

REFERENCE TITLE: county realignment; local initiative

State of Arizona
Senate
Forty-ninth Legislature
Second Regular Session
2010

SB 1143

Introduced by
Senator Harper

AN ACT

AMENDING SECTION 11-132, ARIZONA REVISED STATUTES; AMENDING TITLE 11, CHAPTER 1, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 3.1; RELATING TO REALIGNMENT OF COUNTIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. Section 11-132, Arizona Revised Statutes, is amended to read:

11-132. Methods of formation; requirements

A. Counties may be formed or divided either by legislative enactment, by statewide initiative pursuant to article IV, part 1, section 1, Constitution of Arizona, ~~or~~ by county initiative pursuant to this article **OR BY LOCAL INITIATIVE PURSUANT TO ARTICLE 3.1 OF THIS CHAPTER**. The requirements of this article, however, do not apply to counties formed or divided by legislative enactment, ~~or~~ by statewide initiative **OR BY LOCAL INITIATIVE UNLESS OTHERWISE PROVIDED BY LAW**.

B. A county shall not be formed or divided by county initiative pursuant to this article **OR BY LOCAL INITIATIVE PURSUANT TO ARTICLE 3.1 OF THIS CHAPTER** unless each proposed county would have all of the following qualifications:

1. At least three-fourths of one per cent of the total state assessed valuation and at least the statewide per capita assessed valuation.

2. A population of at least three-fourths of one per cent of the total state population according to the most recent United States decennial census.

3. At least one hundred square miles of privately owned land.

4. Common boundaries with either:

(a) At least three other existing or proposed counties.

(b) At least two other existing or proposed counties and the state boundary.

Sec. 2. Title 11, chapter 1, Arizona Revised Statutes, is amended by adding article 3.1, to read:

ARTICLE 3.1. REALIGNMENT OF COUNTY BY LOCAL INITIATIVE

11-151. Alternative method for realignment of county boundaries; requirements

A. THIS ARTICLE PROVIDES AN ALTERNATIVE METHOD FOR REALIGNING COUNTY BOUNDARIES FOR THE SOLE PURPOSE OF MOVING TERRITORY FROM ONE EXISTING COUNTY TO AN ADJACENT EXISTING COUNTY. THIS ALTERNATIVE METHOD MAY BE USED IN LIEU OF THE PROCEDURES PRESCRIBED BY ARTICLE 3 OF THIS CHAPTER UNLESS OTHERWISE PRESCRIBED BY THIS ARTICLE.

B. THE RESULT OF THE PROCESS MUST PRODUCE TWO NEW COUNTY CONFIGURATIONS. EACH PROPOSED NEW COUNTY, AFTER REALIGNMENT, MUST MEET THE SPECIFICATIONS PRESCRIBED BY SECTION 11-132, SUBSECTION B.

C. THE TERRITORY PROPOSED TO BE MOVED FROM ONE COUNTY TO ANOTHER:

1. MUST BE COMPACT IN CONFIGURATION AND CONTAIN NO NONCONTIGUOUS AREAS OR PARCELS.

2. SHALL NOT INCLUDE ANY AREA WITHIN THE EXTERIOR CORPORATE BOUNDARIES OF A COUNTY SEAT.

11-151.01. Petition; contents, filing, review and certification

A. THE REALIGNMENT OF COUNTIES PURSUANT TO THIS ARTICLE SHALL BE INITIATED BY PETITION, SUBJECT TO THE REQUIREMENTS OF SECTION 11-134.

B. THE PETITION SHALL CONTAIN THE INFORMATION PRESCRIBED BY SECTION 11-133, SUBSECTION A, PARAGRAPHS 1 THROUGH 6 AND MUST BE SIGNED BY THE QUALIFIED ELECTORS RESIDING IN THE TERRITORY PROPOSED TO BE MOVED WHO ARE EQUAL IN NUMBER TO AT LEAST FIFTEEN PER CENT OF THE NUMBER OF ALL VOTES CAST FOR GOVERNOR IN THE TERRITORY PROPOSED TO BE MOVED AT THE LAST ELECTION FOR GOVERNOR.

C. COMPLETED PETITIONS SHALL BE FILED WITH THE SECRETARY OF STATE AND ARE SUBJECT TO THE FILING, REVIEW AND CERTIFICATION REQUIREMENTS PRESCRIBED BY SECTION 11-135.

11-151.02. Election

A. IF THE SECRETARY OF STATE CERTIFIES THAT THE PETITION IS SUFFICIENT, THE SECRETARY OF STATE SHALL CALL A SPECIAL ELECTION TO BE HELD EXCLUSIVELY WITHIN THE TERRITORY PROPOSED TO BE MOVED FROM THE CURRENT COUNTY TO THE ADJACENT COUNTY. THE SOLE ISSUE IN THE ELECTION IS THE APPROVAL OR DISAPPROVAL OF THE PROPOSAL. THE ELECTION SHALL BE HELD ON ONE OF THE CONSOLIDATED ELECTION DATES PRESCRIBED BY SECTION 16-204, EXCEPT THAT AN ELECTION SHALL NOT BE HELD BETWEEN JANUARY 1 AND THE GENERAL ELECTION DATE IN A YEAR IN WHICH THE PRESIDENT OF THE UNITED STATES IS ELECTED. THE SECRETARY OF STATE MAY DELEGATE ELECTION RESPONSIBILITIES UNDER THIS SECTION AS APPROPRIATE TO THE BOARD OF SUPERVISORS OR ELECTION OFFICERS OF THE COUNTY IN WHICH THE TERRITORY IS CURRENTLY LOCATED.

B. THE NOTICE OF THE ELECTION SHALL:

1. STATE THAT THE PROPOSAL IS TO:

(a) APPROVE OR DISAPPROVE MOVING THE AFFECTED TERRITORY FROM ITS EXISTING COUNTY INTO THE ADJACENT COUNTY.

(b) ESTABLISH A COUNTY DISTRIBUTION BOARD TO DETERMINE AND ACCOMPLISH THE DIVISION OF AND PAYMENT FOR THE PROPERTY OF THE TWO AFFECTED COUNTIES AS PROVIDED IN SECTION 11-143.

2. STATE THE BOUNDARIES OF THE TERRITORY THAT IS PROPOSED TO BE MOVED.

3. DESIGNATE THE DATE OF THE ELECTION.

4. DESIGNATE THE ELECTION PRECINCTS AND PLACES WHERE THE POLLS WILL BE OPEN AS ESTABLISHED BY THE BOARD OF SUPERVISORS OF THE COUNTY IN WHICH THE TERRITORY IS CURRENTLY LOCATED AND THE SECRETARY OF STATE UNDER SUBSECTION G OF THIS SECTION.

5. NAME THE ELECTION OFFICERS OF THE SEVERAL PRECINCTS.

C. THE NOTICE OF THE ELECTION SHALL BE PUBLISHED AT LEAST TWICE IN A NEWSPAPER OF GENERAL CIRCULATION IN THE AFFECTED TERRITORY.

D. THE SECRETARY OF STATE SHALL CAUSE TO BE PRINTED AND AT LEAST TEN DAYS BEFORE THE ELECTION SHALL MAIL TO EACH HOUSEHOLD CONTAINING A REGISTERED VOTER IN THE AFFECTED TERRITORY A PUBLICITY PAMPHLET CONTAINING THE NOTICE OF ELECTION PRESCRIBED BY THIS SECTION AND A SAMPLE ELECTION BALLOT. NOT LATER THAN FORTY DAYS BEFORE THE ELECTION ANY PERSON MAY FILE WITH THE SECRETARY OF STATE AN ARGUMENT, NOT EXCEEDING TWO HUNDRED WORDS IN LENGTH, ADVOCATING OR OPPOSING THE PROPOSED REALIGNMENT OF COUNTIES. EACH ARGUMENT MUST BE SIGNED BY THE PERSON, OR THE OFFICERS OF THE ORGANIZATION, SPONSORING IT AND

1 ACCOMPANIED BY A FEE OF TWO HUNDRED DOLLARS. THE PERSON OR PERSONS SIGNING
2 THE ARGUMENT SHALL IDENTIFY THEMSELVES BY GIVING THEIR RESIDENCE OR POST
3 OFFICE ADDRESS. THE PUBLICITY PAMPHLET SHALL INCLUDE EACH ARGUMENT SO FILED.

4 E. THE BALLOT SHALL STATE "SHALL _____ (COUNTIES) BE REALIGNED BY
5 MOVING TERRITORY FROM _____ (COUNTY) TO _____ (COUNTY), INCLUDING
6 THE ESTABLISHMENT OF A DISTRIBUTION BOARD TO ESTIMATE TAXES TO BE LEVIED FOR
7 THE DISTRIBUTION OF COUNTY ASSETS, LIABILITIES AND RECORDS?" FOLLOWED BY
8 SPACES DESIGNATED "YES" AND "NO". EXCEPT AS OTHERWISE PROVIDED AND AS FAR AS
9 PRACTICABLE, THE SECRETARY OF STATE SHALL CONDUCT THE ELECTION AND CANVASS
10 THE RETURNS IN THE SAME MANNER AS GENERAL ELECTIONS.

11 F. REGISTERED VOTERS WITHIN THE TERRITORY PROPOSED TO BE MOVED ARE
12 ENTITLED TO VOTE IN THE ELECTION. ANY PERSON ELIGIBLE TO REGISTER WHO IS NOT
13 REGISTERED MAY REGISTER WITH THE COUNTY RECORDER UP TO TWENTY-NINE DAYS
14 BEFORE THE ELECTION.

15 G. IF NECESSARY FOR PURPOSES OF THE ELECTION, THE SECRETARY OF STATE
16 MAY ORDER THE BOARD OF SUPERVISORS OF THE COUNTY IN WHICH THE AFFECTED
17 TERRITORY IS CURRENTLY LOCATED TO CHANGE THE BOUNDARIES OF ELECTION PRECINCTS
18 TO CONFORM TO THE AFFECTED TERRITORY. IF THE PRECINCT BOUNDARIES ARE
19 CHANGED, THE SECRETARY OF STATE SHALL NOTIFY THE ATTORNEY GENERAL TO INITIATE
20 PROCEEDINGS TO DETERMINE COMPLIANCE WITH APPLICABLE FEDERAL LAWS UNDER
21 SECTION 11-139, AND THE ELECTION DATE MAY BE POSTPONED ACCORDINGLY.

22 H. POLITICAL COMMITTEES, AS DEFINED IN SECTION 16-901, PROMOTING OR
23 OPPOSING THE FORMATION OF NEW COUNTIES UNDER THIS ARTICLE SHALL REGISTER WITH
24 AND REPORT TO THE SECRETARY OF STATE AND OTHERWISE COMPLY WITH THE
25 REQUIREMENTS OF TITLE 16, CHAPTER 6 REGARDING THE ELECTION UNDER THIS
26 SECTION.

27 I. ON THE SECOND MONDAY FOLLOWING THE ELECTION THE SECRETARY OF STATE
28 SHALL CANVASS THE RETURNS. THE PROPOSITION IS APPROVED IF A MAJORITY OF THE
29 VOTES CAST ARE IN FAVOR OF REALIGNMENT.

30 J. THE SECRETARY OF STATE SHALL IMMEDIATELY MAKE AN ORDER DECLARING
31 THE RESULT AND TRANSMIT COPIES OF THE ORDER TO THE CLERK OF THE BOARD OF
32 SUPERVISORS OF EACH AFFECTED COUNTY, THE GOVERNOR, THE ATTORNEY GENERAL, THE
33 PRESIDENT OF THE SENATE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND EACH
34 LEGISLATOR WHOSE DISTRICT IS IN AN AFFECTED COUNTY.

35 11-151.03. Ratification or rejection of realignment;
36 post-realignment requirements

37 A. IF THE ELECTORS APPROVE THE RELOCATION OF THE TERRITORY FROM THE
38 EXISTING COUNTY TO THE ADJACENT COUNTY, THE BOARD OF SUPERVISORS OF THE
39 COUNTY RECEIVING THE TERRITORY SHALL EITHER:

40 1. CONSIDER A RESOLUTION TO APPROVE AND ACCEPT THE TERRITORY INTO THE
41 COUNTY. IF THE RESOLUTION FAILS, OR IF THE BOARD FAILS TO CONSIDER THE
42 RESOLUTION WITHIN NINETY DAYS AFTER THE SECRETARY OF STATE'S ORDER OF THE
43 RESULTS OF THE ELECTION PURSUANT TO SECTION 11-151.02, SUBSECTION J, THE
44 BOARD OF SUPERVISORS MUST CALL A SPECIAL ELECTION UNDER PARAGRAPH 2 OF THIS
45 SUBSECTION.

1 2. CALL A SPECIAL ELECTION FOR THE QUALIFIED ELECTORS OF THE COUNTY AS
2 IT CURRENTLY EXISTS TO APPROVE AND ACCEPT THE TERRITORY INTO THE COUNTY. AN
3 ELECTION UNDER THIS PARAGRAPH SHALL BE ADMINISTERED BY THE COUNTY ELECTIONS
4 OFFICIALS AS NEARLY AS PRACTICABLE AS PROVIDED BY SECTION 11-151.02. IF A
5 MAJORITY OF THE QUALIFIED ELECTORS VOTING ON THE ISSUE REJECTS THE
6 PROPOSITION, THE PROCEEDINGS UNDER THIS ARTICLE REGARDING THE REALIGNMENT OF
7 COUNTIES ARE TERMINATED, THE REALIGNED COUNTIES SHALL NOT BE FORMED AND THE
8 AFFECTED COUNTIES SHALL CONTINUE IN EXISTENCE.

9 B. IF THE TERRITORY IS ACCEPTED INTO THE COUNTY, EITHER BY RESOLUTION
10 OR ELECTION UNDER SUBSECTION A OF THIS SECTION:

11 1. THE BOARD OF SUPERVISORS SHALL TRANSMIT A CERTIFICATION OF THE
12 ACTION TO THE GOVERNOR, THE SECRETARY OF STATE, THE ATTORNEY GENERAL, THE
13 PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

14 2. THE ATTORNEY GENERAL SHALL IMMEDIATELY INITIATE PROCEEDINGS TO
15 DETERMINE COMPLIANCE WITH APPLICABLE FEDERAL LAWS. THE ATTORNEY GENERAL, MAY
16 ORDER THE CORRECTION OF ANY MINOR DEFICIENCIES IN ORDER TO ACHIEVE
17 COMPLIANCE, BUT IF IT IS FINALLY DETERMINED THAT THE COUNTY REALIGNMENT DOES
18 NOT COMPLY WITH APPLICABLE FEDERAL LAWS, THE PROCEEDINGS UNDER THIS ARTICLE
19 REGARDING THE REALIGNMENT OF COUNTIES ARE TERMINATED, THE REALIGNED COUNTIES
20 SHALL NOT BE FORMED AND THE AFFECTED COUNTIES SHALL CONTINUE IN EXISTENCE.

21 3. A SPECIAL DISTRICT GOVERNED BY A DISTRIBUTION BOARD IS ESTABLISHED
22 CONSISTING OF THE TERRITORY OF BOTH OF THE REALIGNED COUNTIES AS PROVIDED BY
23 AND FOR THE PURPOSES OF SECTION 11-143.

24 4. SECTION 11-145 GOVERNS ANY ISSUES REGARDING PAYMENT OF COSTS OF
25 COUNTY REALIGNMENT UNDER THIS ARTICLE.

26 5. THE ATTORNEY GENERAL SHALL APPOINT A BOARD OF ARBITRATION,
27 INCLUDING AT LEAST AN EQUAL NUMBER OF REPRESENTATIVES OF EACH AFFECTED
28 COUNTY, TO RESOLVE DISAGREEMENTS INVOLVING THE REALIGNMENT OF THE COUNTIES,
29 AND SUBJECT TO APPEAL, AS PROVIDED BY SECTION 11-144.