

REFERENCE TITLE: statewide special election

State of Arizona  
Senate  
Forty-ninth Legislature  
Sixth Special Session  
2010

# SB 1001

Introduced by  
Senators Burns, Chevront, Leff, Lopez, Pierce S: Garcia, Gray L

AN ACT

PROVIDING FOR A SPECIAL ELECTION FOR THE PURPOSE OF VOTING ON AMENDMENTS TO  
THE CONSTITUTION OF ARIZONA RELATING TO TEMPORARY TAXES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Special election

3 Under the authority of and in accordance with article XXI, section 1,  
4 Constitution of Arizona, a special election is called to be held May 18, 2010  
5 and to be conducted by the officers conducting regular elections.

6 Sec. 2. Purpose of election

7 The purpose of the special election called pursuant to section 1 of  
8 this act is to submit to a vote of the people certain amendments to the  
9 Constitution of Arizona that are proposed by the forty-ninth legislature,  
10 sixth special session, that are approved by a majority of the members of each  
11 house of the legislature and that amend the Constitution of Arizona to  
12 provide for temporary taxes.

13 Sec. 3. Publicity; secretary of state

14 A. The secretary of state shall cause to be printed in pamphlet form a  
15 sample ballot and a true copy of the official title and text of each proposed  
16 amendment, with the number and form in which the descriptive title will be  
17 printed on the official ballot as prescribed by section 19-125, Arizona  
18 Revised Statutes. In addition, the publicity pamphlet shall contain a  
19 legislative council analysis, a joint legislative budget committee staff  
20 fiscal impact summary and any arguments submitted in support of or opposition  
21 to the proposed amendments as prescribed by section 19-124, Arizona Revised  
22 Statutes. The legislative council analysis and joint legislative budget  
23 committee fiscal impact summary shall be submitted to the secretary of state  
24 no later than February 25, 2010 and any arguments shall be submitted to the  
25 secretary of state no later than February 25, 2010. A person submitting an  
26 argument in support of or opposition to the proposed amendments shall pay the  
27 fee prescribed pursuant to section 19-124, Arizona Revised Statutes.

28 B. The secretary of state is not required to conduct public meetings  
29 on the proposed amendments.

30 C. Not less than ten days before the special election called pursuant  
31 to this act, the secretary of state shall cause each proposed amendment to be  
32 published for a period of at least three days in a daily newspaper in every  
33 county in the state in which a newspaper is published or, if there is not  
34 such a newspaper, at least one time in a weekly newspaper.

35 D. Not less than thirty-three days before the special election called  
36 pursuant to this act, the secretary of state shall mail one copy of the  
37 publicity pamphlet to every household that contains a registered voter. The  
38 mailings may be made over a period of days but shall be mailed in order to be  
39 delivered to households before the earliest date for the receipt of early  
40 ballots that may have been requested by a voter.

41 E. The secretary of state shall distribute the publicity pamphlet in  
42 other forms and methods deemed advisable by the secretary of state.

1           Sec. 4. Form of ballot

2           A. The officer in charge of elections shall comply with section  
3 19-125, subsections E and F, Arizona Revised Statutes, with respect to  
4 printing the full text of each measure on the ballot.

5           B. If a political subdivision contracts with a county for election  
6 services and that political subdivision chooses to hold a local election on  
7 May 18, 2010, the political subdivision shall only utilize a ballot and  
8 format of the election where the questions presented pursuant to article XXI,  
9 section 1, Constitution of Arizona, appear and the constitutional amendments  
10 shall appear first before the other matters of the political subdivision.

11           Sec. 5. Applicability of general election laws; exceptions

12           A. The secretary of state and county officers in charge of elections  
13 are exempt from compliance with competitive bidding processes to the extent  
14 that those processes will conflict with the timely printing and distribution  
15 of publicity pamphlets, ballots and other election materials or the timely  
16 conduct of the special election required by this act.

17           B. The special election called pursuant to this act shall be governed  
18 and administered under the general laws of this state regarding elections to  
19 the greatest extent practicable and shall be administered in a manner  
20 consistent with a presidential preference election with consolidated  
21 precincts. The board of supervisors shall deliver the canvass to the  
22 secretary of state within ten days after the special election and the canvass  
23 shall be completed by the secretary of state by the second Monday after the  
24 special election.

25           Sec. 6. Campaign finance; reporting contributions and  
26 expenditures by committees acting on special ballot  
27 measures; civil penalty; definitions

28           A. Any political committee that acts in support of or opposition to  
29 the qualification, passage or defeat of any ballot measure, question or  
30 proposition that is the subject of the special election called by this act  
31 shall organize and register as a special election political committee and  
32 shall file reports of contributions and expenditures pursuant to title 16,  
33 chapter 6, article 1, Arizona Revised Statutes.

34           B. Notwithstanding the reporting schedule prescribed by section  
35 16-913, Arizona Revised Statutes, a political committee that is subject to  
36 subsection A of this section shall file campaign finance reports pursuant to  
37 section 16-915, Arizona Revised Statutes, as follows:

38           1. A preelection report, which shall be filed not less than sixty days  
39 before the special election and which shall be complete through the  
40 eighty-fourth day before the election.

41           2. A preelection report, which shall be filed not less than four days  
42 before the special election and which shall be complete through the tenth day  
43 before the election.

1           3. A postelection report, which shall be filed not more than thirty  
2 days after the special election and which shall be complete through the  
3 twenty-first day after the election.

4           4. A postelection report, which shall cover the period beginning  
5 twenty-two days after the date of the special election through the ninetieth  
6 day after the special election, and another report of contributions and  
7 expenditures every ninety days thereafter or until the committee terminates.

8           C. A political committee that is subject to subsection A of this  
9 section shall give notice to the secretary of state of the following:

10           1. Any contribution or group of contributions to the committee that is  
11 made from a single source less than twenty days before the day of the  
12 election if it exceeds a cumulative total of ten thousand dollars for a  
13 ballot measure.

14           2. Each time that any of the following occurs for the committee:

15           (a) The committee has received contributions totaling ten thousand  
16 dollars or more.

17           (b) The committee has made expenditures totaling ten thousand dollars  
18 or more.

19           (c) The committee has received contributions totaling ten thousand  
20 dollars or more from a single source.

21           (d) The committee has received contributions totaling ten thousand  
22 dollars or more from different additional single sources.

23           D. The notices prescribed by subsection C of this section shall be  
24 filed within twenty-four hours, excluding Saturdays, Sundays and other legal  
25 holidays, after the ten thousand dollar amount has been reached and shall  
26 include the identification of the contributors, the dates of receipt and the  
27 amounts of the contributions or the amount, recipient and purpose of the  
28 expenditures. Contributions that are subject to the notification  
29 requirements of subsection C of this section shall be included in the next  
30 report filed pursuant to subsection B of this section.

31           E. A political committee that violates this section and a person who  
32 knowingly violates this section are liable in a civil action for a civil  
33 penalty of up to three times the amount improperly reported as prescribed by  
34 section 16-924, Arizona Revised Statutes.

35           F. For the purposes of this section:

36           1. The definitions prescribed in sections 16-901 and 16-914.01,  
37 Arizona Revised Statutes, apply.

38           2. Title 16, chapter 6, article 1, Arizona Revised Statutes, applies  
39 to the special election called pursuant to this act to the greatest extent  
40 practicable.

41           Sec. 7. Reimbursement of county expenses

42           A. The secretary of state shall reimburse counties for the cost of  
43 printing ballots and other election materials for the special election and  
44 shall reimburse counties for compensation paid to election board and tally  
45 board officers serving during the special election, as well as other costs of

1 administering the election. The secretary of state may advance a portion of  
2 estimated expenses to each county. A county that receives an advance shall  
3 provide subsequent documentation to the secretary of state pursuant to  
4 subsection B.

5 B. The clerk of the board of supervisors of each county shall submit  
6 to the secretary of state for approval an itemized claim, together with  
7 documentation, verified by the clerk for expenses incurred or to be incurred  
8 by the county as prescribed by subsection A. On approval of the claim by the  
9 secretary of state, the claim shall be submitted to the department of  
10 administration for payment to the county from the monies appropriated for  
11 this purpose in the fiscal year 2009-2010 general appropriations act and  
12 related measures.

13 Sec. 8. Nonlapsing of appropriation

14 Notwithstanding any other law, the monies appropriated to the secretary  
15 of state for a special election in Laws 2009, chapter 11, section 93, as  
16 amended by Laws 2009, chapter 12, section 39, in the sum of \$8,346,900 are  
17 exempt from the provisions of section 35-190, Arizona Revised Statutes,  
18 relating to lapsing of appropriations.

19 Sec. 9. Emergency

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