

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

SENATE BILL 1366

AN ACT

AMENDING SECTIONS 16-168, 16-244, 16-322, 16-584, 16-646, 16-821, 45-415 AND 45-433, ARIZONA REVISED STATUTES; RELATING TO ELECTIONS AND ELECTORS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 16-168, Arizona Revised Statutes, is amended to
3 read:

4 16-168. Precinct registers; date of preparation; contents; copies;
5 reports; statewide database; violation; classification

6 A. By the tenth day preceding the primary and general elections the
7 county recorder shall prepare from the original registration forms or from
8 electronic media at least four lists that are printed or typed on paper of
9 all qualified electors in each precinct in the county, and the lists shall be
10 the official precinct registers.

11 B. The official precinct registers for use at the polling place shall
12 contain at least the names in full, party preference, date of registration
13 and residence address of each qualified elector in the respective precincts.
14 The names shall be in alphabetical order and, in a column to the left of the
15 names, shall be numbered consecutively beginning with number 1 in each
16 precinct register.

17 C. For the purposes of transmitting voter registration information as
18 prescribed by this subsection, electronic media in counties with a population
19 over five hundred thousand **PERSONS** in the last decennial census shall be the
20 principal media. A county or state chairman who is eligible to receive
21 copies of precinct lists as prescribed by this subsection may request that
22 the recorder provide a paper copy of the precinct lists. The county
23 recorder, in addition to preparing the official precinct lists, shall provide
24 a means for mechanically or electronically reproducing the precinct lists and
25 unless otherwise agreed shall deliver within eight days after the close of
26 registration for the primary and general elections, without charge, on the
27 same day one electronic media copy of each precinct list within the county to
28 the county chairman and one electronic media copy to the state chairman of
29 each party that has at least four candidates other than presidential electors
30 appearing upon the ballot in that county at the current election. The county
31 recorder shall also deliver, upon request and without charge, one electronic
32 media copy of the precinct list to the Arizona legislative council. The
33 county recorder of a county with a population of five hundred thousand or
34 fewer persons, on the same day precinct lists are delivered to county
35 chairmen, shall deliver one electronic media copy of each precinct list
36 within the county to the state chairman of each party that has at least four
37 candidates other than presidential electors appearing on the ballot in this
38 state at the current election. The copies of the precinct lists shall be
39 electronic media ~~which~~ **AND** shall include for each elector the following
40 information:

- 41 1. Name in full and appropriate title.
- 42 2. Party preference.
- 43 3. Date of registration.
- 44 4. Residence address.
- 45 5. Mailing address, if different from residence address.

- 1 6. Zip code.
- 2 7. Telephone number if given.
- 3 8. Birth year.
- 4 9. Occupation if given.
- 5 10. Primary election and general election voting history for the prior
- 6 four years and any other information regarding registered voters ~~which~~ THAT
- 7 the county recorder or city or town clerk maintains electronically and ~~which~~
- 8 THAT is public information.

9 D. The names on the precinct lists shall be in alphabetical order and

10 the precinct lists in their entirety, unless otherwise agreed, shall be

11 delivered to each county chairman and each state chairman at least quarterly

12 and within ten business days of the close of each quarter in the same format

13 and media as prescribed by subsection C of this section.

14 E. Precinct registers and other lists and information derived from

15 registration forms may be used only for purposes relating to a political or

16 political party activity, a political campaign or an election, for revising

17 election district boundaries or for any other purpose specifically authorized

18 by law and may not be used for a commercial purpose as defined in section

19 39-121.03. The sale of registers, lists and information derived from

20 registration forms to a candidate or a registered political committee for a

21 use specifically authorized by this subsection does not constitute use for a

22 commercial purpose. The county recorder, on a request for an authorized use

23 and within thirty days from receipt of the request, shall prepare additional

24 copies of an official precinct list and furnish them to any person requesting

25 them on payment of a fee equal to five cents for each name appearing on the

26 register for a printed list and ten cents for each name for an electronic

27 data medium, plus the cost of the blank computer disk or computer software if

28 furnished by the recorder, for each copy so furnished.

29 F. Any person in possession of a precinct register or list, in whole

30 or part, or any reproduction of a precinct register or list, shall not permit

31 the register or list to be used, bought, sold or otherwise transferred for

32 any purpose except for uses otherwise authorized by this section. A person

33 in possession of information derived from voter registration forms or

34 precinct registers shall not distribute, post or otherwise provide access to

35 any portion of that information through the internet except as authorized by

36 subsection ~~J~~ K of this section. Nothing in this section shall preclude

37 public inspection of voter registration records at the office of the county

38 recorder for the purposes prescribed by this section, except that the month

39 and day of birth date, the social security number or any portion thereof, the

40 driver license number or nonoperating identification license number, the

41 unique identifying number prescribed by this section, the Indian census

42 number, the father's name or mother's maiden name, the state or country of

43 birth and the records containing a voter's signature shall not be accessible

44 or reproduced by any person other than the voter, by an authorized government

45 official in the scope of the official's duties, for signature verification on

1 petitions and candidate filings, for election purposes and for news gathering
2 purposes by a person engaged in newspaper, radio, television or reportorial
3 work, or connected with or employed by a newspaper, radio or television
4 station or pursuant to a court order. A person who violates this subsection
5 or subsection E of this section is guilty of a class 6 felony.

6 G. ANY DOCUMENTS OR INFORMATION THAT HAVE BEEN SUBMITTED IN SUPPORT OF
7 A VOTER REGISTRATION APPLICATION PURSUANT TO SECTION 16-166, SUBSECTION F
8 SHALL NOT BE ACCESSIBLE OR REPRODUCED BY A PERSON OTHER THAN THE VOTER OR BY
9 AN AUTHORIZED GOVERNMENT OFFICIAL IN THE SCOPE OF THE OFFICIAL'S DUTIES. THE
10 DOCUMENTS OR RECORDS OF THE INFORMATION SUBMITTED MAY BE ARCHIVED
11 ELECTRONICALLY. A PERSON WHO VIOLATES THIS SUBSECTION IS GUILTY OF A CLASS 6
12 FELONY.

13 ~~G.~~ H. The county recorder shall count the registered voters by
14 political party by precinct, legislative district and congressional district
15 as follows:

16 1. In even numbered years, the county recorder shall count all persons
17 who are registered to vote as of:

18 (a) January 1.

19 (b) March 1.

20 (c) The last day on which a person may register to be eligible to vote
21 in the next primary election.

22 (d) The last day on which a person may register to be eligible to vote
23 in the next general election.

24 (e) The last day on which a person may register to be eligible to vote
25 in the next presidential preference election.

26 2. In odd numbered years, the county recorder shall count all persons
27 who are registered to vote as of:

28 (a) January 1.

29 (b) April 1.

30 (c) July 1.

31 (d) October 1.

32 ~~H.~~ I. The county recorder shall report the totals to the secretary of
33 state as soon as is practicable following each of the dates prescribed in
34 subsection ~~G.~~ H of this section. The report shall include completed
35 registration forms returned in accordance with section 16-134, subsection B.
36 The county recorder shall also provide the report in a uniform electronic
37 computer media format that shall be agreed upon between the secretary of
38 state and all county recorders. The secretary of state shall then prepare a
39 summary report for the state and shall maintain that report as a permanent
40 record.

41 ~~I.~~ J. The county recorder and the secretary of state shall protect
42 access to voter registration information in an auditable format and method
43 specified in the secretary of state's electronic voting system instructions
44 and procedures manual that is adopted pursuant to section 16-452.

1 ~~J~~ K. The secretary of state shall develop and administer a statewide
2 database of voter registration information that contains the name and
3 registration information of every registered voter in this state. The
4 database shall include an identifier that is unique for each individual
5 voter. The database shall provide for access by voter registration officials
6 and shall allow expedited entry of voter registration information after it is
7 received by county recorders. As a part of the statewide voter registration
8 database, county recorders shall provide for the electronic transmittal of
9 that information to the secretary of state on a daily basis. The secretary
10 of state shall provide for maintenance of the database, including provisions
11 regarding removal of ineligible voters that are consistent with the national
12 voter registration act of 1993 (P.L. 103-31; 107 STAT. 77; 42 United States
13 Code section 394) and the help America vote act of 2002 (P.L. 107-252; 116
14 STAT. 1666; 42 UNITED STATES CODE SECTIONS 15301 THROUGH 15545), provisions
15 regarding removal of duplicate registrations and provisions to ensure that
16 eligible voters are not removed in error.

17 ~~K~~ L. For requests for the use of registration forms and access to
18 information as provided in subsections E and F of this section, the county
19 recorder shall receive and respond to requests regarding federal, state and
20 county elections.

21 Sec. 2. Section 16-244, Arizona Revised Statutes, is amended to read:

22 16-244. Representation on ballot

23 A. To be eligible to participate in the presidential preference
24 election, a political party shall be either of the following:

25 1. A political party that is entitled to continued representation on
26 the state ballot pursuant to section 16-804.

27 2. A new political party that has become eligible for recognition and
28 that will be represented by an official party ballot pursuant to section
29 16-801. A petition for recognition of a new political party shall be filed
30 with the secretary of state not less than seventy-five nor more than one
31 hundred five days prior to the presidential preference election. A petition
32 for recognition shall be submitted for signature verification to a county
33 recorder no later than one hundred fifteen days prior to the presidential
34 preference election. The county recorder shall verify and count all
35 signatures of qualified electors within thirty days after submission. A
36 political party that is eligible for the presidential preference election
37 ballot shall be represented on the subsequent primary and general election
38 ballots in the year of the presidential election.

39 B. Notwithstanding the provisions of section 16-804, subsection A, the
40 secretary of state shall determine the political parties entitled to
41 continued representation on the state ballot pursuant to section 16-804,
42 subsection B if, on October 1 of the year immediately preceding the
43 presidential preference election, that party has registered voters equal to
44 at least two-thirds of one per cent of the total number of registered voters
45 in this state. Each county recorder shall furnish the secretary of state

1 with the number of registered voters as prescribed by section 16-168,
2 subsection ~~G~~ H, paragraph 2, subdivision (d).

3 Sec. 3. Section 16-322, Arizona Revised Statutes, is amended to read:
4 16-322. Number of signatures required on nomination petitions

5 A. Nomination petitions shall be signed:

6 1. If for a candidate for the office of United States senator or for a
7 state office, excepting members of the legislature and superior court judges,
8 by a number of qualified electors who are qualified to vote for the candidate
9 whose nomination petition they are signing equal to at least one-half of one
10 per cent of the voter registration of the party of the candidate in at least
11 three counties in the state, but not less than one-half of one per cent nor
12 more than ten per cent of the total voter registration of his party in the
13 state.

14 2. If for a candidate for the office of representative in Congress, by
15 a number of qualified electors who are qualified to vote for the candidate
16 whose nomination petition they are signing equal to at least one-half of one
17 per cent but not more than ten per cent of the total voter registration of
18 the party designated in the district from which such representative shall be
19 elected.

20 3. If for a candidate for the office of member of the legislature, by
21 a number of qualified electors who are qualified to vote for the candidate
22 whose nomination petition they are signing equal to at least one per cent but
23 not more than three per cent of the total voter registration of the party
24 designated in the district from which the member of the legislature may be
25 elected.

26 4. If for a candidate for a county office or superior court judge, by
27 a number of qualified electors who are qualified to vote for the candidate
28 whose nomination petition they are signing equal to at least two per cent but
29 not more than ten per cent of the total voter registration of the party
30 designated in the county or district, provided that in counties with a
31 population of two hundred thousand persons or more, a candidate for a county
32 office shall have nomination petitions signed by a number of qualified
33 electors who are qualified to vote for the candidate whose nomination
34 petition they are signing equal to at least one-half of one per cent but not
35 more than ten per cent of the total voter registration of the party
36 designated in the county or district.

37 5. If for a candidate for a community college district, by a number of
38 qualified electors who are qualified to vote for the candidate whose
39 nomination petition they are signing equal to at least one-half of one per
40 cent but not more than ten per cent of the total voter registration in the
41 precinct as established pursuant to section 15-1441.

42 6. If for a candidate for county precinct committeeman, by a number of
43 qualified electors who are qualified to vote for the candidate whose
44 nomination petition they are signing equal to at least two per cent but not

1 more than ten per cent of the party voter registration in the precinct or ten
2 signatures, whichever is less.

3 7. If for a candidate for justice of the peace or constable, by a
4 number of qualified electors who are qualified to vote for the candidate
5 whose nomination petition they are signing equal to at least two per cent but
6 not more than ten per cent of the party voter registration in the precinct.

7 8. If for a candidate for mayor or other office nominated by a city at
8 large, by a number of qualified electors who are qualified to vote for the
9 candidate whose nomination petition they are signing equal to at least five
10 per cent and not more than ten per cent of the designated party vote in the
11 city.

12 9. If for an office nominated by ward, precinct or other district of a
13 city, by a number of qualified electors who are qualified to vote for the
14 candidate whose nomination petition they are signing equal to at least five
15 per cent and not more than ten per cent of the designated party vote in the
16 ward, precinct or other district.

17 10. If for a candidate for an office nominated by a town at large, by a
18 number of qualified electors who are qualified to vote for the candidate
19 whose nomination petition they are signing equal to at least five per cent
20 and not more than ten per cent of the vote in the town.

21 11. If for a candidate for a governing board of a school district, by a
22 number of qualified electors who are qualified to vote for the candidate
23 whose nomination petition they are signing equal to at least one-half of one
24 per cent of the total voter registration in the school district if the
25 governing board members are elected at large or one per cent of the total
26 voter registration in the single member district if governing board members
27 or joint technological education district board members are elected from
28 single member districts. Notwithstanding the total voter registration in the
29 school district or single member district, the maximum number of signatures
30 required by this paragraph is four hundred.

31 12. If for a candidate for a governing body of a special district as
32 described in title 48 by a number of qualified electors who are qualified to
33 vote for the candidate whose nomination petition they are signing equal to at
34 least one-half of one per cent of the vote in the special district but not
35 more than two hundred fifty and not fewer than five signatures.

36 B. The basis of percentage in each instance referred to in subsection
37 A of this section, except in cities, towns and school districts, shall be the
38 number of voters registered in the designated party of the candidate as
39 reported pursuant to section 16-168, subsection ~~G~~ H on March 1 of the year
40 in which the general election is held. In cities, the basis of percentage
41 shall be the vote of the party for mayor at the last preceding election at
42 which a mayor was elected. In towns, the basis of percentage shall be the
43 highest vote cast for an elected official of the town at the last preceding
44 election at which an official of the town was elected. In school districts,
45 the basis of percentage shall be the total number of voters registered in the

1 school district or single member district, whichever applies. The total
2 number of voters registered for school districts shall be calculated using
3 the periodic reports prepared by the county recorder pursuant to section
4 16-168, subsection G. The count that is reported on March 1 of the year in
5 which the general election is held shall be the basis for the calculation of
6 total voter registration for school districts.

7 C. In primary elections the signature requirement for party nominees,
8 other than nominees of the parties entitled to continued representation
9 pursuant to section 16-804, is at least one-tenth of one per cent of the
10 total vote for the winning candidate or candidates for governor or
11 presidential electors at the last general election within the district.
12 Signatures must be obtained from qualified electors who are qualified to vote
13 for the candidate whose nomination petition they are signing.

14 D. If new boundaries for congressional districts, legislative
15 districts, supervisorial districts, justice precincts or election precincts
16 are established and effective subsequent to March 1 of the year of a general
17 election and prior to the date for filing of nomination petitions, the basis
18 for determining the required number of nomination petition signatures is the
19 number of registered voters in the designated party of the candidate in the
20 elective office, district or precinct on the day the new districts or
21 precincts are effective.

22 Sec. 4. Section 16-584, Arizona Revised Statutes, is amended to read:
23 16-584. Qualified elector not on precinct register; recorder's
24 certificate; provisional ballot; procedure

25 A. A qualified elector whose name is not on the precinct register and
26 who presents a certificate from the county recorder showing that the elector
27 is entitled by law to vote in the precinct shall be entered on the signature
28 roster on the blank following the last printed name and shall be given the
29 next consecutive register number, and the qualified elector shall sign in the
30 space provided.

31 B. A qualified elector whose name is not on the precinct register,
32 upon presentation of identification verifying the identity of the elector
33 that includes the voter's given name and surname and the complete residence
34 address that is verified by the election board to be in the precinct or on
35 signing an affirmation that states that the elector is a registered voter in
36 that jurisdiction and is eligible to vote in that jurisdiction, shall be
37 allowed to vote a provisional ballot.

38 C. If a voter has moved to a new address within the county and has not
39 notified the county recorder of the change of address before the date of an
40 election, the voter shall be permitted to correct the voting records for
41 purposes of voting in future elections at the appropriate polling place for
42 the voter's new address. The voter shall be permitted to vote a provisional
43 ballot. The voter shall present a form of identification that includes the
44 voter's given name and surname and the voter's complete residence address.
45 The residence address must be within the precinct in which the voter is

1 attempting to vote, and the voter shall affirm in writing that the voter is
2 registered in that jurisdiction and is eligible to vote in that jurisdiction.

3 D. On completion of the ballot, the election official shall remove the
4 ballot stub, shall place the ballot in a provisional ballot envelope and
5 shall deposit the envelope in the ballot box. Within ten calendar days after
6 a general election that includes an election for a federal office and within
7 five business days after any other election or no later than the time at
8 which challenged early voting ballots are resolved, the signature shall be
9 compared to the precinct signature roster of the former precinct where the
10 voter was registered. If the voter's name is not signed on the roster and if
11 there is no indication that the voter voted an early ballot, the provisional
12 ballot envelope shall be opened and the ballot shall be counted. If there is
13 information showing the person did vote, the provisional ballot shall remain
14 unopened and shall not be counted. When provisional ballots are confirmed
15 for counting, the county recorder shall use the information supplied on the
16 provisional ballot envelope to correct the address record of the voter.

17 E. When a voter is allowed to vote a provisional ballot, the elector's
18 name shall be entered on a separate signature roster page at the end of the
19 signature roster. Voters' names shall be numbered consecutively beginning
20 with the number V-1. The elector shall sign in the space provided. The
21 ballot stub shall be removed and the ballot shall be placed in a separate
22 envelope, the outside of which shall contain the precinct name or number, a
23 sworn or attested statement of the elector that the elector resides in the
24 precinct, is eligible to vote in the election and has not previously voted in
25 the election, the signature of the elector and the voter registration number
26 of the elector, if available. The ballot shall be verified for proper
27 registration of the elector by the county recorder before being counted. The
28 verification shall be made by the county recorder within five business days
29 following the election, and the voter receipt card, notification or
30 identification card, if any, from the county recorder used therefor, if
31 valid, shall be returned to the elector within a reasonable time thereafter.
32 Verified ballots shall be counted by depositing the ballot in the ballot box
33 and showing on the records of the election that the elector has voted. If
34 registration is not verified the ballot shall remain unopened and shall be
35 retained in the same manner as voted ballots.

36 F. For any person who votes a provisional ballot, the county recorder
37 or other officer in charge of elections shall provide for a method of
38 notifying the provisional ballot voter at no cost to the voter whether the
39 voter's ballot was verified and counted and, if not counted, the reason for
40 not counting the ballot. The notification may be in the form of notice by
41 mail to the voter, establishment of a toll free telephone number, internet
42 access or other similar method to allow the voter to have access to this
43 information. The method of notification shall provide reasonable
44 restrictions that are designed to limit transmittal of the information only
45 to the voter.

1 G. ALL PROVISIONAL BALLOTS, INCLUDING ANY CONDITIONAL PROVISIONAL
2 BALLOTS AUTHORIZED BY LAW, SHALL MEET BOTH OF THE FOLLOWING REQUIREMENTS:

3 1. THE PROVISIONAL BALLOT ENVELOPES SHALL BE VISUALLY DISTINGUISHABLE
4 FROM OTHER BALLOT ENVELOPES ISSUED AT A POLLING PLACE OR AT AN ON-SITE EARLY
5 VOTING LOCATION. PROVISIONAL AND CONDITIONAL PROVISIONAL BALLOT ENVELOPES
6 MAY BE PRINTED ON COLORED PAPER, MAY BEAR BAR CODES THAT DO NOT IDENTIFY THE
7 VOTER OR MAY USE OTHER METHODS TO VISUALLY DISTINGUISH THOSE TYPES OF BALLOT
8 ENVELOPES.

9 2. THE PROVISIONAL BALLOTS SHALL NOT BE TABULATED AT A POLLING PLACE.

10 H. FOR THE PURPOSES OF THIS SECTION, "CONDITIONAL PROVISIONAL BALLOT"
11 MEANS A BALLOT ISSUED TO A VOTER WHO DOES NOT PRESENT SUFFICIENT
12 IDENTIFICATION AT THE POLLING PLACE PURSUANT TO SECTION 16-579, SUBSECTION A
13 BUT WHO IS ENTITLED TO VOTE A BALLOT THAT IS CONDITIONED ON SUBSEQUENTLY
14 PROVIDING SUFFICIENT IDENTIFICATION.

15 Sec. 5. Section 16-646, Arizona Revised Statutes, is amended to read:

16 16-646. Statement, contents and mailing of official canvass

17 A. When the result of the canvass is determined, a statement, known
18 and designated as the official canvass, shall be entered on the official
19 record of the election district which shall show:

20 1. The number of ballots cast in each precinct and in the county,
21 INCLUDING PROVISIONAL BALLOTS AND CONDITIONAL PROVISIONAL BALLOTS.

22 2. The number of ballots rejected in each precinct and in the county.

23 3. The titles of the offices voted for and the names of the persons,
24 together with the party designation, if any, of each person voted for to fill
25 the offices.

26 4. The number of votes by precincts and county received by each
27 candidate.

28 5. The numbers and a brief title of each proposed constitutional
29 amendment and each initiated or referred measure voted upon.

30 6. The number of votes by precincts and county for and against such
31 proposed amendment or measure.

32 B. The certified permanent copy of the official canvass for all
33 offices and ballot measures, except offices and ballot measures in a city or
34 town election and nonpartisan election returns, shall be mailed immediately
35 to the secretary of state who shall maintain and preserve ~~them~~ IT as a
36 permanent public record.

37 C. The board of supervisors shall deliver a copy of the official
38 canvass for all offices and ballot measures in the primary and general
39 elections to the secretary of state in a uniform electronic computer media
40 format that shall be agreed upon between the secretary of state and all
41 county election officials. The uniform format shall be designed to
42 facilitate the computer analysis of election results for offices and ballot
43 measures that are statewide ~~or~~ THAT are common to more than one county.

44 D. The certified permanent copy of the official canvass for all
45 offices and ballot measures in a city or town election shall be filed with

1 the appropriate city or town clerk, or in a special district election with
2 the clerk of the board of supervisors, who shall maintain and preserve ~~them~~
3 IT as a permanent public record.

4 Sec. 6. Section 16-821, Arizona Revised Statutes, is amended to read:

5 16-821. County committee: vacancy in office of precinct
6 committeeman

7 A. At the primary election the members of a political party entitled
8 to representation pursuant to section 16-804 residing in each precinct shall
9 choose one of their number as a county precinct committeeman, and the members
10 shall choose one additional precinct committeeman for each one hundred
11 twenty-five voters or major fraction thereof registered in the party in the
12 precinct as reported pursuant to section 16-168, subsection ~~G~~ H on March 1
13 of the year in which the general election is held. The whole number of
14 precinct committeemen of a political party shall constitute the county
15 committee of the party.

16 B. The board of supervisors upon the recommendation of the county
17 chairman, or the recommendation of a committee designated in the bylaws of
18 the county committee for that purpose, shall determine when a vacancy exists
19 in the office of precinct committeeman. If a vacancy exists, the vacancy
20 shall be filled by the board of supervisors from a list of names submitted by
21 the county chairman of the appropriate political party. Only a precinct
22 committeeman elected at the primary election prior to the date of a state or
23 county committee organizing meeting shall be permitted to vote at such
24 meeting. The criteria used to establish when a vacancy exists in the office
25 of precinct committeeman shall be as established in section 38-291.

26 Sec. 7. Section 45-415, Arizona Revised Statutes, is amended to read:

27 45-415. Local initiation for active management area: procedures

28 A. A groundwater basin which is not included within an initial active
29 management area may be designated an active management area upon petition by
30 ten per cent of the registered voters residing within the boundaries of the
31 proposed active management area, as of the most recent report compiled by the
32 county recorder in compliance with section 16-168, subsection ~~G~~ H, and a
33 subsequent election held pursuant to the general election laws of this
34 state. The form of the petition shall be the same as for initiative
35 petitions, and the applicant for such petition shall comply with the
36 provisions of section 19-111.

37 B. Upon application for a petition number with the clerk of the board
38 of supervisors or county election officer, the director shall transmit a map
39 of the groundwater basin to the county recorder of each county in which the
40 proposed active management area is located. The map shall be on a scale
41 adequate to show with substantial accuracy where the boundaries of the
42 groundwater basin cross the boundaries of county voting precincts. The
43 director shall also transmit to the county recorder all other factual data
44 concerning the boundaries of the groundwater basin that may aid the county

1 recorder in the determination of which registered voters of the county are
2 residents of the groundwater basin.

3 C. Any registered voter of a county whose residency in the groundwater
4 basin is in question shall be allowed to vote. The ballot shall be placed in
5 a separate envelope, the outside of which shall contain the precinct name and
6 number, the signature of the voter, the residence address of the voter, and
7 the voter registration number of the voter, if available. The voter receipt
8 card shall be attached to the envelope. The county recorder shall verify the
9 ballot for proper residency of the voter before counting. Such verification
10 shall be made within five business days following the election, and the voter
11 receipt card shall be returned to the voter. Verified ballots shall be
12 counted using the procedure outlined for counting early ballots. If
13 residency in the groundwater basin is not verified, the ballot shall remain
14 unopened and shall be destroyed.

15 D. Except as provided in subsection E of this section, all election
16 expenses incurred pursuant to this section are the responsibility of the
17 county involved.

18 E. If a groundwater basin is located in two or more counties, the
19 following procedures apply:

20 1. The petition shall be filed with the clerk of the board of
21 supervisors or county election officer of the county in which the plurality
22 of the registered voters in the groundwater basin resides.

23 2. The number of registered voters required to sign the petition shall
24 be ten per cent of the registered voters residing within the boundaries of
25 the proposed active management area, as of the most recent report compiled by
26 the county recorder in compliance with section 16-168, subsection ~~G~~ H,
27 within the county in which the plurality of the registered voters in the
28 groundwater basin resides.

29 3. The election shall be called by the board of supervisors of the
30 county in which the petition is filed, and the board shall immediately notify
31 the board of supervisors of any other county included in the groundwater
32 basin of the date of the election. The election shall be held not less than
33 sixty days or more than ninety days from the date of the call. The board of
34 supervisors so notified shall then call the election in that county for the
35 same date and follow the procedures for conducting the general elections in
36 this state.

37 4. All election expenses incurred pursuant to this subsection are the
38 responsibilities of the counties involved on a proportional basis considering
39 the number of registered voters of each county that are residents of the
40 groundwater basin.

41 F. The ballot shall be worded, "Should the (insert name of basin)
42 groundwater basin be designated an active management area?" followed by the
43 words "yes" and "no". Opposite each such word there shall be a square in
44 which the voter may make a cross indicating his preference.

1 Sec. 8. Section 45-433, Arizona Revised Statutes, is amended to read:
2 45-433. Local initiation for designation: procedures

3 A. The designation of a subsequent irrigation non-expansion area may
4 be initiated by the director or by petition to the director signed by either:
5 1. Not less than twenty-five irrigation users of groundwater, or
6 one-fourth of the irrigation users of groundwater within the boundaries of
7 the groundwater basin or sub-basin specified in the petition.

8 2. Ten per cent of the registered voters residing within the
9 boundaries of the groundwater basin or sub-basin specified in the petition as
10 of the most recent report compiled by the county recorder in compliance with
11 section 16-168, subsection ~~G~~ H. The form of the petition shall be the same
12 as for an initiative petition and the applicant for such petition shall
13 comply with the provisions of section 19-111. If a groundwater basin or
14 sub-basin is located in two or more counties, the number of registered voters
15 required to sign the petition shall be ten per cent of the registered voters
16 residing within the boundaries of the groundwater basin or sub-basin, as of
17 the most recent report compiled by the county recorder in compliance with
18 section 16-168, subsection ~~G~~ H, within the county in which the plurality of
19 the registered voters in the groundwater basin or sub-basin resides.

20 B. Upon receipt of a petition pursuant to subsection A, paragraph 2 of
21 this section, the director shall transmit the petition to the county recorder
22 of each county in which the groundwater basin or sub-basin is located for
23 verification of signatures. In addition, the director shall transmit a map
24 of the groundwater basin or sub-basin to the county recorder of each such
25 county included. The map shall be on a scale adequate to show with
26 substantial accuracy where the boundaries of the groundwater basin or
27 sub-basin cross the boundaries of county voting precincts. The director
28 shall also transmit to the county recorder all other factual data concerning
29 the boundaries of the groundwater basin or sub-basin that may aid the county
30 recorder in the determination of which registered voters of the county are
31 residents of the groundwater basin or sub-basin.