or town has by ordinance or resolution endorsed such creation.

40 F. Except as provided in section 48-2001, subsection A, the area of a
41 district created pursuant to this section shall be contiguous.

42 G. A district organized pursuant to this section shall have an
43 organizing board of directors to administer the affairs of the district until
44 a duly constituted board of directors is elected as provided in this
45 title. The organizing board shall have all the powers, duties and

1 responsibilities of an elected board. The organizing board shall consist of
2 the three individuals named in the district impact statement and the
3 petitions presented pursuant to subsection A of this section. If a vacancy
4 occurs on the organizing board, the remaining board members shall fill the
5 vacancy by appointing an interim member. Members of the organizing board
6 shall serve without compensation but may be reimbursed for actual expenses
7 incurred in performing their duties. The organizing board shall elect from
8 its members a chairman and a clerk.

9 H. For the purposes of this section:

10 1. Assessed valuation does not include the assessed valuation of
11 property that is owned by a county.

12 2. Property owner does not include a county.

13 Sec. 17. Section 48-806, Arizona Revised Statutes, is amended
14 effective from and after June 30, 2006, to read:

15 48-806. Bond election; issuance and sale of bonds

16 A. The district board or the elected chief and secretary-treasurer may
17 order an election by the qualified electors of the district to be held
18 pursuant to title 16, chapter 2, article 1 to determine whether bonds shall
19 be issued on behalf of the district. The order shall specify the maximum
20 principal amount of bonds to be issued, the maximum number of years bonds of
21 any issue or series may run from their date not exceeding thirty years, the
22 purpose for which the bonds are to be issued, the maximum rate of interest
23 which the bonds are to bear, the date and hours of the election and the
24 location of the polling places. Copies of the order shall be posted in three
25 public places within the district not less than twenty days prior to the date
26 of the election, and if a newspaper is published within the county having a
27 general circulation within the district, the order shall be published in the
28 newspaper not less than once a week during each of the three calendar weeks
29 preceding the calendar week of the election.

30 B. ~~INSTEAD OF PUBLISHING THE NOTICE DESCRIBED IN SUBSECTION A, THE~~
31 ~~BOARD OF DIRECTORS MAY MAIL A NOTICE OF ELECTION TO EACH HOUSEHOLD CONTAINING~~
32 ~~A QUALIFIED ELECTOR OF THE DISTRICT. THE NOTICE SHALL CONTAIN THE SAME~~
33 ~~INFORMATION DESCRIBED IN SUBSECTION A EXCEPT THAT THE NOTICE SHALL NOT~~
34 ~~CONTAIN THE LOCATION OF ALL THE POLLING PLACES FOR THAT ELECTION. THE NOTICE~~
35 ~~SHALL CONTAIN THE LOCATION OF THE POLLING PLACE FOR THAT HOUSEHOLD'S~~
36 ~~QUALIFIED ELECTORS. THE NOTICE SHALL BE MAILED AT LEAST THIRTY-FIVE DAYS~~
37 ~~BEFORE THE ELECTION.~~

38 ~~B-~~ C. At the election the ballot shall contain the phrases "for the
39 bonds" and "against the bonds". There shall be placed a square or other
40 designated marking space in the same manner as used for candidates on
41 ballots. The voter shall indicate a vote "for the bonds" or "against the
42 bonds". No other question, word or figure need be printed on the
43 ballot. The ballot need not be any particular size, nor need sample ballots
44 be printed, posted or distributed.

1 ~~C.~~ D. If a majority of the qualified electors of the district voting
2 at the election approves the issuance of bonds, the district board or the
3 elected chief and secretary-treasurer, as appropriate, may issue bonds in an
4 aggregate principal amount not exceeding the lesser of five per cent of the
5 value of the taxable property in the district as shown on the last property
6 tax assessment roll before issuing the bonds or the maximum amount specified
7 in the election order.

8 ~~D.~~ E. Bonds may be in such denominations, may be in registered or
9 bearer form either as to principal or interest, or both, may mature at such
10 times not exceeding the maximum maturity specified in the election order and
11 may be subject to redemption prior to maturity, all as specified by the
12 district board or elected chief and secretary-treasurer, as appropriate, as
13 provided in subsection ~~C.~~ D. The district may engage the services of a
14 depository to administer a book entry system for the bonds. The costs and
15 expenses of such depository and any registrar or paying agent for the bonds
16 shall be deemed to be interest expenses that may also be paid from the tax
17 levy made pursuant to subsection ~~G- H of this section.~~

18 ~~E.~~ F. Bonds shall be executed by the manual or facsimile signatures
19 of the chairman and clerk of the district board or elected chief and
20 secretary-treasurer of the district. Coupons attached to the bonds shall
21 bear the facsimile signature of the chairman of the district board or the
22 elected chief of the district, as appropriate.

23 ~~F.~~ G. The district board may sell the bonds at public or private sale
24 or through an on-line bidding process. In addition, the district board may
25 negotiate loan agreements or loan repayment agreements with the greater
26 Arizona development authority in lieu of selling bonds where authority to
27 sell bonds has been granted by the district's voters. The proceeds of sale
28 on the bonds shall be deposited in an account of the fire district fund to be
29 known as the capital fund to be applied for the purpose for which the bonds
30 were issued.

31 ~~G.~~ H. After the bonds are issued, the district board or elected chief
32 and secretary-treasurer, as appropriate, shall enter on ~~its~~ **THE DISTRICT'S**
33 minutes a record of the bonds sold and shall annually determine the amount of
34 the tax levy to pay the bonds and certify such amount to the board of
35 supervisors of the county. The board of supervisors shall annually cause to
36 be levied and collected a tax, at the same time and in the same manner as
37 other taxes are levied and collected upon all taxable property in the
38 district, sufficient to pay principal of and interest on the bonds as they
39 become due and payable. Monies derived from the levy of the tax when
40 collected shall be deposited in the debt service fund and shall be applied
41 only to payment of the principal of and interest on the bonds. On payment of
42 the outstanding bonded indebtedness of the district, any monies remaining in
43 the debt service fund shall be used to reduce the district's property tax
44 levy in the next fiscal year.

1 Sec. 18. Section 48-815, Arizona Revised Statutes, is amended to read:
2 48-815. Dissolution of fire district; disposition of claims and
3 fund balance

4 A. If a petition is filed with the governing body of the fire district
5 containing the signatures of at least ten per cent of the qualified electors
6 of the district, which asks for dissolution of the district, the governing
7 body of the district shall call an election as provided in section 48-802
8 within the district to decide whether the district shall be dissolved. The
9 words appearing upon the ballots shall be "dissolution of _____
10 fire district -- yes", "dissolution of _____ fire district
11 -- no".

12 B. The elected chief or the chairman of the district board shall
13 execute a certificate, attested by the secretary-treasurer or the clerk of
14 the district board, setting forth the results of the election of the district
15 and within five days thereafter file it with the clerk of the board of
16 supervisors. The board of supervisors at its next regular meeting shall make
17 a written order reciting the facts of the certificate and if the district is
18 dissolved list the unpaid valid claims against the district, which shall
19 thereupon be paid by the county treasurer upon warrants drawn from the money
20 available in the fire district fund. The order shall be signed and attested
21 and the original thereof filed in the office of the county recorder, and
22 recorded in the miscellaneous records.

23 C. Upon the recording thereof the fire district shall be abolished,
24 and all money remaining in such fire district fund, after the payment of all
25 valid claims against the district, shall be transferred to the general fund
26 of the county, but if all of the fire district has been included within the
27 corporate limits of a city or town, then, upon disbanding as provided by this
28 section, the equipment, assets and liabilities of the district shall be
29 transferred to such city or town.

30 D. Taxes shall continue to be levied as provided in section 48-806,
31 subsection ~~G~~ H on all the taxable property within the formal boundaries of
32 the district to pay the principal or any interest on outstanding bonds of the
33 district.

34 Sec. 19. Emergency

35 This act is an emergency measure that is necessary to preserve the
36 public peace, health or safety and is operative immediately as provided by
37 law.