

REFERENCE TITLE: precinct committeemen; members

State of Arizona  
House of Representatives  
Forty-eighth Legislature  
First Regular Session  
2007

## **HB 2764**

Introduced by  
Representatives Prezelski, Barto, Gallardo, Kirkpatrick, Saradnik, Sinema,  
Ulmer, Senator Aboud: Representatives Burges, Burns J, Cajero Bedford,  
Groe, Lopes, Lopez, Mason, McGuire, Pancrazi, Reagan, Thrasher, Senators  
Allen, Gray L, Rios

AN ACT

AMENDING SECTIONS 16-322, 16-343, 16-464, 16-465, 16-467, 16-531, 16-549,  
16-580, 16-645, 16-661, 16-821, 16-822, 16-823, 16-824, 16-901, 16-955 AND  
41-1202, 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 16-322, Arizona Revised Statutes, is amended to  
3 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~~ THE CANDIDATE'S  
13 party in the 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~~ COMMITTEE  
43 MEMBER, by a number of qualified electors who are qualified to vote for the  
44 candidate whose nomination petition they are signing equal to at least two

1 per cent but not more than ten per cent of the party voter registration in  
2 the precinct or ten 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 on March 1 of the year in  
40 which the general election is held. In cities, the basis of percentage shall  
41 be the vote of the party for mayor at the last preceding election at which a  
42 mayor was elected. In towns, the basis of percentage shall be the highest  
43 vote cast for an elected official of the town at the last preceding election  
44 at which an official of the town was elected. In school districts, the basis  
45 of percentage shall be the total number of voters registered in the school

1 district or single member district, whichever applies. The total number of  
2 voters registered for school districts shall be calculated using the periodic  
3 reports prepared by the county recorder pursuant to section 16-168,  
4 subsection G. The count that is reported on March 1 of the year in which the  
5 general election is held shall be the basis for the calculation of total  
6 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. 2. Section 16-343, Arizona Revised Statutes, is amended to read:  
23 16-343. Filling vacancy caused by death or incapacity or  
24 withdrawal of candidate

25 A. A vacancy occurring due to death, mental incapacity or voluntary  
26 withdrawal of a candidate after the close of petition filing but prior to a  
27 primary or general election shall be filled by the political party with which  
28 the candidate was affiliated as follows:

29 1. In the case of a United States senator or statewide candidate, the  
30 state executive committee of the candidate's political party shall nominate a  
31 candidate of the party's choice and shall file a nomination paper and  
32 affidavit complying with the requirements for candidates as stated in section  
33 16-311 in order to fill the vacancy.

34 2. In the case of a vacancy for the office of United States  
35 representative or the legislature, the party precinct ~~committeemen~~ COMMITTEE  
36 MEMBERS of that congressional or legislative district shall nominate a  
37 candidate of the party's choice and shall file a nomination paper and  
38 affidavit complying with the requirements of section 16-311.

39 3. In the case of a vacancy for a county or precinct office, the party  
40 county committee of counties with a population of less than two hundred fifty  
41 thousand persons according to the most recent United States decennial census  
42 and, in counties with a population of two hundred fifty thousand persons or  
43 more according to the most recent United States decennial census the county  
44 officers of the party together with the chairman of the party precinct  
45 ~~committeemen~~ COMMITTEE MEMBERS in each legislative district of the county,

1 shall nominate a candidate of the party's choice and shall file a nomination  
2 paper and affidavit complying with the requirements of section 16-311 to fill  
3 such vacancy.

4 B. The nomination paper and affidavit required in subsection A of this  
5 section shall be filed with the office with which nomination petitions were  
6 to be filed at any time before the official ballots are printed.

7 C. Any meetings for the purpose of filing a nomination paper and  
8 affidavit provided for in this section shall be called by the chairman of  
9 such committee or legislative district, except that in the case of  
10 multicounty legislative or congressional districts the party county chairman  
11 of the county having the largest geographic area within such district shall  
12 call such meeting. The chairman or in ~~his~~ THE CHAIRMAN'S absence the  
13 vice-chairman calling such meeting shall preside. The call to such meeting  
14 shall be mailed or given in person to each person entitled to participate  
15 therein no later than one day prior to such meeting. A majority of those  
16 present and voting shall be required to fill a vacancy pursuant to this  
17 section.

18 D. A vacancy which occurs following the printing of official ballots  
19 shall not be filled in accordance with this section, however, prospective  
20 candidates shall comply with the provisions of section 16-312. A candidate  
21 running as a write-in candidate under this subsection shall file the  
22 nomination paper no later than 5:00 p.m. on the fifth day before the  
23 election.

24 E. Candidates nominated pursuant to subsection A of this section or a  
25 candidate running as a write-in candidate under subsection D of this section  
26 may be a candidate who ran in the immediately preceding primary election for  
27 the office and failed to be nominated.

28 F. If a vacancy occurs as described in subsection A of this section  
29 for a state office, the secretary of state shall notify the various boards of  
30 supervisors as to the vacancy. The boards of supervisors shall notify the  
31 inspectors of the various precinct election boards in the county, district or  
32 precinct where a vacancy occurs. In the case of a city or town election, the  
33 city or town clerk shall notify the appropriate inspectors.

34 G. The inspectors shall post the notice of vacancy in the same manner  
35 as posting official write-in candidates. In the case of a withdrawal of a  
36 candidate that occurs after the printing of official ballots, the inspectors  
37 shall post the notice of withdrawal in a conspicuous location in each polling  
38 place.

39 Sec. 3. Section 16-464, Arizona Revised Statutes, is amended to read:  
40 16-464. Rotation of names on ballots

41 A. When there are two or more candidates for a nomination, except in  
42 the case of precinct ~~committeemen~~ COMMITTEE MEMBERS, the names of all  
43 candidates for the nomination shall be so alternated upon the ballots used in  
44 each election precinct that the name of each candidate shall appear  
45 substantially an equal number of times at the top, at the bottom and in each

1 intermediate place of the list or group of candidates in which they belong.  
2 When there are fewer than or the same number of candidates seeking office as  
3 the number to be elected, rotation of names is not required and the names  
4 shall be placed in alphabetical order.

5 B. The position of the names of candidates for precinct ~~committeemen~~  
6 COMMITTEE MEMBERS shall be drawn by lot for appearance on the ballot when  
7 there are more candidates than positions available. Such drawing shall take  
8 place at a public meeting called by the board of supervisors for that  
9 purpose.

10 C. In elections in which paper ballots are used, the ballots shall be  
11 printed and bound so that every ballot in the bound blocks shall have the  
12 names in a different and alternating position from the preceding ballot.

13 D. The provisions of this section shall not be applied where voting  
14 machines are used.

15 Sec. 4. Section 16-465, Arizona Revised Statutes, is amended to read:  
16 16-465. Arrangement of candidates' names at primary election

17 A. When there are two or more candidates of the same political party  
18 on the ballot, the names of such candidates, except in the case of precinct  
19 ~~committeemen~~ COMMITTEE MEMBERS, shall be so alternated on the ballots used in  
20 each election precinct that the name of each candidate shall appear  
21 substantially an equal number of times in each possible location. When there  
22 are fewer than or the same number of candidates seeking office as the number  
23 to be elected, rotation of names is not required and the names shall be  
24 placed in alphabetical order.

25 B. In a primary election where voting machines are used, names of  
26 candidates for precinct ~~committeemen~~ COMMITTEE MEMBERS shall appear on the  
27 voting machine in alphabetical order according to the first letter of the  
28 surnames of the candidates.

29 Sec. 5. Section 16-467, Arizona Revised Statutes, is amended to read:  
30 16-467. Method of voting on ballot

31 A. At primary elections there shall be provided a separate ballot for  
32 each party entitled to participate in the primary.

33 B. Each party ballot shall be designated by the name of the party, and  
34 for a voter who is registered as a member of a political party that is  
35 entitled to continued representation on the ballot pursuant to section  
36 16-804, the voter shall be given by the judge of election one ballot only of  
37 the party with which the voter is affiliated as it appears in the precinct  
38 register. For a voter who is registered as independent, or no party  
39 preference or as a member of a political party that is not entitled to  
40 continued representation on the ballot pursuant to section 16-804, the voter  
41 shall designate the ballot of only one of the political parties that is  
42 entitled to continued representation on the ballot and the judge of election  
43 shall give the elector only that political party's ballot.

44 C. If a person is nominated on more than one ticket, the person shall  
45 promptly file with the officer in charge of the preparation of election

1 ballots a written declaration indicating the party name under which the  
2 person's name is to be printed on the official election ballot, and the  
3 person's name shall be printed only under the party name.

4 D. For any political party that is entitled to continued  
5 representation on the ballot, section 16-822 applies to the election of  
6 precinct ~~committeemen~~ COMMITTEE MEMBERS.

7 Sec. 6. Section 16-531, Arizona Revised Statutes, is amended to read:  
8 16-531. Appointment of election boards and tally boards;  
9 qualifications

10 A. When an election is ordered, and not less than twenty days prior to  
11 a general or primary election, the board of supervisors shall appoint for  
12 each election precinct one inspector, one marshal, two judges and not less  
13 than two clerks of election. The inspector, marshal, judges and clerks shall  
14 be qualified voters of the precinct for which appointed, unless there is not  
15 a sufficient number of persons available to provide the number of  
16 appointments required. The inspector, marshal and judges shall not have  
17 changed their political party affiliation or their no party preference  
18 affiliation since the last preceding general election, and if they are  
19 members of the two political parties which cast the highest number of votes  
20 in the state at the last preceding general election, they shall be divided  
21 equally between these two parties. There shall be an equal number of  
22 inspectors in the various precincts in the county who are members of the two  
23 largest political parties. In each precinct where the inspector is a member  
24 of one of the two largest political parties, the marshal in that precinct  
25 shall be a member of the other of the two largest political parties.  
26 Whenever possible, any person appointed as an inspector shall have had  
27 previous experience as an inspector, judge, marshal or clerk of elections.  
28 If there is no qualified person in a given precinct, the appointment of an  
29 inspector may be made from names provided by the county party chairman. If  
30 not less than ninety days prior to the election the chairman of the county  
31 committee of either of the parties designates qualified voters of the  
32 precinct, or of another precinct if there are not sufficient members of ~~his~~  
33 THE CHAIRMAN'S party available in the precinct to provide the necessary  
34 representation on the election board as judge, such designated qualified  
35 voters shall be appointed. The judges, together with the inspector, shall  
36 constitute the board of elections. Any registered voter in the election  
37 precinct, or in another election precinct if there are not sufficient persons  
38 available in the election precinct for which the clerks are being appointed,  
39 may be appointed as clerk.

40 B. If the election precinct consists of fewer than two hundred  
41 qualified electors, the board of supervisors may appoint not fewer than one  
42 inspector and two judges. The board of supervisors shall give notice of  
43 election precincts consisting of fewer than two hundred qualified electors to  
44 the county chairmen of the two largest political parties not later than

1 thirty days before the election. The inspector and judges shall be appointed  
2 in the same manner by party as provided in subsection A of this section.

3 C. If a nonpartisan election is ordered, not less than twenty days  
4 before the election the governing board holding the election shall appoint,  
5 without consideration for political party, a minimum of three election  
6 workers for each polling place. The election workers shall consist of at  
7 least one inspector and two judges. Whenever possible, they shall be  
8 qualified electors of the precinct located within the district, without  
9 consideration for political party.

10 D. Where the election precinct consists of three hundred fifty or more  
11 qualified electors, the board of supervisors may in addition to the board of  
12 elections appoint a similar board to be known as the tally board. The tally  
13 board shall take custody of the ballots from the closing of the polls until  
14 the tally of the ballots is completed. The tally board shall consist of the  
15 inspector of the board of elections, two judges and not less than two clerks.  
16 The inspector and two judges shall be appointed to provide as equal as  
17 practicable representation of members of the two largest political parties on  
18 the board in the same manner as provided for the election boards. Any  
19 registered voter in the election precinct, or in another election precinct if  
20 there are not sufficient persons available in the election precinct for which  
21 the clerks are being appointed, may be appointed as clerk. A member  
22 appointed to serve on the tally board, with the exception of the inspector of  
23 the board of elections, shall not be appointed to serve on the board of  
24 elections. The inspector of the board of elections shall be a member of the  
25 tally board and during such time shall act as the supervisor of the tally  
26 board. No United States, state, county or precinct officer, nor a candidate  
27 for office at the election, other than a precinct ~~committeeman~~ COMMITTEE  
28 MEMBER or a candidate for the office of precinct ~~committeeman~~ COMMITTEE  
29 MEMBER, is qualified to act as judge, inspector, marshal or clerk.

30 E. If an electronic voting system is in use the write-in ballots shall  
31 be tallied by a board of elections consisting of one inspector and two judges  
32 who are appointed in the same manner by party as provided in subsection A of  
33 this section.

34 F. At least ten days before a special election, the governing body  
35 conducting the election may in like manner appoint a special tally board or  
36 boards for the specific purpose of tallying the ballots on the closing of the  
37 polls. The tally boards shall consist of at least one inspector and two  
38 judges. The inspector of the board of elections shall act as the supervisor  
39 of the tally board.

40 G. Notwithstanding any other law, the board of supervisors may appoint  
41 to an election board to serve as a clerk of election a person who is not  
42 eligible to vote if all of the following conditions are met:

43 1. The person is a minor who will be at least sixteen years of age at  
44 the time of the election for which the person is named to the election board.

1           2. The person is a citizen of the United States at the time of the  
2 election for which the person is named to the election board.

3           3. The person is supervised by an adult who has been trained as an  
4 elections officer.

5           4. The person has received training provided by the officer in charge  
6 of elections.

7           5. The parent or guardian of the person has provided written  
8 permission for the person to serve.

9           H. A school district or charter school shall not be required to reduce  
10 its average daily membership or average daily attendance, as defined in  
11 section 15-901, for any pupil who is absent from one or more instructional  
12 programs as a result of the pupil's service on an election board pursuant to  
13 subsection G of this section.

14           I. A school district or charter school shall not count any pupil's  
15 absence from one or more instructional programs as a result of the pupil's  
16 service on an election board pursuant to subsection G of this section against  
17 any mandatory attendance requirements for the pupil.

18           J. Nothing in this section shall prevent the board of supervisors or  
19 governing body from refusing for cause to reappoint, or from removing for  
20 cause, an election or tally board member.

21           Sec. 7. Section 16-549, Arizona Revised Statutes, is amended to read:

22           16-549. Special election boards; procedure for voting ill or  
23                                   disabled electors; expenses

24           A. The county recorder or other officer in charge of elections, for  
25 the purpose of making it possible for qualified electors who are ill or  
26 disabled to vote, may appoint such number of special election boards as  
27 needed. In a partisan election, each such board shall consist of two  
28 members, one from each of the two political parties which cast the highest  
29 number of votes in the state in the last preceding general election. The  
30 county chairman of each such party shall furnish, within sixty days prior to  
31 the election day, the county recorder or other officer in charge of elections  
32 with a list of names of qualified electors within the chairman's political  
33 party, and such additional lists as may be required, from which the county  
34 recorder or other officer in charge of elections shall appoint members to  
35 such special election boards. The county recorder or other officer in charge  
36 of elections may refuse for cause to appoint or may for cause remove a member  
37 of this board. A person who is a candidate for an office other than precinct  
38 ~~committeeman~~ COMMITTEE MEMBER is not eligible to serve on the special  
39 election board for that election.

40           B. Members of special election boards appointed under the provisions  
41 of this section shall be reimbursed for travel expenses in the manner  
42 provided by law and shall also receive such compensation as the board of  
43 supervisors or the governing body prescribes, all of which shall be paid by  
44 the county or other political subdivision.

1 C. In lieu of the mailed early ballot procedure, any qualified elector  
2 who is confined as the result of a continuing illness or physical disability  
3 and is, therefore, not able to go to the polls on the day of the next  
4 election and who does not wish to vote by the mailed early ballot procedure,  
5 may make a verbal or a signed written request to the county recorder or other  
6 officer in charge of elections to have a ballot personally delivered to the  
7 elector by the special election board at the elector's place of confinement  
8 within the county or other political subdivision. The ballot shall be  
9 delivered to the elector in person by a special election board as provided in  
10 this section. Such requests must be made by 5:00 p.m. on the second Friday  
11 before the election.

12 D. Qualified electors who become ill or disabled after the second  
13 Friday before the election may nevertheless request personal ballot delivery  
14 pursuant to this section, and the county recorder or other officer in charge  
15 of elections shall when possible honor such requests up to and including the  
16 last day before the election. Qualified electors who are admitted to a  
17 hospital after 5:00 p.m. on the second Friday preceding the election and  
18 before 5:00 p.m. on election day may request the county recorder or other  
19 officer in charge of elections to provide a special election board with a  
20 ballot at the elector's place of confinement. If the county recorder or  
21 other officer in charge of elections is able to accommodate the request, the  
22 voted ballot of the elector shall be sealed in an envelope and shall be  
23 processed as a provisional ballot pursuant to section 16-584.

24 E. The manner and procedure of voting shall be as provided in section  
25 16-548, except that the marked ballot in the sealed envelope shall be handed  
26 by the elector to the special election board and shall be delivered by the  
27 board to the county recorder or other officer in charge of elections.

28 Sec. 8. Section 16-580, Arizona Revised Statutes, is amended to read:  
29 16-580. Manner of voting; assistance for certain electors

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

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

38 C. In order that the rights of other voters shall not be interfered  
39 with, a voter shall not be allowed to occupy a voting booth for more than  
40 five minutes when other voters are waiting to occupy the booth. If the voter  
41 refuses to leave after the lapse of five minutes the voter may be removed by  
42 the judges. If a voter has not completed a ballot after the allotted five  
43 minutes, the voter may request the marshal to hold the ballot and when  
44 another booth is empty and all voters present have had an opportunity to vote  
45 the removed person may be allowed an additional five minutes in the booth.

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

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

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

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

30 Sec. 9. Section 16-645, Arizona Revised Statutes, is amended to read:  
31 16-645. Canvass and return of precinct vote; declaring nominee  
32 of party; certificate of nomination; write-in  
33 candidates

34 A. When the board of supervisors, or the governing body of a city or  
35 town, has completed its canvass of precinct returns, the person having the  
36 largest number of votes, or if more than one candidate is necessary, those  
37 candidates to the required number who have received the largest number of  
38 votes for the nomination for an office in the political party of which he was  
39 set forth on the ballot as a candidate for the nomination, shall be declared  
40 the nominee of the party for that office and shall be given a certificate of  
41 nomination therefor by the board or governing body, which shall entitle him  
42 to have his name placed upon the official ballot at the ensuing election as  
43 the nominee of the party for the office. When canvassing write-in votes the  
44 apparent intent of the voter shall be taken into consideration to the extent  
45 possible.

1           B. The board of supervisors shall deliver the canvass to the secretary  
2 of state within ten days after the primary election, and the secretary of  
3 state shall on or before the second Monday following the primary election  
4 canvass the return and issue the certification of nomination as provided in  
5 this section to the nominees who filed nominating petitions and papers with  
6 the secretary of state pursuant to section 16-311, subsection D.

7           C. A certificate of election shall not be issued to a write-in  
8 candidate for precinct ~~committeeman~~ COMMITTEE MEMBER unless he receives a  
9 number of votes equivalent to at least the same number of signatures required  
10 by section 16-322 for nominating petitions for the same office.

11           D. Except as provided in subsection C of this section, a certificate  
12 of nomination shall not be issued to a write-in candidate of a party which  
13 has not qualified for continued representation on the official ballot  
14 pursuant to section 16-804 unless he receives a plurality of the votes of the  
15 party for the office for which he is a candidate.

16           E. Except as provided by subsection C of this section, a certificate  
17 of nomination shall not be issued to a write-in candidate of a party  
18 qualified for continued representation on the official ballot unless he  
19 receives a number of votes equivalent to at least the same number of  
20 signatures required by section 16-322 for nominating petitions for the same  
21 office.

22           F. A certificate of election shall not be issued to presidential  
23 electors who are pledged to a write-in candidate for president unless that  
24 candidate received the highest number of votes cast for the office of  
25 president.

26           Sec. 10. Section 16-661, Arizona Revised Statutes, is amended to read:  
27 16-661. Automatic recount; requirements; exemption

28           A. A recount of the vote is required when the canvass of returns in a  
29 primary or general election shows that the margin between the two candidates  
30 receiving the greatest number of votes for a particular office, or between  
31 the number of votes cast for and against initiated or referred measures or  
32 proposals to amend the Constitution of Arizona, is less than or equal to the  
33 lesser of the following:

34           1. One-tenth of one per cent of the number of votes cast for both such  
35 candidates or upon such measures or proposals.

36           2. Two hundred votes in the case of an office to be filled by state  
37 electors and for which the total number of votes cast is more than  
38 twenty-five thousand.

39           3. Fifty votes in the case of an office to be filled by state electors  
40 and for which the total number of votes cast is twenty-five thousand or less.

41           4. Two hundred votes in the case of an initiated or referred measure  
42 or proposal to amend the constitution.

43           5. Fifty votes in the case of a member of the legislature.

44           6. Ten votes in the case of an office to be filled by the electors of  
45 a city or town or a county or subdivision of a city, town or county.

1 B. Subsection A does not apply to elections for precinct ~~committeemen~~  
2 COMMITTEE MEMBERS, school district governing boards, community college  
3 district governing boards, fire district boards or fire district chiefs or  
4 secretary-treasurers or boards of other special districts.

5 Sec. 11. Section 16-821, Arizona Revised Statutes, is amended to read:  
6 16-821. County committee; vacancy in office of precinct  
7 committee member

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

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

29 Sec. 12. Section 16-822, Arizona Revised Statutes, is amended to read:  
30 16-822. Precinct committee members; eligibility; vacancy;  
31 duties

32 A. Any member of a recognized political party who is a registered  
33 voter in the precinct is eligible to seek the office of precinct ~~committeeman~~  
34 COMMITTEE MEMBER of his party in that precinct.

35 B. If the number of persons who file nominating petitions for an  
36 election to fill precinct ~~committeeman~~ COMMITTEE MEMBER positions is less  
37 than or equal to the number of precinct ~~committeeman~~ COMMITTEE MEMBER  
38 positions, the county board of supervisors may cancel the election for those  
39 positions not sooner than seventy-five days before the election and appoint  
40 the person who filed the nominating petition to fill the position. If no  
41 person has filed a nominating petition to fill a position, the position is  
42 deemed vacant and shall be filled as otherwise provided by law. A precinct  
43 ~~committeeman~~ COMMITTEE MEMBER who is appointed pursuant to this subsection  
44 after filing a nominating petition shall be deemed and elected precinct  
45 ~~committeeman~~ COMMITTEE MEMBER.

1 C. If the number of persons who file nominating petitions for an  
2 election to fill precinct ~~committeeman~~ COMMITTEE MEMBER positions is more  
3 than the number of precinct ~~committeeman~~ COMMITTEE MEMBER positions for a  
4 recognized political party in a precinct, a separate ballot shall be prepared  
5 for the election of precinct ~~committeemen~~ COMMITTEE MEMBERS for the political  
6 party in that precinct. The ballot shall conform as nearly as practicable to  
7 ballot requirements in this title, and to the official ballot prepared for  
8 that party in the primary election, but shall be designated as the "official  
9 ballot for electing precinct ~~committeemen~~ COMMITTEE MEMBERS of the \_\_\_\_\_  
10 party, primary election (date), \_\_\_\_\_ precinct, \_\_\_\_\_ county, state  
11 of Arizona." Only persons who are registered as members of that political  
12 party in that precinct may vote that precinct ~~committeeman~~ COMMITTEE MEMBER  
13 ballot. The election board or official shall provide the partisan precinct  
14 ~~committeeman~~ COMMITTEE MEMBER ballot to voters who are registered with that  
15 party in addition to the official ballot prepared for that party in the  
16 primary election.

17 D. In addition to other provisions of law regarding removal from  
18 office, a vacancy shall exist in the office of precinct ~~committeeman~~  
19 COMMITTEE MEMBER when the precinct ~~committeeman~~ COMMITTEE MEMBER moves from  
20 the precinct from which elected or changes ~~his~~ political party from the party  
21 in which ~~he~~ THE MEMBER was elected.

22 E. The minimum duties of a precinct ~~committeeman~~ COMMITTEE MEMBER  
23 shall be to assist ~~his~~ THE MEMBER'S political party in voter registration and  
24 to assist the voters of ~~his~~ THAT political party to vote on election days.  
25 Additional duties shall be as provided for in ~~the~~ THAT PARTY'S state  
26 committee bylaws ~~of the party of which he is a member~~.

27 Sec. 13. Section 16-823, Arizona Revised Statutes, is amended to read:  
28 16-823. Legislative district committee; organization; boundary  
29 change; reorganization

30 A. A political party entitled, pursuant to section 16-801 or 16-804,  
31 to representation on the ballot may establish a district party committee for  
32 any legislative district as prescribed by law.

33 B. A district party committee established pursuant to subsection A of  
34 this section shall consist of the precinct ~~committeemen~~ COMMITTEE MEMBERS  
35 residing in the district and elected pursuant to section 16-821.

36 C. Each district party committee established pursuant to subsection A  
37 of this section shall meet no earlier than the second Saturday after the  
38 general election provided for in section 16-211 and no later than the first  
39 Saturday in the following December and organize by electing from its  
40 membership a chairman, two vice-chairmen, a secretary and a treasurer. The  
41 latter two offices may be filled by the same person. The chairman of the  
42 district committee is ex officio a member of the county committee of the  
43 county in which a plurality of the district's registered voters resides.

44 D. Each district party committee established pursuant to subsection A  
45 of this section shall meet after the effective date of reapportionment

1 legislation that realigns or changes legislative district boundaries and  
2 organize according to the new boundaries, electing from its membership a  
3 chairman, two vice-chairmen, a secretary and a treasurer. The latter two  
4 offices may be filled by the same person. The chairman of the district  
5 committee is ex officio a member of the county committee of the county in  
6 which a plurality of the district's registered voters resides. The effective  
7 date for reapportionment legislation as provided in this subsection shall be  
8 as provided in article IV, part 1, section 1, Constitution of Arizona.

9 E. In the event the reapportionment legislation is challenged in court  
10 or by the United States justice department, the district organizations in  
11 effect before the passage of the reapportionment legislation shall continue  
12 to function along with the new district organizations created in accordance  
13 with subsection D of this section until the final settlement or adjudication  
14 of any legal challenge to the reapportionment legislation. Upon the final  
15 settlement or adjudication of any legal challenge to the reapportionment  
16 legislation the district organizations in effect before the enactment of the  
17 reapportionment legislation are considered dissolved.

18 F. If the boundaries of any district are changed as a result of legal  
19 action, each district party committee in that district shall meet as soon as  
20 possible and organize according to the boundaries that result from the legal  
21 action. Upon organization pursuant to this subsection all prior district  
22 organizations are dissolved.

23 G. For purposes of the election prescribed in subsection D of this  
24 section the district committee shall consist of all precinct ~~committeemen~~  
25 COMMITTEE MEMBERS residing in the district who were serving in such position  
26 at least thirty days prior to the enactment of reapportionment legislation.

27 Sec. 14. Section 16-824, Arizona Revised Statutes, is amended to read:  
28 16-824. Meeting, organization and officers of county committee

29 A. The county committee shall meet for the purpose of organizing no  
30 earlier than ten days after the last organizing meeting of the legislative  
31 districts which are part of the county, and in any event no later than the  
32 second Saturday in January of the year following a general election. The  
33 county committee shall elect from its membership a chairman, a first  
34 vice-chairman, a second vice-chairman, a secretary and a treasurer. The  
35 latter two offices may be filled by the same person. The chairman of the  
36 county committee shall be ex officio a member of the state committee.

37 B. The chairman of the county committee shall give notice of the time  
38 and place of such meeting by mail to each precinct ~~committeeman~~ COMMITTEE  
39 MEMBER at least ten days prior to the date of such meeting.

40 Sec. 15. Section 16-901, Arizona Revised Statutes, is amended to read:  
41 16-901. Definitions

42 In this chapter, unless the context otherwise requires:

43 1. "Agent" means, with respect to any person other than a candidate,  
44 any person who has oral or written authority, either express or implied, to  
45 make or authorize the making of expenditures as defined in this section on

1 behalf of a candidate, any person who has been authorized by the treasurer of  
2 a political committee to make or authorize the making of expenditures or a  
3 political consultant for a candidate or political committee.

4 2. "Candidate" means an individual who receives or gives consent for  
5 receipt of a contribution for his nomination for or election to any office in  
6 this state other than a federal office.

7 3. "Candidate's campaign committee" means a political committee  
8 designated and authorized by a candidate.

9 4. "Clearly identified candidate" means that the name, a photograph or  
10 a drawing of the candidate appears or the identity of the candidate is  
11 otherwise apparent by unambiguous reference.

12 5. "Contribution" means any gift, subscription, loan, advance or  
13 deposit of money or anything of value made for the purpose of influencing an  
14 election including supporting or opposing the recall of a public officer or  
15 supporting or opposing the circulation of a petition for a ballot measure,  
16 question or proposition or the recall of a public officer and:

17 (a) Includes all of the following:

18 (i) A contribution made to retire campaign debt.

19 (ii) Money or the fair market value of anything directly or indirectly  
20 given or loaned to an elected official for the purpose of defraying the  
21 expense of communications with constituents, regardless of whether the  
22 elected official has declared his candidacy.

23 (iii) The entire amount paid to a political committee to attend a  
24 fund-raising or other political event and the entire amount paid to a  
25 political committee as the purchase price for a fund-raising meal or item,  
26 except that no contribution results if the actual cost of the meal or  
27 fund-raising item, based on the amount charged to the committee by the  
28 vendor, constitutes the entire amount paid by the purchaser for the meal or  
29 item, the meal or item is for the purchaser's personal use and not for resale  
30 and the actual cost is the entire amount paid by the purchaser in connection  
31 with the event. This exception does not apply to auction items.

32 (iv) Unless specifically exempted, the provision of goods or services  
33 without charge or at a charge that is less than the usual and normal charge  
34 for such goods and services.

35 (b) Does not include any of the following:

36 (i) The value of services provided without compensation by any  
37 individual who volunteers on behalf of a candidate, a candidate's campaign  
38 committee or any other political committee.

39 (ii) Money or the value of anything directly or indirectly provided to  
40 defray the expense of an elected official meeting with constituents if the  
41 elected official is engaged in the performance of the duties of his office or  
42 provided by the state or a political subdivision to an elected official for  
43 communication with constituents if the elected official is engaged in the  
44 performance of the duties of his office.

1 (iii) The use of real or personal property, including a church or  
2 community room used on a regular basis by members of a community for  
3 noncommercial purposes, that is obtained by an individual in the course of  
4 volunteering personal services to any candidate, candidate's committee or  
5 political party, and the cost of invitations, food and beverages voluntarily  
6 provided by an individual to any candidate, candidate's campaign committee or  
7 political party in rendering voluntary personal services on the individual's  
8 residential premises or in the church or community room for candidate-related  
9 or political party-related activities, to the extent that the cumulative  
10 value of the invitations, food and beverages provided by the individual on  
11 behalf of any single candidate does not exceed one hundred dollars with  
12 respect to any single election.

13 (iv) Any unreimbursed payment for personal travel expenses made by an  
14 individual who on his own behalf volunteers his personal services to a  
15 candidate.

16 (v) The payment by a political party for party operating expenses,  
17 party staff and personnel, party newsletters and reports, voter registration  
18 and efforts to increase voter turnout, party organization building and  
19 maintenance and printing and postage expenses for slate cards, sample  
20 ballots, other written materials that substantially promote three or more  
21 nominees of the party for public office and other election activities not  
22 related to a specific candidate, except that this item does not apply to  
23 costs incurred with respect to a display of the listing of candidates made on  
24 telecommunications systems or in newspapers, magazines or similar types of  
25 general circulation advertising.

26 (vi) Independent expenditures.

27 (vii) Monies loaned by a state bank, a federally chartered depository  
28 institution or a depository institution the deposits or accounts of which are  
29 insured by the federal deposit insurance corporation or the national credit  
30 union administration, other than an overdraft made with respect to a checking  
31 or savings account, that is made in accordance with applicable law and in the  
32 ordinary course of business. In order for this exemption to apply, this loan  
33 shall be deemed a loan by each endorser or guarantor, in that proportion of  
34 the unpaid balance that each endorser or guarantor bears to the total number  
35 of endorsers or guarantors, the loan shall be made on a basis that assures  
36 repayment, evidenced by a written instrument, shall be subject to a due date  
37 or amortization schedule and shall bear the usual and customary interest rate  
38 of the lending institution.

39 (viii) A gift, subscription, loan, advance or deposit of money or  
40 anything of value to a national or a state committee of a political party  
41 specifically designated to defray any cost for the construction or purchase  
42 of an office facility not acquired for the purpose of influencing the  
43 election of a candidate in any particular election.

44 (ix) Legal or accounting services rendered to or on behalf of a  
45 political committee or a candidate, if the only person paying for the

1 services is the regular employer of the individual rendering the services and  
2 if the services are solely for the purpose of compliance with this title.

3 (x) The payment by a political party of the costs of campaign  
4 materials, including pins, bumper stickers, handbills, brochures, posters,  
5 party tabloids and yard signs, used by the party in connection with volunteer  
6 activities on behalf of any nominee of the party or the payment by a state or  
7 local committee of a political party of the costs of voter registration and  
8 get-out-the-vote activities conducted by the committee if the payments are  
9 not for the costs of campaign materials or activities used in connection with  
10 any telecommunication, newspaper, magazine, billboard, direct mail or similar  
11 type of general public communication or political advertising.

12 (xi) Transfers between political committees to distribute monies  
13 raised through a joint fund-raising effort in the same proportion to each  
14 committee's share of the fund-raising expenses and payments from one  
15 political committee to another in reimbursement of a committee's  
16 proportionate share of its expenses in connection with a joint fund-raising  
17 effort.

18 (xii) An extension of credit for goods and services made in the  
19 ordinary course of the creditor's business if the terms are substantially  
20 similar to extensions of credit to nonpolitical debtors that are of similar  
21 risk and size of obligation and if the creditor makes a commercially  
22 reasonable attempt to collect the debt, except that any extension of credit  
23 under this item made for the purpose of influencing an election which remains  
24 unsatisfied by the candidate after six months, notwithstanding good faith  
25 collection efforts by the creditor, shall be deemed receipt of a contribution  
26 by the candidate but not a contribution by the creditor.

27 (xiii) Interest or dividends earned by a political committee on any  
28 bank accounts, deposits or other investments of the political committee.

29 6. "Earmarked" means a designation, instruction or encumbrance that  
30 results in all or any part of a contribution or expenditure being made to, or  
31 expended on behalf of, a clearly identified candidate or a candidate's  
32 campaign committee.

33 7. "Election" means any election for any initiative, referendum or  
34 other measure or proposition or a primary, general, recall, special or runoff  
35 election for any office in this state other than the office of precinct  
36 ~~committeeman~~ COMMITTEE MEMBER and other than a federal office. For purposes  
37 of sections 16-903 and 16-905, the general election includes the primary  
38 election.

39 8. "Expenditures" includes any purchase, payment, distribution, loan,  
40 advance, deposit or gift of money or anything of value made by a person for  
41 the purpose of influencing an election in this state including supporting or  
42 opposing the recall of a public officer or supporting or opposing the  
43 circulation of a petition for a ballot measure, question or proposition or  
44 the recall of a public officer and a contract, promise or agreement to make  
45 an expenditure resulting in an extension of credit and the value of any

1 in-kind contribution received. Expenditure does not include any of the  
2 following:

3 (a) A news story, commentary or editorial distributed through the  
4 facilities of any telecommunications system, newspaper, magazine or other  
5 periodical publication, unless the facilities are owned or controlled by a  
6 political committee, political party or candidate.

7 (b) Nonpartisan activity designed to encourage individuals to vote or  
8 to register to vote.

9 (c) The payment by a political party of the costs of preparation,  
10 display, mailing or other distribution incurred by the party with respect to  
11 any printed slate card, sample ballot or other printed listing of three or  
12 more candidates for any public office for which an election is held, except  
13 that this subdivision does not apply to costs incurred by the party with  
14 respect to a display of any listing of candidates made on any  
15 telecommunications system or in newspapers, magazines or similar types of  
16 general public political advertising.

17 (d) The payment by a political party of the costs of campaign  
18 materials, including pins, bumper stickers, handbills, brochures, posters,  
19 party tabloids and yard signs, used by the party in connection with volunteer  
20 activities on behalf of any nominee of the party or the payment by a state or  
21 local committee of a political party of the costs of voter registration and  
22 get-out-the-vote activities conducted by the committee if the payments are  
23 not for the costs of campaign materials or activities used in connection with  
24 any telecommunications system, newspaper, magazine, billboard, direct mail or  
25 similar type of general public communication or political advertising.

26 (e) Any deposit or other payment filed with the secretary of state or  
27 any other similar officer to pay any portion of the cost of printing an  
28 argument in a publicity pamphlet advocating or opposing a ballot measure.

29 9. "Exploratory committee" means a political committee that is formed  
30 for the purpose of determining whether an individual will become a candidate  
31 and that receives contributions or makes expenditures of more than five  
32 hundred dollars in connection with that purpose.

33 10. "Family contribution" means any contribution that is provided to a  
34 candidate's campaign committee by a parent, grandparent, spouse, child or  
35 sibling of the candidate or a parent or spouse of any of those persons.

36 11. "Filing officer" means the office that is designated by section  
37 16-916 to conduct the duties prescribed by this chapter.

38 12. "Identification" means:

39 (a) For an individual, his name and mailing address, his occupation  
40 and the name of his employer.

41 (b) For any other person, including a political committee, the full  
42 name and mailing address of the person. For a political committee,  
43 identification includes the identification number issued on the filing of a  
44 statement of organization pursuant to section 16-902.01.

1           13. "Incomplete contribution" means any contribution received by a  
2 political committee for which the contributor's mailing address, occupation,  
3 employer or identification number has not been obtained and is not in the  
4 possession of the political committee.

5           14. "Independent expenditure" means an expenditure by a person or  
6 political committee, other than a candidate's campaign committee, that  
7 expressly advocates the election or defeat of a clearly identified candidate,  
8 that is made without cooperation or consultation with any candidate or  
9 committee or agent of the candidate and that is not made in concert with or  
10 at the request or suggestion of a candidate, or any committee or agent of the  
11 candidate. Independent expenditure includes an expenditure that is subject  
12 to the requirements of section 16-917 which requires a copy of campaign  
13 literature or advertisement to be sent to a candidate named or otherwise  
14 referred to in the literature or advertisement. An expenditure is not an  
15 independent expenditure if any of the following applies:

16           (a) Any officer, member, employee or agent of the political committee  
17 making the expenditure is also an officer, member, employee or agent of the  
18 committee of the candidate whose election or whose opponent's defeat is being  
19 advocated by the expenditure or an agent of the candidate whose election or  
20 whose opponent's defeat is being advocated by the expenditure.

21           (b) There is any arrangement, coordination or direction with respect  
22 to the expenditure between the candidate or the candidate's agent and the  
23 person making the expenditure, including any officer, director, employee or  
24 agent of that person.

25           (c) In the same election the person making the expenditure, including  
26 any officer, director, employee or agent of that person, is or has been:

27           (i) Authorized to raise or expend monies on behalf of the candidate or  
28 the candidate's authorized committees.

29           (ii) Receiving any form of compensation or reimbursement from the  
30 candidate, the candidate's committees or the candidate's agent.

31           (d) The expenditure is based on information about the candidate's  
32 plans, projects or needs, or those of his campaign committee, provided to the  
33 expending person by the candidate or by the candidate's agents or any  
34 officer, member or employee of the candidate's campaign committee with a view  
35 toward having the expenditure made.

36           15. "In-kind contribution" means a contribution of goods or services or  
37 anything of value and not a monetary contribution.

38           16. "Itemized" means that each contribution received or expenditure  
39 made is set forth separately.

40           17. "Literature or advertisement" means information or materials that  
41 are mailed, distributed or placed in some medium of communication for the  
42 purpose of influencing the outcome of an election.

43           18. "Personal monies" means any of the following:

1 (a) Assets to which the candidate has a legal right of access or  
2 control at the time he becomes a candidate and with respect to which the  
3 candidate has either legal title or an equitable interest.

4 (b) Salary and other earned income from bona fide employment of the  
5 candidate, dividends and proceeds from the sale of the stocks or investments  
6 of the candidate, bequests to the candidate, income to the candidate from  
7 trusts established before candidacy, income to the candidate from trusts  
8 established by bequest after candidacy of which the candidate is a  
9 beneficiary, gifts to the candidate of a personal nature that have been  
10 customarily received before the candidacy and proceeds received by the  
11 candidate from lotteries and other legal games of chance.

12 (c) The proceeds of loans obtained by the candidate that are not  
13 contributions and for which the collateral or security is covered by  
14 subdivision (a) or (b) of this paragraph.

15 (d) Family contributions.

16 19. "Political committee" means a candidate or any association or  
17 combination of persons that is organized, conducted or combined for the  
18 purpose of influencing the result of any election or to determine whether an  
19 individual will become a candidate for election in this state or in any  
20 county, city, town, district or precinct in this state, that engages in  
21 political activity in behalf of or against a candidate for election or  
22 retention or in support of or opposition to an initiative, referendum or  
23 recall or any other measure or proposition and that applies for a serial  
24 number and circulates petitions and, in the case of a candidate for public  
25 office except those exempt pursuant to section 16-903, that receives  
26 contributions or makes expenditures in connection therewith, notwithstanding  
27 that the association or combination of persons may be part of a larger  
28 association, combination of persons or sponsoring organization not primarily  
29 organized, conducted or combined for the purpose of influencing the result of  
30 any election in this state or in any county, city, town or precinct in this  
31 state. Political committee includes the following types of committees:

32 (a) A candidate's campaign committee.

33 (b) A separate, segregated fund established by a corporation or labor  
34 organization pursuant to section 16-920, subsection A, paragraph 3.

35 (c) A committee acting in support of or opposition to the  
36 qualification, passage or defeat of a ballot measure, question or  
37 proposition.

38 (d) A committee organized to circulate or oppose a recall petition or  
39 to influence the result of a recall election.

40 (e) A political party.

41 (f) A committee organized for the purpose of making independent  
42 expenditures.

43 (g) A committee organized in support of or opposition to one or more  
44 candidates.

45 (h) A political organization.

1 (i) An exploratory committee.

2 20. "Political organization" means an organization that is formally  
3 affiliated with and recognized by a political party including a district  
4 committee organized pursuant to section 16-823.

5 21. "Political party" means the state committee as prescribed by  
6 section 16-825 or the county committee as prescribed by section 16-821 of an  
7 organization that meets the requirements for recognition as a political party  
8 pursuant to section 16-801 or section 16-804, subsection A.

9 22. "Sponsoring organization" means any organization that establishes,  
10 administers or contributes financial support to the administration of, or  
11 that has common or overlapping membership or officers with, a political  
12 committee other than a candidate's campaign committee.

13 23. "Standing political committee" means a political committee ~~that is~~  
14 **TO WHICH** all of the following **APPLY**:

15 (a) **IS** active in more than one reporting jurisdiction in this state  
16 for more than one year.

17 (b) Files a statement of organization as prescribed by section  
18 16-902.01, subsection E.

19 (c) Is any of the following as defined by paragraph 19 of this  
20 section:

21 (i) A separate, segregated fund.

22 (ii) A political party.

23 (iii) A committee organized for the purpose of making independent  
24 expenditures.

25 (iv) A political organization.

26 24. "Statewide office" means the office of governor, secretary of  
27 state, state treasurer, attorney general, superintendent of public  
28 instruction, corporation commissioner or mine inspector.

29 25. "Surplus monies" means those monies of a political committee  
30 remaining after all of the committee's expenditures have been made and its  
31 debts have been extinguished.

32 Sec. 16. Subject to the requirements of article IV, part 1, section 1,  
33 Constitution of Arizona, section 16-955, Arizona Revised Statutes, is amended  
34 to read:

35 16-955. Citizens clean elections commission; structure

36 A. The citizens clean elections commission is established consisting  
37 of five members. No more than two members of the commission shall be members  
38 of the same political party. No more than two members of the commission  
39 shall be residents of the same county. No one shall be appointed as a member  
40 who does not have a registration pursuant to chapter 1 of this title that has  
41 been continuously recorded for at least five years immediately preceding  
42 appointment with the same political party or as an independent.

43 B. The commission on appellate court appointments shall nominate  
44 candidates for vacant commissioner positions who are committed to enforcing  
45 this article in an honest, independent, and impartial fashion and to seeking

1 to uphold public confidence in the integrity of the electoral system. Each  
 2 candidate shall be a qualified elector who has not, in the previous five  
 3 years in this state, been appointed to, been elected to, ~~or~~ or run for any  
 4 public office, including precinct ~~committeeman~~ COMMITTEE MEMBER, or served as  
 5 an officer of a political party.

6 C. Initially, the commission on appellate court appointments shall  
 7 nominate five slates, each having three candidates, before January 1, 1999.  
 8 No later than February 1, 1999, the governor shall select one candidate from  
 9 one of the slates to serve on the commission for a term ending January 31,  
 10 2004. Next, the highest-ranking official holding a statewide office who is  
 11 not a member of the same political party as the governor shall select one  
 12 candidate from another one of the slates to serve on the commission for a  
 13 term ending January 31, 2003. Next, the second-highest-ranking official  
 14 holding a statewide office who is a member of the same political party as the  
 15 governor shall select one candidate from one of the three remaining slates to  
 16 serve on the commission for a term ending January 31, 2002. Next, the  
 17 second-highest-ranking official holding a statewide office who is not a  
 18 member of the same political party as the governor shall select one candidate  
 19 from one of the two remaining slates to serve on the commission for a term  
 20 ending January 31, 2001. Finally, the third-highest-ranking official holding  
 21 a statewide office who is a member of the same political party as the  
 22 governor shall elect one candidate from the last slate to serve on the  
 23 commission for a term ending January 31, 2000. For purpose of this section,  
 24 the ranking of officials holding statewide office shall be governor,  
 25 secretary of state, attorney general, treasurer, superintendent of public  
 26 instruction, corporation commissioners in order of seniority, mine inspector,  
 27 the members of the supreme court in order of seniority, senate majority and  
 28 minority leaders, ~~and~~ and house majority and minority leaders.

29 D. One commissioner shall be appointed for a five-year term beginning  
 30 February 1 of every year beginning with the year 2000. The commission on  
 31 appellate court appointments shall nominate one slate of three candidates  
 32 before January 1 of each year beginning in the year 2000, and the governor  
 33 and the highest-ranking official holding a statewide office who is not a  
 34 member of the same political party as the governor shall alternate filling  
 35 such vacancies. The vacancy in the year 2000 shall be filled by the  
 36 governor.

37 E. Members of the commission may be removed by the governor, with  
 38 concurrence of the senate, for substantial neglect of duty, gross misconduct  
 39 in office, inability to discharge the powers and duties of office, ~~or~~ or  
 40 violation of this section, after written notice and opportunity for a  
 41 response.

42 F. If a commissioner does not complete ~~his or her~~ THE COMMISSIONER'S  
 43 term of office for any reason, the commission on appellate court appointments  
 44 shall nominate one slate of three candidates as soon as possible in the first  
 45 thirty days after the commissioner vacates ~~his or her~~ THE COMMISSIONER'S

1 office and a replacement shall be selected from the slate within thirty days  
2 of nomination of the slate. The highest-ranking official holding a statewide  
3 office who is a member of the political party of the official who nominated  
4 the commissioner who vacated office shall nominate the replacement, who shall  
5 serve as commissioner for the unexpired portion of the term. A vacancy or  
6 vacancies shall not impair the right of the remaining members to exercise all  
7 of the powers of the board.

8 G. Commissioners are eligible to receive compensation in an amount of  
9 two hundred dollars for each day on which the commission meets and  
10 reimbursement of expenses pursuant to title 38, chapter 4, article 2.

11 H. The commissioners shall elect a chair to serve for each  
12 calendar-year period from among their members whose terms expire after the  
13 conclusion of that year. Three commissioners shall constitute a quorum.

14 I. A member of the commission shall serve no more than one term and is  
15 not eligible for reappointment. No commissioner, during ~~his or her~~ THE  
16 COMMISSIONER'S tenure or for three years thereafter, shall seek or hold any  
17 other public office, serve as an officer of any political committee, ~~or~~  
18 employ or be employed as a lobbyist.

19 J. The commission shall appoint an executive director who shall not be  
20 a member of the commission and who shall serve at the pleasure of the  
21 commission. The executive director is eligible to receive compensation set  
22 by the board within the range determined under section 38-611. The executive  
23 director, subject to title 41, chapter 4, articles 5 and 6, shall employ,  
24 determine the conditions of employment, ~~and~~ specify the duties of  
25 administrative, secretarial, ~~and~~ clerical employees as the director deems  
26 necessary.

27 Sec. 17. Section 41-1202, Arizona Revised Statutes, is amended to  
28 read:

29 41-1202. Vacancy in legislature; precinct committee members;  
30 appointment; definition

31 A. If a vacancy occurs in the legislature and the vacant seat was  
32 represented by a political party that is organized pursuant to title 16,  
33 chapter 5, article 2 and that has at least thirty elected ~~committeemen~~  
34 COMMITTEE MEMBERS who are from precincts that are in the legislative district  
35 and that are in the county in which the vacancy occurred, the following  
36 apply:

37 1. The secretary of state shall notify the state party chairman of the  
38 appropriate political party of the vacancy. Within three business days after  
39 notification of the vacancy by the secretary of state, the state party  
40 chairman of the appropriate political party or the chairman's designee shall  
41 give written notice of the meeting to fill the vacancy to all elected  
42 precinct ~~committeemen~~ COMMITTEE MEMBERS of the appropriate political party  
43 from precincts that are in the legislative district and that are in the  
44 county in which the vacancy occurred.

1           2. Those elected precinct ~~committeemen~~ COMMITTEE MEMBERS shall  
2 nominate, within twenty-one days after notification of the vacancy by the  
3 secretary of state if the legislature is not in regular session or within  
4 five days if the legislature is in regular session and by a majority vote,  
5 three qualified electors to fill the vacancy who meet the requirements for  
6 service in the legislature and who belong to the same political party and  
7 reside at the time of nomination in the same district and county as the  
8 person elected to or appointed to the office immediately before the vacancy.

9           3. The meeting to fill the vacancy is subject to title 38, chapter 3,  
10 article 3.1, and the state party chairman of the appropriate political party  
11 shall oversee the nominations. Fifty per cent or more of the elected  
12 precinct ~~committeemen~~ COMMITTEE MEMBERS of the district who are in the  
13 legislative district and from the county in which the vacancy occurred, or  
14 their proxies, meeting together constitutes a quorum for the purposes of this  
15 subsection. A precinct ~~committeeman~~ COMMITTEE MEMBER may choose to permit  
16 the use of a proxy that:

17           (a) Is given by the precinct ~~committeeman~~ COMMITTEE MEMBER to another  
18 elected precinct ~~committeeman~~ COMMITTEE MEMBER for the legislative district  
19 in which the vacancy occurred for use at the meeting to fill the vacancy.

20           (b) Only is valid for the length of the meeting for which it was  
21 given.

22           (c) Is attested by a notary public or two witnesses.

23           4. The state party chairman of the appropriate political party shall  
24 forward the names of the three persons named pursuant to paragraph 2 of this  
25 subsection to the board of supervisors of the county of residence of the  
26 person elected or appointed to the office immediately before the vacancy  
27 occurred. The board of supervisors shall appoint a person from the three  
28 nominees submitted.

29           5. If the elected precinct ~~committeemen~~ COMMITTEE MEMBERS of the  
30 appropriate political party fail to fill the vacancy within twenty-one days  
31 if the legislature is not in regular session or within five days if the  
32 legislature is in regular session, as provided in subsection A, the state  
33 party chairman shall notify the board of supervisors of the appropriate  
34 county and the board of supervisors shall fill the vacancy as provided in  
35 subsection B. The time frame for appointing a citizens panel shall run from  
36 receipt of notification from the state party chairman.

37           B. If the vacant legislative seat was represented by a political party  
38 that is organized pursuant to title 16, chapter 5, article 2 and that has  
39 fewer than thirty elected ~~committeemen~~ COMMITTEE MEMBERS who are from  
40 precincts that are in the legislative district and that are in the county in  
41 which the vacancy occurred or if the vacant legislative seat is not  
42 represented by a political party that is organized pursuant to title 16,  
43 chapter 5, article 2, the following apply:

44           1. The board of supervisors of the county of residence of the person  
45 elected to or appointed to the office immediately before the vacancy shall

1 appoint within three business days after a vacancy occurs a citizens panel to  
2 submit to the board within seven business days the names of three qualified  
3 electors who are members of the appropriate political party and who are  
4 residents of the legislative district and county in which the vacancy  
5 occurred to fill the vacancy. If the person elected to or appointed to the  
6 office immediately before the vacancy was a registered independent, the  
7 qualified electors shall be registered as independent.

8 2. Within five business days after receiving the list of names  
9 submitted by the panel and by a majority vote of all of the supervisors  
10 sitting as a board, the board of supervisors shall appoint one person from  
11 the list of names submitted by the panel to fill the vacancy.

12 C. For the purposes of this section, "appropriate political party"  
13 means the same political party of which the person who was elected to or  
14 appointed to the office was a member immediately before the vacancy occurred.

15 Sec. 18. Requirements for enactment; three-fourths vote

16 Pursuant to article IV, part 1, section 1, Constitution of Arizona,  
17 section 16-955, Arizona Revised Statutes, as amended by this act, is  
18 effective only on the affirmative vote of at least three-fourths of the  
19 members of each house of the legislature.