

REFERENCE TITLE: state elections; omnibus

State of Arizona
House of Representatives
Fiftieth Legislature
First Regular Session
2011

HB 2304

Introduced by
Representatives Mesnard, Dial, Senator Gallardo: Representatives Tobin,
Yee, Senator McComish

AN ACT

AMENDING SECTIONS 16-246, 16-315, 16-321, 16-322, 16-341, 16-343 AND 16-449, ARIZONA REVISED STATUTES; REPEALING SECTION 16-543.01, ARIZONA REVISED STATUTES; AMENDING SECTIONS 16-544, 16-602, 16-645, 16-801, 16-902.01, 16-903, 16-914.02, 16-915.01, 16-920, 16-924, 19-112 AND 19-121.04, ARIZONA REVISED STATUTES; RELATING TO ELECTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 16-246, Arizona Revised Statutes, is amended to
3 read:

4 16-246. Early balloting; satellite locations; additional
5 procedures

6 A. Within ninety-three days before the presidential preference
7 election and not later than 5:00 p.m. on the eleventh day preceding the
8 election, any elector who is eligible to vote in the presidential preference
9 election may make a verbal or signed, written request for an official early
10 ballot to the county recorder or other officer in charge of elections for the
11 county in which the elector is registered to vote. If the request is verbal,
12 the requesting elector shall provide the date of birth and birthplace or
13 other information that if compared to the voter registration records for that
14 elector would confirm the identity of the elector.

15 B. Absent uniformed services voters or overseas voters who are
16 otherwise eligible to vote in the election may vote as prescribed by sections
17 16-543, ~~16-543.01~~ and 16-543.02. ~~The list of candidates that is sent as~~
18 ~~prescribed by section 16-543.01 shall be a list of all candidates who have~~
19 ~~qualified for the presidential preference ballot by the forty-sixth day~~
20 ~~before the presidential preference election.~~

21 C. The county recorder or other officer in charge of elections may
22 establish on-site early voting locations at the office of the county recorder
23 or at other locations in the county deemed necessary or appropriate by the
24 recorder. Early voting shall begin within the time limits prescribed in
25 section 16-542 unless otherwise prescribed by this section.

26 D. The county recorder or other officer in charge of elections shall
27 send by nonforwardable mail that is marked with the statement required by the
28 postmaster to receive an address correction notification any early ballots
29 that are requested pursuant to subsections A and B of this section and shall
30 include a preaddressed envelope for the elector to return the completed
31 ballot.

32 E. The county recorder or other officer in charge of elections shall
33 provide to each election board an appropriate alphabetized list of voters who
34 have requested and have been sent an early ballot. Any person who is on that
35 list of voters and who was sent an early ballot shall not vote at the polling
36 place for that election precinct except as prescribed by section 16-579,
37 subsection B.

38 F. The county recorder or other officer in charge of elections may
39 provide for any of the following in the same manner prescribed by law for
40 other elections:

41 1. Special election boards.

42 2. Emergency balloting for persons who experience an emergency after
43 5:00 p.m. on the Friday preceding the presidential preference election and
44 before 5:00 p.m. on the Monday immediately preceding the presidential
45 preference election.

1 G. Sections 16-550, 16-551 and 16-552 govern the use of early
2 balloting for the presidential preference election.

3 Sec. 2. Section 16-315, Arizona Revised Statutes, is amended to read:

4 16-315. Form of petitions; registration of circulators

5 A. The nomination petitions shall be in substantially the following
6 form:

7 1. Petitions shall be on paper fourteen inches wide and eight and
8 one-half inches long.

9 2. Petitions shall be headed by a caption stating the purpose of the
10 petition, followed by the body of the petition stating the intent of the
11 petitioners.

12 3. There shall be fifteen lines spaced three-eighths of an inch apart
13 and consecutively numbered one through fifteen.

14 4. The signature portion of the petition shall be divided into columns
15 headed by the titles: signature; printed name; actual residence address,
16 description of place of residence or Arizona post office box address, city or
17 town; and date of signing.

18 5. A photograph of the candidate may appear on the nomination
19 petition.

20 B. The following shall appear on the petition:

21 Instructions for Circulators

22 1. All petitions shall be signed by circulator.

23 2. Circulator **IS NOT REQUIRED TO BE A RESIDENT OF THIS STATE BUT**
24 **OTHERWISE** must be qualified to register to vote in this state **AND SHALL**
25 **REGISTER AS A CIRCULATOR WITH THE SECRETARY OF STATE.**

26 3. Circulator's name shall be typed or printed under such person's
27 signature.

28 4. Circulator's actual residence address or, if no street address, a
29 description of residence location shall be included on the petition.

30 C. The secretary of state shall prepare sample nomination petition
31 forms and distribute such forms to all election officers.

32 **D. CIRCULATORS WHO ARE NOT RESIDENTS OF THIS STATE MUST BE REGISTERED**
33 **AS CIRCULATORS WITH THE SECRETARY OF STATE BEFORE CIRCULATING PETITIONS. THE**
34 **SECRETARY OF STATE SHALL PROVIDE FOR A METHOD OF RECEIVING SERVICE OF PROCESS**
35 **FOR THOSE PETITION CIRCULATORS WHO REGISTER PURSUANT TO THIS SUBSECTION. THE**
36 **SECRETARY OF STATE SHALL ESTABLISH IN THE INSTRUCTIONS AND PROCEDURES MANUAL**
37 **ISSUED PURSUANT TO SECTION 16-452 A PROCEDURE FOR REGISTERING CIRCULATORS AND**
38 **RECEIVING SERVICE OF PROCESS.**

39 Sec. 3. Section 16-321, Arizona Revised Statutes, is amended to read:

40 16-321. Signing and certification of nomination petition

41 A. Each signer of a nomination petition shall sign only one petition
42 for the same office unless more than one candidate is to be elected to such
43 office, and in that case not more than the number of nomination petitions
44 equal to the number of candidates to be elected to the office. A signature

1 shall not be counted on a nomination petition unless the signature is on a
2 sheet bearing the form prescribed by section 16-314.

3 B. For the purposes of petitions filed pursuant to sections 16-312,
4 16-313, 16-314 and 16-341, each signer of a nomination petition shall be a
5 voter who at the time of signing is a registered voter in the electoral
6 district of the office the candidate is seeking.

7 C. If an elector signs more nomination petitions than permitted by
8 subsection A of this section, the earlier signatures of the elector are
9 deemed valid, as determined by the date of the signature as shown on the
10 petitions. If the signatures by the elector are dated on the same day, all
11 signatures by that elector on that day are deemed invalid. Any signature by
12 that elector on a nomination petition on or after the date of the last
13 otherwise valid signature is deemed invalid and shall not be counted.

14 D. ~~Except as prescribed in section 16-341 for circulators of petitions~~
15 ~~for certain candidates for the office of presidential elector,~~ The person
16 before whom the signatures were written on the signature sheet IS NOT
17 REQUIRED TO BE A RESIDENT OF THIS STATE BUT OTHERWISE shall be qualified to
18 register to vote in this state pursuant to section 16-101 and, IF NOT A
19 RESIDENT OF THIS STATE, SHALL REGISTER AS A CIRCULATOR WITH THE SECRETARY OF
20 STATE. A CIRCULATOR shall verify that each of the names on the petition was
21 signed in his presence on the date indicated, and that in his belief each
22 signer was a qualified elector who resides at the address given as the
23 signer's residence on the date indicated and, if for a partisan election,
24 that each signer is a member of the party from which the candidate is seeking
25 nomination, or the signer is a member of a political party that is not
26 entitled to continued representation on the ballot pursuant to section 16-804
27 or the signer is registered as independent or no party preferred. The way
28 the name appears on the petition shall be the name used in determining the
29 validity of the name for any legal purpose pursuant to the election laws of
30 this state. Signature and handwriting comparisons may be made.

31 E. A person who signs a nominating petition must use that person's
32 actual residence address unless there is no actual residence address assigned
33 by an official governmental entity or the person's actual residence is
34 protected pursuant to section 16-153. The signature of a person who signs a
35 nominating petition and who uses only a description of the place of residence
36 or an Arizona post office box address is valid if the person is otherwise
37 properly registered to vote, has not moved since registering to vote and is
38 eligible to sign the nominating petition.

39 Sec. 4. Section 16-322, Arizona Revised Statutes, is amended to read:
40 16-322. Number of signatures required on nomination petitions

41 A. Nomination petitions shall be signed:

42 1. If for a candidate for the office of United States senator or for a
43 state office, excepting members of the legislature and superior court judges,
44 by a number of qualified electors who are qualified to vote for the candidate
45 whose nomination petition they are signing equal to at least one-half of one

1 per cent of the voter registration of the party of the candidate in at least
2 three counties in the state, but not less than one-half of one per cent nor
3 more than ten per cent of the total voter registration of the candidate's
4 party in the state.

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

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

17 4. If for a candidate for a county office or superior court judge, by
18 a number of qualified electors who are qualified to vote for the candidate
19 whose nomination petition they are signing equal to at least two per cent but
20 not more than ten per cent of the total voter registration of the party
21 designated in the county or district, provided that in counties with a
22 population of two hundred thousand persons or more, a candidate for a county
23 office shall have nomination petitions signed by a number of qualified
24 electors who are qualified to vote for the candidate whose nomination
25 petition they are signing equal to at least one-half of one per cent but not
26 more than ten per cent of the total voter registration of the party
27 designated in the county or district.

28 5. If for a candidate for a community college district, by a number of
29 qualified electors who are qualified to vote for the candidate whose
30 nomination petition they are signing equal to at least:

31 (a) Through June 30, 2012, one-half of one per cent but not more than
32 ten per cent of the total voter registration in the precinct as established
33 pursuant to section 15-1441.

34 (b) Beginning July 1, 2012, one-quarter of one per cent but not more
35 than ten per cent of the total voter registration in the precinct as
36 established pursuant to section 15-1441. Notwithstanding the total voter
37 registration in the community college district, the maximum number of
38 signatures required by this subdivision is one thousand.

39 6. If for a candidate for county precinct committeeman, by a number of
40 qualified electors who are qualified to vote for the candidate whose
41 nomination petition they are signing equal to at least two per cent but not
42 more than ten per cent of the party voter registration in the precinct or ten
43 signatures, whichever is less.

44 7. If for a candidate for justice of the peace or constable, by a
45 number of qualified electors who are qualified to vote for the candidate

1 whose nomination petition they are signing equal to at least two per cent but
2 not more than ten per cent of the party voter registration in the precinct.

3 8. If for a candidate for mayor or other office nominated by a city at
4 large, by a number of qualified electors who are qualified to vote for the
5 candidate whose nomination petition they are signing equal to at least five
6 per cent and not more than ten per cent of the designated party vote in the
7 city, except that a city that chooses to hold nonpartisan elections may by
8 ordinance provide that the minimum number of signatures required for the
9 candidate be one thousand signatures or five per cent of the vote in the
10 city, whichever is less, but not more than ten per cent of the 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 technical education district board members are elected from single
28 member districts. Notwithstanding the total voter registration in the school
29 district or single member district, the maximum number of signatures required
30 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.~~ C. 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. 5. Section 16-341, Arizona Revised Statutes, is amended to read:
23 16-341. Nomination petition; method and time of filing; form;
24 qualifications and number of petitioners required

25 A. Any qualified elector who is not a registered member of a political
26 party that is recognized pursuant to this title may be nominated as a
27 candidate for public office otherwise than by primary election or by party
28 committee pursuant to this section.

29 B. This article shall not be used to place on the general election
30 ballot the name of a political party ~~which~~ THAT fails to meet the
31 qualifications specified in section 16-802 or 16-804, or the name of any
32 candidate representing such party or the name of a candidate who has filed a
33 nomination petition in the immediately preceding primary election and has
34 failed to qualify as the result of an insufficient number of valid
35 signatures.

36 C. A nomination petition stating the name of the office to be filled,
37 the name and residence of the candidate and other information required by
38 this section shall be filed with the same officer with whom primary
39 nomination papers and petitions are required to be filed as prescribed in
40 section 16-311. Except for candidates for the office of presidential elector
41 filed pursuant to this section, the petition shall be filed at the same time
42 as primary nomination papers and petitions are required to be filed as
43 prescribed by section 16-311. The petition shall be signed only by voters
44 who have not signed the nomination petitions of a candidate for the office to
45 be voted for at that primary election.

1 D. The nomination petition shall be in substantially the following
2 form:

3 ~~"~~The undersigned, qualified electors of _____
4 county, state of Arizona, do hereby nominate _____, who
5 resides at _____ in the county of _____, as a
6 candidate for the office of _____ at the general (or
7 special, as the case may be) election to be held on the
8 _____ day of _____, ____.

9 I hereby declare that I have not signed the nomination
10 petitions of any candidate for the office to be voted for at
11 this primary election, and I do hereby select the following
12 designation under which name the said candidate shall be placed
13 on the official ballot (here insert such designation not
14 exceeding three words in length as the signers may select)."~~"~~

15 E. The nomination petition shall conform as nearly as possible to the
16 provisions relating to nomination petitions of candidates to be voted for at
17 primary elections and shall be signed by at least the number of persons who
18 are registered to vote determined by calculating three per cent of the
19 persons who are registered to vote of the state, county, subdivision or
20 district for which the candidate is nominated who are not members of a
21 political party that is qualified to be represented by an official party
22 ballot at the next ensuing primary election and accorded representation on
23 the general election ballot.

24 F. The percentage of persons who are registered to vote necessary to
25 sign the nomination petition shall be determined by the total number of
26 registered voters from other than political parties that are qualified to be
27 represented by an official party ballot at the next ensuing primary election
28 and accorded representation on the general election ballot in the state,
29 county, subdivision or district on March 1 of the year in which the general
30 election is held. Notwithstanding the method prescribed by subsection E of
31 this section and this subsection for calculating the minimum number of
32 signatures necessary, any person who is registered to vote in the state,
33 county, subdivision or district for which the candidate is nominated is
34 eligible to sign the nomination petition without regard to the signer's party
35 affiliation.

36 G. ~~For the purposes of this section,~~ A nomination petition for ~~the~~
37 ~~office of presidential elector~~ ANY CANDIDATE may be circulated by a person
38 who is not a resident of this state but who is otherwise eligible to register
39 to vote in this state IF THAT PERSON REGISTERS AS A CIRCULATOR WITH THE
40 SECRETARY OF STATE BEFORE CIRCULATING PETITIONS. The nomination petition FOR
41 THE OFFICE OF PRESIDENTIAL ELECTOR shall include a group of names of
42 candidates equal to the number of United States senators and representatives
43 in Congress from this state instead of separate nomination petitions for each
44 candidate for the office of presidential elector. A valid signature on a
45 petition containing a group of presidential electors candidates is counted as

1 a signature for the nomination of each of the candidates. The presidential
2 candidate whom the candidates for presidential elector will represent shall
3 designate in writing to the secretary of state the names of the candidates
4 who will represent the presidential candidate before any signatures for the
5 candidate can be accepted for filing. A nomination petition for the office
6 of presidential elector shall be filed not less than sixty nor more than
7 ninety days before the general election. The petition shall be signed only
8 by qualified electors who have not signed the nomination petitions of a
9 candidate for the office of presidential elector to be voted for at that
10 election.

11 H. The secretary of state shall require in the instructions and
12 procedures manual issued pursuant to section 16-452 that persons who
13 circulate nomination petitions pursuant to this section ~~for the office of~~
14 ~~presidential elector~~ and who are not residents of this state but who are
15 otherwise eligible to register to vote in this state shall register as
16 circulators with the office of the secretary of state before circulating
17 petitions. The secretary of state shall provide for a method of receiving
18 service of process for those petition circulators who are registered.

19 I. A person who files a nomination paper pursuant to this section for
20 the office of president of the United States shall designate in writing to
21 the secretary of state at the time of filing the name of the candidate's
22 vice-presidential running mate, the names of the presidential electors who
23 will represent that candidate and a statement that is signed by the
24 vice-presidential running mate and the designated presidential electors and
25 that indicates their consent to be designated. A nomination paper for each
26 presidential elector designated shall be filed with the candidate's
27 nomination paper. The number of presidential electors shall equal the number
28 of United States senators and representatives in Congress from this state.

29 J. A candidate who does not file a timely nomination petition that
30 complies with this section is not eligible to have the candidate's name
31 printed on the official ballot for that office. The filing officer shall not
32 accept the nomination paper of a candidate for state or local office unless
33 the candidate provides or has provided all of the following:

- 34 1. The nomination petition required by this title.
- 35 2. A political committee statement of organization or the five hundred
36 dollar threshold exemption statement for that office.
- 37 3. The financial disclosure statement as prescribed for candidates for
38 that office.

39 Sec. 6. Section 16-343, Arizona Revised Statutes, is amended to read:
40 16-343. Filling vacancy caused by death or incapacity or
41 withdrawal of candidate

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

1 1. In the case of a United States senator or statewide candidate, the
2 state executive committee of the candidate's political party shall nominate a
3 candidate of the party's choice and shall file a nomination paper and
4 affidavit complying with the requirements for candidates as stated in section
5 16-311 in order to fill the vacancy.

6 2. In the case of a vacancy for the office of United States
7 representative or the legislature, the party precinct committeemen of that
8 congressional or legislative district shall nominate a candidate of the
9 party's choice and shall file a nomination paper and affidavit complying with
10 the requirements of section 16-311.

11 3. In the case of a vacancy for a county or precinct office, the party
12 county committee of counties with a population of less than two hundred fifty
13 thousand persons according to the most recent United States decennial census
14 and, in counties with a population of two hundred fifty thousand persons or
15 more according to the most recent United States decennial census the county
16 officers of the party together with the chairman of the party precinct
17 committeemen in each legislative district of the county, shall nominate a
18 candidate of the party's choice and shall file a nomination paper and
19 affidavit complying with the requirements of section 16-311 to fill such
20 vacancy.

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

24 C. Any meetings for the purpose of filing a nomination paper and
25 affidavit provided for in this section shall be called by the chairman of
26 such committee or legislative district, except that in the case of
27 multicounty legislative or congressional districts the party county chairman
28 of the county having the largest geographic area within such district shall
29 call such meeting. The chairman or in his absence the vice-chairman calling
30 such meeting shall preside. The call to such meeting shall be mailed or
31 given in person to each person entitled to participate therein no later than
32 one day prior to such meeting. A majority of those present and voting shall
33 be required to fill a vacancy pursuant to this section.

34 D. A vacancy ~~which~~ **THAT IS DUE TO VOLUNTARY WITHDRAWAL OF THE**
35 **CANDIDATE AND THAT** occurs following the printing of official ballots shall
36 not be filled in accordance with this section, however, prospective
37 candidates shall comply with ~~the provisions of~~ section 16-312. A candidate
38 running as a write-in candidate under this subsection shall file the
39 nomination paper no later than 5:00 p.m. on the fifth day before the
40 election.

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

1 F. If a vacancy occurs as described in subsection A of this section
2 for a state office, the secretary of state shall notify the various boards of
3 supervisors as to the vacancy. The boards of supervisors shall notify the
4 inspectors of the various precinct election boards in the county, district or
5 precinct where a vacancy occurs. In the case of a city or town election, the
6 city or town clerk shall notify the appropriate inspectors. **A VACANCY THAT
7 OCCURS DUE TO THE DEATH OR INCAPACITY OF THE CANDIDATE SHALL NOT BE FILLED
8 AND THE SECRETARY OF STATE SHALL NOTIFY THE APPROPRIATE COUNTY BOARD OF
9 SUPERVISORS TO POST A NOTICE OF THE DEATH OR INCAPACITY OF THE CANDIDATE IN
10 EACH POLLING PLACE ALONG WITH NOTICE THAT ANY VOTES CAST FOR THAT CANDIDATE
11 WILL BE TABULATED.**

12 G. The inspectors shall post the notice of vacancy in the same manner
13 as posting official write-in candidates. In the case of a withdrawal of a
14 candidate that occurs after the printing of official ballots, the inspectors
15 shall post the notice of withdrawal in a conspicuous location in each polling
16 place.

17 Sec. 7. Section 16-449, Arizona Revised Statutes, is amended to read:
18 16-449. Required test of equipment and programs; notice;
19 procedures manual

20 A. Within the period of time before the election day prescribed by the
21 secretary of state in the instructions and procedures manual adopted pursuant
22 to section 16-452, the board of supervisors or other election officer in
23 charge, or for an election involving state or federal candidates, the
24 secretary of state, shall have the automatic tabulating equipment and
25 programs tested to ascertain that the equipment and programs will correctly
26 count the votes cast for all offices and on all measures. Public notice of
27 the time and place of the test shall be given at least forty-eight hours
28 prior thereto by publication once in one or more daily or weekly newspapers
29 published in the town, city or village using such equipment, if a newspaper
30 is published therein, otherwise in a newspaper of general circulation
31 therein. The test shall be observed by at least two election inspectors, who
32 shall not be of the same political party, and shall be open to
33 representatives of the political parties, candidates, the press and the
34 public. The test shall be conducted by processing a preaudited group of
35 ballots so punched or marked as to record a predetermined number of valid
36 votes for each candidate and on each measure and shall include for each
37 office one or more ballots ~~which~~ **THAT** have votes in excess of the number
38 allowed by law in order to test the ability of the automatic tabulating
39 equipment and programs to reject such votes. If any error is detected, the
40 cause therefor shall be ascertained and corrected and an errorless count
41 shall be made before the automatic tabulating equipment and programs are
42 approved. A copy of a revised program shall be filed with the secretary of
43 state within forty-eight hours after the revision is made. If the error was
44 created by automatic tabulating equipment malfunction, a report shall be
45 filed with the secretary of state within forty-eight hours after the

1 correction is made, stating the cause and the corrective action taken. The
2 test shall be repeated immediately before the start of the official count of
3 the ballots in the same manner as set forth above. After the completion of
4 the count, the programs used and the ballots shall be sealed, retained and
5 disposed of as provided for paper ballots.

6 B. Electronic ballot tabulating systems shall be tested for logic and
7 accuracy within seven days before their use for early balloting pursuant to
8 the instructions and procedures manual for electronic voting systems that is
9 adopted by the secretary of state as prescribed by section 16-452. The
10 instructions and procedures manual shall include procedures for the handling
11 of ballots, the electronic scanning of ballots and any other matters
12 necessary to ensure the maximum degree of correctness, impartiality and
13 uniformity in the administration of an electronic ballot tabulating system.

14 C. NOTWITHSTANDING SUBSECTIONS A AND B OF THIS SECTION, IF A COUNTY
15 USES ACCESSIBLE VOTING EQUIPMENT TO MARK BALLOTS AND THAT ACCESSIBLE VOTING
16 EQUIPMENT DOES NOT INDEPENDENTLY TABULATE OR TALLY VOTES, THE SECRETARY OF
17 STATE IN COOPERATION WITH THE COUNTY OFFICER IN CHARGE OF ELECTIONS MAY
18 DESIGNATE A SINGLE DATE TO TEST THE LOGIC AND ACCURACY OF BOTH THE ACCESSIBLE
19 VOTING EQUIPMENT AND ELECTRONIC BALLOT TABULATING SYSTEMS.

20 Sec. 8. Repeal

21 Section 16-543.01, Arizona Revised Statutes, is repealed.

22 Sec. 9. Section 16-544, Arizona Revised Statutes, is amended to read:

23 16-544. Permanent early voting list

24 A. Any voter may request to be included on a permanent list of voters
25 to receive an early ballot for any election for which the county voter
26 registration roll is used to prepare the election register. The county
27 recorder of each county shall maintain the permanent early voting list as
28 part of the voter registration roll.

29 B. In order to be included on the permanent early voting list, the
30 voter shall make a written request specifically requesting that the voter's
31 name be added to the permanent early voting list for all elections in which
32 the applicant is eligible to vote. A permanent early voter request form
33 shall conform to requirements prescribed in the instructions and procedures
34 manual issued pursuant to section 16-452. The application shall allow for
35 the voter to provide the voter's name, residence address, mailing address in
36 the voter's county of residence, date of birth and signature. The voter
37 shall not list a mailing address that is outside of ~~the voter's county of~~
38 ~~residence~~ THIS STATE for the purpose of the permanent early voting list
39 unless the voter is an absent uniformed services voter or overseas voter as
40 defined in the uniformed and overseas citizens absentee voting act of 1986
41 (P.L. 99-410; 42 United States Code section 1973ff-6). In lieu of the
42 application, the applicant may submit a written request that contains the
43 required information.

1 C. On receipt of a request to be included on the permanent early
2 voting list, the county recorder or other officer in charge of elections
3 shall compare the signature on the request form with the voter's signature on
4 the voter's registration form and, if the request is from the voter, shall
5 mark the voter's registration file as a permanent early ballot request.

6 D. Not less than ninety days before any polling place election
7 scheduled in March or August, the county recorder or other officer in charge
8 of elections shall mail to all voters who are eligible for the election and
9 who are included on the permanent early voting list an election notice by
10 nonforwardable mail that is marked with the statement required by the
11 postmaster to receive an address correction notification. If an election is
12 not formally called by a jurisdiction by the one hundred twentieth day before
13 the election, the recorder or other officer in charge of elections is not
14 required to send the election notice. The notice shall include the dates of
15 the elections that are the subject of the notice, the dates that the voter's
16 ballot is expected to be mailed and the address where the ballot will be
17 mailed. If the upcoming election is a partisan open primary election and the
18 voter is not registered as a member of one of the political parties that is
19 recognized for purposes of that primary, the notice shall include information
20 on the procedure for the voter to designate a political party ballot. The
21 notice shall be delivered with return postage prepaid and shall also include
22 a means for the voter to do any of the following:

23 1. Change the mailing address for the voter's ballot to another
24 location in the voter's county of residence.

25 2. Update the voter's residence address in the voter's county of
26 residence.

27 3. Request that the voter not be sent a ballot for the upcoming
28 election or elections indicated on the notice.

29 E. If the notice that is mailed to the voter is returned undeliverable
30 by the postal service, the county recorder or other officer in charge of
31 elections shall take the necessary steps to contact the voter at the voter's
32 new residence address in order to update that voter's address or to move the
33 voter to inactive status as prescribed in section 16-166, subsection A. If a
34 voter is moved to inactive status, the voter shall be removed from the
35 permanent early voting list. If the voter is removed from the permanent
36 early voting list, the voter shall only be added to the permanent early
37 voting list again if the voter submits a new request pursuant to this
38 section.

39 F. Not later than the first day of early voting, the county recorder
40 or other officer in charge of elections shall mail an early ballot to all
41 eligible voters included on the permanent early voting list in the same
42 manner prescribed in section 16-542, subsection C. If the voter has not
43 returned the notice or otherwise notified the election officer within
44 forty-five days before the election that the voter does not wish to receive

1 an early ballot by mail for the election or elections indicated, the ballot
2 shall automatically be scheduled for mailing.

3 G. If a voter who is on the permanent early voting list is not
4 registered as a member of a recognized political party and fails to notify
5 the county recorder of the voter's choice for political party ballot within
6 forty-five days before a partisan open primary election, the following apply:

7 1. The voter shall not automatically be sent a ballot for that
8 partisan open primary election only and the voter's name shall remain on the
9 permanent early voting list for future elections.

10 2. To receive an early ballot for the primary election, the voter
11 shall submit the voter's choice for political party ballot to the county
12 recorder.

13 H. After a voter has requested to be included on the permanent early
14 voting list, the voter shall be sent an early ballot by mail automatically
15 for any election at which a voter at that residence address is eligible to
16 vote until any of the following occurs:

17 1. The voter requests in writing to be removed from the permanent
18 early voting list.

19 2. The voter's registration or eligibility for registration is moved
20 to inactive status or canceled as otherwise provided by law.

21 3. The notice sent by the county recorder or other officer in charge
22 of elections is returned undeliverable and the county recorder or officer in
23 charge of elections is unable to contact the voter to determine the voter's
24 continued desire to remain on the list.

25 I. A voter may make a written request at any time to be removed from
26 the permanent early voting list. The request shall include the voter's name,
27 residence address, date of birth and signature. On receipt of a completed
28 request to remove a voter from the permanent early voting list, the county
29 recorder or other officer in charge of elections shall remove the voter's
30 name from the list as soon as practicable.

31 J. An absent uniformed services voter or overseas voter as defined in
32 the uniformed and overseas citizens absentee voting act of 1986 (P.L. 99-410;
33 42 United States Code section 1973ff-6) is eligible to be placed on the
34 permanent early voting list pursuant to this section.

35 K. A voter's failure to vote an early ballot once received does not
36 constitute grounds to remove the voter from the permanent early voting list.

37 Sec. 10. Section 16-602, Arizona Revised Statutes, is amended to read:

38 16-602. Removal of ballots from ballot boxes; disposition of
39 ballots folded together or excessive ballots;
40 designated margin; hand counts; vote count
41 verification committee

42 A. For any primary, SPECIAL or general election in which the votes are
43 cast on an electronic voting machine or tabulator, the election judge shall
44 compare the number of votes cast as indicated on the machine or tabulator
45 with the number of votes cast as indicated on the poll list and the number of

1 provisional ballots cast and that information shall be noted in a written
2 report prepared and submitted to the officer in charge of elections along
3 with other tally reports.

4 B. For each countywide primary, **SPECIAL**, general and presidential
5 preference election, the county officer in charge of the election shall
6 conduct a hand count at one or more secure facilities. The hand count is not
7 subject to the live video requirements of section 16-621, subsection C, but
8 the party representatives who are observing the hand count may bring their
9 own video cameras in order to record the hand count. The recording shall not
10 interfere with the conduct of the hand count and the officer in charge of the
11 election may prohibit from recording or remove from the facility persons who
12 are taking actions to disrupt the count. The sole act of recording the hand
13 count does not constitute sufficient grounds for the officer in charge of the
14 election to prohibit observers from recording or to remove them from the
15 facility. The hand count shall be conducted in the following order:

16 1. At least two per cent of the precincts in that county, or two
17 precincts, whichever is greater, shall be selected at random from a pool
18 consisting of every precinct in that county. The county political party
19 chairman for each political party that is entitled to continued
20 representation on the state ballot or the chairman's designee shall conduct
21 the selection of the precincts to be hand counted. The precincts shall be
22 selected by lot without the use of a computer, and the order of selection by
23 the county political party chairmen shall also be by lot. The selection of
24 the precincts shall not begin until all ballots voted in the precinct polling
25 places have been delivered to the central counting center. The unofficial
26 vote totals from all precincts shall be made public before selecting the
27 precincts to be hand counted. Only the ballots cast in the polling places
28 and ballots from direct recording electronic machines shall be included in
29 the hand counts conducted pursuant to this section. Provisional ballots,
30 conditional provisional ballots and write-in votes shall not be included in
31 the hand counts and the early ballots shall be grouped separately by the
32 officer in charge of elections for purposes of a separate manual audit
33 pursuant to subsection F of this section.

34 2. The races to be counted on the ballots from the precincts that were
35 selected pursuant to paragraph 1 of this subsection for each primary, **SPECIAL**
36 and general election shall include up to five contested races. After the
37 county recorder or other officer in charge of elections separates the primary
38 ballots by political party, the races to be counted shall be determined by
39 selecting by lot without the use of a computer from those ballots as follows:

40 (a) For a general election, one statewide ballot measure, unless there
41 are no measures on the ballot.

42 (b) One contested statewide race for statewide office.

43 (c) One contested race for federal office, either United States senate
44 or United States house of representatives. If the United States house of

1 representatives race is selected, the names of the candidates may vary among
2 the sampled precincts.

3 (d) One contested race for state legislative office, either state
4 house of representatives or state senate. In either case, the names of the
5 candidates may vary among the sampled precincts.

6 (e) If there are fewer than four contested races resulting from the
7 selections made pursuant to subdivisions (a) through (d) and if there are
8 additional contested federal, statewide or legislative races or ballot
9 measures, additional contested races shall be selected by lot not using a
10 computer until four races have been selected or until no additional contested
11 federal, statewide or legislative races or ballot measures are available for
12 selection.

13 (f) If there are no contested races as prescribed by this paragraph, a
14 hand count shall not be conducted for that precinct for that election.

15 3. For the presidential preference election, select by lot two per
16 cent of the polling places designated and used pursuant to section 16-248 and
17 perform the hand count of those ballots.

18 4. For the purposes of this section, a write-in candidacy in a race
19 does not constitute a contested race.

20 5. In elections in which there are candidates for president, the
21 presidential race shall be added to the four categories of hand counted
22 races.

23 6. Each county chairman of a political party that is entitled to
24 continued representation on the state ballot or the chairman's designee shall
25 select by lot the individual races to be hand counted pursuant to this
26 section.

27 7. The county chairman of each political party shall designate and
28 provide the number of election board members as designated by the county
29 officer in charge of elections who shall perform the hand count under the
30 supervision of the county officer in charge of elections. For each precinct
31 that is to be audited, the county chairmen shall designate at least two board
32 workers who are registered members of any or no political party to assist
33 with the audit. Any qualified elector from this state may be a board worker
34 without regard to party designation. The county election officer shall
35 provide for compensation for those board workers, not to include travel, meal
36 or lodging expenses. If there are less than two persons for each audited
37 precinct available to participate on behalf of each recognized political
38 party, the recorder or officer in charge of elections, with the approval of
39 at least two county party chairpersons in the county in which the shortfall
40 occurs, shall substitute additional individual electors who are provided by
41 any political party from anywhere in the state without regard to party
42 designation to conduct the hand count. A county party chairman shall approve
43 only those substitute electors who are provided by the county chairman's
44 political party. The political parties shall provide to the recorder or
45 officer in charge of elections in writing the names of those persons

1 intending to participate in the hand count at the audited precincts not later
 2 than 5:00 p.m. on the Tuesday preceding the election. If the total number of
 3 board workers provided by all parties is less than four times the number of
 4 precincts to be audited, the recorder or officer in charge of elections shall
 5 notify the parties of the shortage by 9:00 a.m. on the Wednesday preceding
 6 the election. The hand count shall not proceed unless the political parties
 7 provide the recorder or officer in charge of elections, in writing, a
 8 sufficient number of persons by 5:00 p.m. on the Thursday preceding the
 9 election and a sufficient number of persons, pursuant to this paragraph,
 10 arrive to perform the hand count. The recorder or officer in charge of
 11 elections may prohibit persons from participating in the hand count if they
 12 are taking actions to disrupt the count or are unable to perform the duties
 13 as assigned. For the hand count to proceed, no more than seventy-five per
 14 cent of the persons performing the hand count shall be from the same
 15 political party.

16 8. If a political party is not represented by a designated chairperson
 17 within a county, the state chairperson for that political party, or a person
 18 designated by the state chairperson, may perform the actions required by the
 19 county chairperson as specified in this section.

20 C. If the randomly selected races result in a difference in any race
 21 that is less than the designated margin when compared to the electronic
 22 tabulation of those same ballots, the results of the electronic tabulation
 23 constitute the official count for that race. If the randomly selected races
 24 result in a difference in any race that is equal to or greater than the
 25 designated margin when compared to the electronic tabulation of those same
 26 ballots, a second hand count of those same ballots and races shall be
 27 performed. If the second hand count results in a difference in any race that
 28 is less than the designated margin when compared to the electronic tabulation
 29 for those same ballots, the electronic tabulation constitutes the official
 30 count for that race. If the second hand count results in a difference in any
 31 race that is equal to or greater than the designated margin when compared to
 32 the electronic tabulation for those same ballots, the hand count shall be
 33 expanded to include a total of twice the original number of randomly selected
 34 precincts. Those additional precincts shall be selected by lot without the
 35 use of a computer.

36 D. In any expanded count of randomly selected precincts, if the
 37 randomly selected precinct hand counts result in a difference in any race
 38 that is equal to or greater than the designated margin when compared to the
 39 electronic tabulation of those same ballots, the final hand count shall be
 40 extended to include the entire jurisdiction for that race. If the
 41 jurisdictional boundary for that race would include any portion of more than
 42 one county, the final hand count shall not be extended into the precincts of
 43 that race that are outside of the county that is conducting the expanded hand
 44 count. If the expanded hand count results in a difference in that race that
 45 is less than the designated margin when compared to the electronic tabulation

1 of those same ballots, the electronic tabulation constitutes the official
2 count for that race.

3 E. If a final hand count is performed for an entire jurisdiction for a
4 race, the final hand count shall be repeated for that race until a hand count
5 for that race for the entire jurisdiction results in a count that is
6 identical to one other hand count for that race for the entire jurisdiction
7 and that hand count constitutes the official count for that race.

8 F. After the electronic tabulation of early ballots and at one or more
9 times selected by the chairman of the political parties entitled to continued
10 representation on the ballot or the chairman's designee, the chairmen or the
11 chairmen's designees shall randomly select one or more batches of early
12 ballots that have been tabulated to include at least one batch from each
13 machine used for tabulating early ballots and those ballots shall be securely
14 sequestered by the county recorder or officer in charge of elections along
15 with their unofficial tally reports for a postelection manual audit. The
16 chairmen or the chairmen's designees shall randomly select from those
17 sequestered early ballots a number equal to one per cent of the total number
18 of early ballots cast or five thousand early ballots, whichever is less.
19 From those randomly selected early ballots, the county officer in charge of
20 elections shall conduct a manual audit of the same races that are being hand
21 counted pursuant to subsection B of this section. If the manual audit of the
22 early ballots results in a difference in any race that is equal to or greater
23 than the designated margin when compared to the electronically tabulated
24 results for those same early ballots, the manual audit shall be repeated for
25 those same early ballots. If the second manual audit results in a difference
26 in that race that is equal to or greater than the designated margin when
27 compared to the electronically tabulated results for those same early
28 ballots, the manual audit shall be expanded only for that race to a number of
29 additional early ballots equal to one per cent of the total early ballots
30 cast or an additional five thousand ballots, whichever is less, to be
31 randomly selected from the batch or batches of sequestered early ballots. If
32 the expanded early ballot manual audit results in a difference for that race
33 that is equal to or greater than the designated margin when compared to any
34 of the earlier manual counts for that race, the manual counts shall be
35 repeated for that race until a manual count results in a difference in that
36 race that is less than the designated margin. If at any point in the manual
37 audit of early ballots the difference between any manual count of early
38 ballots is less than the designated margin when compared to the electronic
39 tabulation of those ballots, the electronic tabulation shall be included in
40 the canvass and no further manual audit of the early ballots shall be
41 conducted.

42 G. During any hand count of early ballots, the county officer in
43 charge of elections and election board workers shall attempt to determine the
44 intent of the voter in casting the ballot.

1 H. Notwithstanding any other law, the county officer in charge of
2 elections shall retain custody of the ballots for purposes of performing any
3 required hand counts and the officer shall provide for security for those
4 ballots.

5 I. The hand counts prescribed by this section shall begin within
6 twenty-four hours after the closing of the polls and shall be completed
7 before the canvassing of the election for that county. The results of those
8 hand counts shall be provided to the secretary of state, who shall make those
9 results publicly available on the secretary of state's ~~web-site~~ WEBSITE.

10 J. For any county in which a hand count has been expanded to all
11 precincts in the jurisdiction, the secretary of state shall make available
12 the escrowed source code for that county to the superior court. The superior
13 court shall appoint a special master to review the computer software. The
14 special master shall have expertise in software engineering, shall not be
15 affiliated with an election software vendor nor with a candidate, shall sign
16 and be bound by a nondisclosure agreement regarding the source code itself
17 and shall issue a public report to the court and to the secretary of state
18 regarding the special master's findings on the reasons for the discrepancies.
19 The secretary of state shall consider the reports for purposes of reviewing
20 the certification of that equipment and software for use in this state.

21 K. The vote count verification committee is established in the office
22 of the secretary of state and all of the following apply:

23 1. At least thirty days before the 2006 primary election, the
24 secretary of state shall appoint seven persons to the committee, no more than
25 three of whom are members of the same political party.

26 2. Members of the committee shall have expertise in any two or more of
27 the areas of advanced mathematics, statistics, random selection methods,
28 systems operations or voting systems.

29 3. A person is not eligible to be a committee member if that person
30 has been affiliated with or received any income in the preceding five years
31 from any person or entity that provides election equipment or services in
32 this state.

33 4. The vote count verification committee shall meet and establish one
34 or more designated margins to be used in reviewing the hand counting of votes
35 as required pursuant to this section. The committee shall review and
36 consider revising the designated margins every two years for use in the
37 applicable elections. The committee shall provide the designated margins to
38 the secretary of state at least ten days before the primary election and at
39 least ten days before the general election, and the secretary of state shall
40 make that information publicly available on the secretary of state's ~~web-site~~
41 WEBSITE.

42 5. Members of the vote count verification committee are not eligible
43 to receive compensation but are eligible for reimbursement of expenses
44 pursuant to title 38, chapter 4, article 2. The committee is a public body

1 and its meetings are subject to title 38, chapter 3, article 3.1 and its
2 reports and records are subject to title 39, chapter 1.

3 Sec. 11. Section 16-645, Arizona Revised Statutes, is amended to read:
4 16-645. Canvass and return of precinct vote; declaring nominee
5 of party; certificate of nomination; write-in
6 candidates

7 A. When the board of supervisors, or the governing body of a city or
8 town, has completed its canvass of precinct returns, the person having the
9 largest number of votes, or if more than one candidate is necessary, those
10 candidates to the required number who have received the largest number of
11 votes for the nomination for an office in the political party of which he was
12 set forth on the ballot as a candidate for the nomination, shall be declared
13 the nominee of the party for that office and shall be given a certificate of
14 nomination therefor by the board or governing body, which shall entitle him
15 to have his name placed upon the official ballot at the ensuing election as
16 the nominee of the party for the office. When canvassing write-in votes the
17 apparent intent of the voter shall be taken into consideration to the extent
18 possible AND THE STANDARD PRESCRIBED FOR FEDERAL WRITE-IN CANDIDATES IN
19 SECTION 16-543.02, SUBSECTION C APPLIES.

20 B. The board of supervisors shall deliver the canvass to the secretary
21 of state within ten days after the primary election, and the secretary of
22 state shall on or before the second Monday following the primary election
23 canvass the return and issue ~~the certification of~~ A LETTER DECLARING
24 nomination as provided in this section to the nominees who filed nominating
25 petitions and papers with the secretary of state pursuant to section 16-311,
26 subsection D. FOR ANY PARTISAN PRIMARY ELECTION, THE GOVERNING BODY OR
27 OFFICER IN CHARGE OF ELECTIONS SHALL PREPARE AND TRANSMIT TO THE SECRETARY OF
28 STATE ALONG WITH THE OFFICIAL CANVASS THE TOTAL BY PARTY OF PARTISAN BALLOTS
29 SELECTED IN THAT PRIMARY ELECTION BY VOTERS WHO REGISTERED AS NO PARTY
30 PREFERENCE, AS INDEPENDENTS OR AS MEMBERS OF A POLITICAL PARTY THAT IS NOT
31 QUALIFIED FOR REPRESENTATION ON THE BALLOT.

32 C. A certificate of election shall not be issued to a write-in
33 candidate for precinct committeeman unless he receives a number of votes
34 equivalent to at least the same number of signatures required by section
35 16-322 for nominating petitions for the same office.

36 D. Except as provided in subsection C of this section, a ~~certificate~~
37 ~~of~~ LETTER DECLARING nomination shall not be issued to a write-in candidate of
38 a party ~~which~~ THAT has not qualified for continued representation on the
39 official ballot pursuant to section 16-804 unless he receives a plurality of
40 the votes of the party for the office for which he is a candidate.

41 E. Except as provided by subsection C of this section, a ~~certificate~~
42 ~~of~~ LETTER DECLARING nomination shall not be issued to a write-in candidate of
43 a party qualified for continued representation on the official ballot unless
44 he receives a number of votes equivalent to at least the same number of

1 signatures required by section 16-322 for nominating petitions for the same
2 office.

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

7 Sec. 12. Section 16-801, Arizona Revised Statutes, is amended to read:
8 16-801. Representation of new party on ballot at primary and
9 general elections

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

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

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

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

26 4. Be captioned "petition for political party recognition".

27 B. NOTWITHSTANDING ANY OTHER LAW, ON RECOGNITION AS A POLITICAL PARTY
28 THAT IS REPRESENTED BY AN OFFICIAL PARTY BALLOT AT THE PRIMARY ELECTION AND
29 ACCORDED A BALLOT COLUMN AT THE SUCCEEDING GENERAL ELECTION, A NEW POLITICAL
30 PARTY IS ENTITLED TO REPRESENTATION AS A POLITICAL PARTY ON THE OFFICIAL
31 BALLOT THROUGH THE NEXT TWO REGULARLY SCHEDULED GENERAL ELECTIONS FOR FEDERAL
32 OFFICE IMMEDIATELY FOLLOWING RECOGNITION OF THE POLITICAL PARTY. AFTER THESE
33 TWO REGULARLY SCHEDULED GENERAL ELECTIONS FOR FEDERAL OFFICE, THE POLITICAL
34 PARTY IS INELIGIBLE FOR FURTHER REPRESENTATION ON THE BALLOT UNLESS IT
35 QUALIFIES FOR CONTINUED REPRESENTATION ON THE BALLOT AS PRESCRIBED IN SECTION
36 16-804 OR IT FILES A NEW PETITION FOR RECOGNITION AS A NEW POLITICAL PARTY
37 PURSUANT TO THIS SECTION AND SECTION 16-803.

38 Sec. 13. Section 16-902.01, Arizona Revised Statutes, is amended to
39 read:

40 16-902.01. Registration of political committees; contents;
41 amendment

42 A. Each political committee that intends to accept contributions or
43 make expenditures of more than five hundred dollars shall file a statement of
44 organization with the filing officer in the format prescribed by the filing
45 officer before accepting contributions, making expenditures, distributing any

1 campaign literature or circulating petitions. Each political committee that
2 intends to accept contributions or make expenditures of five hundred dollars
3 or less shall file a signed exemption statement in a form prescribed by the
4 filing officer that states that intention before making any expenditures,
5 accepting any contributions, distributing any campaign literature or
6 circulating petitions. If a political committee that has filed a five
7 hundred dollar threshold exemption statement receives contributions or makes
8 expenditures of more than five hundred dollars, that political committee
9 shall file a statement of organization with the filing officer in the format
10 prescribed by the filing officer within five business days after exceeding
11 the five hundred dollar limit.

12 B. The statement of organization of a political committee shall
13 include all of the following:

14 1. The name, address and type of committee.

15 2. The name, address, relationship and type of any sponsoring
16 organization.

17 3. The names, addresses, telephone numbers, occupations and employers
18 of the chairman and treasurer of the committee.

19 4. In the case of a candidate's campaign committee, the name, address,
20 office sought and party affiliation of the candidate.

21 5. A listing of all banks, safety deposit boxes or other depositories
22 used by the committee.

23 6. A STATEMENT THAT THE CHAIRMAN AND TREASURER HAVE READ ALL OF THE
24 APPLICABLE LAWS RELATING TO CAMPAIGN FINANCE AND REPORTING.

25 C. Except as prescribed by subsection E of this section, on the filing
26 of a statement of organization, a political committee shall be issued an
27 identification number in the format prescribed by the filing officer.

28 D. The political committee shall file an amended statement of
29 organization reporting any change in the information prescribed in
30 subsections B and F of this section within five business days after the
31 change.

32 E. A standing political committee shall file a statement of
33 organization with the secretary of state and in each jurisdiction in which
34 the committee is active, and only the secretary of state shall issue an
35 identification number for the committee. The statement of organization shall
36 include a statement with the notarized signature of the chairman or treasurer
37 of the standing political committee that declares the committee's status as a
38 standing political committee. The secretary of state may charge an annual
39 fee for the filing.

40 F. For a political committee that makes expenditures in an attempt to
41 influence the results of a ballot proposition election, the statement of
42 organization shall include in the name of the political committee the
43 official serial number for the petition, if assigned, and a statement as to
44 whether the political committee supports or opposes the passage of the ballot
45 measure. On completion of the designation of statewide ballot propositions

1 by number as prescribed in section 19-125, the secretary of state is
2 authorized to and shall amend the name of the political committee by
3 attaching to the statement of organization the ballot proposition number as a
4 substitute for the official serial number in the name of the political
5 committee. The secretary of state shall promptly notify the political
6 committee of the amended political committee name and shall make that
7 information available to the public.

8 Sec. 14. Section 16-903, Arizona Revised Statutes, is amended to read:

9 16-903. Candidate's campaign committees; exploratory
10 committees; designation; candidate as agent; civil
11 penalty

12 A. Each candidate who intends to receive contributions or make
13 expenditures of more than five hundred dollars in connection with a campaign
14 for office shall designate in the format prescribed by the filing officer a
15 political committee for each election to serve as the candidate's campaign
16 committee. The candidate shall make the designation pursuant to this
17 subsection by filing a statement of organization before making any
18 expenditures, accepting any contributions, distributing any campaign
19 literature or circulating any petitions. Each candidate who intends to
20 receive contributions or make expenditures of five hundred dollars or less
21 shall file a signed exemption statement in the format prescribed by the
22 filing officer that states that intention before making any expenditures,
23 accepting any contributions, distributing any campaign literature or
24 circulating petitions. If a candidate who has filed a five hundred dollar
25 exemption statement receives contributions or makes expenditures of more than
26 five hundred dollars, that candidate shall file a statement of organization
27 with the filing officer within five business days after exceeding the five
28 hundred dollar limit.

29 B. An individual who receives contributions or makes expenditures of
30 more than five hundred dollars for the purpose of determining whether the
31 individual will become a candidate for election to an office in this state
32 shall designate in the format prescribed by the filing officer a political
33 committee to serve as the individual's exploratory committee. The individual
34 shall make the designation pursuant to this subsection before making any
35 expenditures, accepting any contributions, **CIRCULATING ANY PETITIONS** or
36 distributing any campaign literature.

37 C. An individual may have only one exploratory committee in existence
38 at one time. A candidate may have only one campaign committee designated for
39 each election, but a candidate may have more than one campaign committee
40 simultaneously in existence.

41 D. A political committee that supports or has supported another
42 candidate or more than one candidate may not be designated as a candidate's
43 campaign committee.

1 E. Any candidate who receives a contribution or any loan for use in
2 connection with the campaign of that candidate for election or who makes a
3 disbursement in connection with that campaign shall be deemed as having
4 received the contribution or loan or as having made the disbursement as an
5 agent of the candidate's campaign committee for purposes of this article.

6 F. An elected official is not deemed to have offered himself for
7 nomination or election to an office or to have made a formal, public
8 declaration of candidacy within the meaning of section 38-296 solely by his
9 designation of a candidate campaign committee.

10 G. AFTER DESIGNATING AN EXPLORATORY COMMITTEE, A CANDIDATE MAY
11 LAWFULLY COLLECT SIGNATURES ON NOMINATION PETITIONS AND RECEIVE
12 CONTRIBUTIONS.

13 ~~G.~~ H. A person who violates this section is subject to a civil
14 penalty imposed as prescribed in section 16-924 of up to three times the
15 amount of money that has been received, expended or promised in violation of
16 this section or up to three times the value in money for an equivalent of
17 money or other things of value that have been received, expended or promised
18 in violation of this section.

19 Sec. 15. Section 16-914.02, Arizona Revised Statutes, is amended to
20 read:

21 16-914.02. Reporting independent expenditures or contributions
22 to independent expenditure committees of
23 corporations, limited liability companies and
24 labor organizations; statement; disclaimer and
25 disclosure; civil action; civil penalty;
26 violation; classification; definitions

27 A. Any corporation, limited liability company or labor organization
28 that makes cumulative independent expenditures OR CONTRIBUTIONS TO
29 INDEPENDENT EXPENDITURE COMMITTEES in an attempt to influence the outcome of
30 a candidate election and in at least the following amounts in an election
31 cycle shall register and notify the appropriate filing officer not later than
32 one day after making that expenditure, excluding Saturdays, Sundays and other
33 legal holidays:

34 1. An aggregate of five thousand dollars or more in one or more
35 statewide races.

36 2. An aggregate of two thousand five hundred dollars or more in one or
37 more legislative races.

38 3. One thousand dollars or more in one or more county, city, town or
39 other local races if the one thousand dollars is aggregated in races in a
40 single county, city, town or other local jurisdiction.

41 B. The secretary of state is the filing officer for registrations and
42 notifications for independent expenditures AND CONTRIBUTIONS TO INDEPENDENT
43 EXPENDITURE COMMITTEES in statewide and legislative elections. City, town or
44 county filing officers are the filing officers for notifications in a city,
45 town, county or other local election as provided in section 16-916. The

1 corporation, limited liability company or labor organization also shall
2 notify the filing officer within the same time limit prescribed in subsection
3 A of this section of each additional accumulation of expenditures AND
4 CONTRIBUTIONS that exceeds the threshold amount prescribed in subsection A of
5 this section but is not required to register again during that election cycle
6 after the initial registration. A corporation, limited liability company or
7 labor organization may register with the filing officer and provide a
8 notarized, sworn statement of authority in advance of the expenditure OR
9 CONTRIBUTION in anticipation of making an independent expenditure OR
10 CONTRIBUTION. The secretary of state shall provide for electronic filing for
11 registrations and notifications and shall provide for website access to the
12 information for the public. Filings at the secretary of state's office shall
13 be in the form prescribed by the secretary of state. Other filing officers
14 shall prescribe the format for filing registrations and notifications and
15 shall provide for public access to that information. On or after November
16 27, 2012 and at the request of the local election filing officer, the
17 secretary of state may provide for electronic filing pursuant to this section
18 for local elections.

19 C. The registration shall include all of the following:

20 1. The name and address of the corporation, limited liability company
21 or labor organization.

22 2. The name, title, electronic mail address and telephone number of
23 the person authorizing the independent expenditure OR CONTRIBUTION.

24 D. Each notification shall include all of the following:

25 1. The name and address of the corporation, limited liability company
26 or labor organization making the independent expenditure OR CONTRIBUTION.

27 2. The amount of the expenditure OR CONTRIBUTION and the name of the
28 vendor or other payee receiving the expenditure OR CONTRIBUTION.

29 3. The name of the candidate and race in which the expenditure OR
30 CONTRIBUTION was made and whether the expenditure OR CONTRIBUTION was in
31 support of or opposition to the candidate.

32 4. The communication medium and description of what was purchased with
33 the expenditure OR CONTRIBUTION.

34 5. The date of the expenditure OR CONTRIBUTION.

35 E. If the corporation, limited liability company or labor organization
36 did not register and provide a notarized sworn statement in advance of the
37 expenditure OR CONTRIBUTION as prescribed by this section, the corporation,
38 limited liability company or labor organization shall file with the secretary
39 of state or other appropriate filing officer within five days after an
40 initial threshold expenditure OR CONTRIBUTION as prescribed in subsection A
41 of this section a notarized sworn statement that the person, agent or officer
42 filing the registration and notice had authority to make that expenditure OR
43 CONTRIBUTION on behalf of the corporation, limited liability company or labor
44 organization. Until the secretary of state or other filing officer receives
45 the notarized sworn statement, the filing officer shall categorize the

1 notification as unverified. If the secretary of state or other filing officer
 2 does not receive the notarized sworn statement within the required five day
 3 time frame, the notification shall be categorized as both unverified and
 4 delinquent. The filing officer shall make reasonable efforts to contact the
 5 entity that made the expenditure and remove the notification from public view
 6 within a reasonable time if unable to verify that the entity made the
 7 expenditure OR CONTRIBUTION and all penalties prescribed in this section
 8 apply.

9 F. Any literature or advertisement that is purchased with monies from
 10 a corporation, limited liability company or labor organization making an
 11 independent expenditure OR A CONTRIBUTION TO AN INDEPENDENT EXPENDITURE
 12 COMMITTEE in an attempt to influence the outcome of a candidate election
 13 shall disclose the name of the corporation, limited liability company or
 14 labor organization making the expenditure OR CONTRIBUTION. Any disclosure
 15 statement required by this section shall be printed clearly and legibly in a
 16 conspicuous manner. If the communication is broadcast on radio, the
 17 information shall be spoken at the end of the communication. If the
 18 communication is broadcast on a telecommunications system, the information
 19 shall be both written and spoken at the end of the communication, except that
 20 if the disclosure statement is written for at least five seconds of a thirty
 21 second advertisement broadcast or ten seconds of a sixty second advertisement
 22 broadcast, a spoken disclosure statement is not required. If the
 23 communication is broadcast on a telecommunications system, the written
 24 disclosure statement shall be printed in letters equal to or larger than four
 25 per cent of the vertical picture height. The literature or advertisement
 26 shall include the words "paid for by" in the disclosure followed by the name
 27 of the entity making the expenditure OR CONTRIBUTION and shall also state
 28 that it is not authorized by any candidate or candidate's campaign committee.

29 G. Subsection F of this section does not apply to bumper stickers,
 30 pins, buttons, pens and similar small items on which the statements required
 31 in subsection F of this section cannot be conveniently printed or to a
 32 communication by an organization solely to its members.

33 H. Any corporation, limited liability company or labor organization
 34 that fails to register, notify or disclose as required by this section is
 35 liable in a civil action pursuant to section 16-924 brought by the attorney
 36 general, county attorney or city or town attorney, as appropriate, for a
 37 civil penalty of up to three times the total amount of the expenditure.

38 I. Any person who makes a knowingly false filing relating to an
 39 independent expenditure OR CONTRIBUTION pursuant to this section is guilty of
 40 a class 1 misdemeanor.

41 J. For violations that occur before November 27, 2012, a reasonable
 42 cause determination for a violation of this section may only be made by the
 43 secretary of state's office and not by any other filing officer. On or after
 44 November 27, 2012, the local election jurisdiction and filing officers may
 45 make their own reasonable cause determinations for violations of this section

1 or may elect to continue to have the office of the secretary of state make
2 those reasonable cause determinations on their behalf. A civil or criminal
3 enforcement action may not be filed until after the issuance of a reasonable
4 cause determination.

5 K. Any entity that makes an independent expenditure **OR CONTRIBUTION**
6 and that is organized primarily for the purpose of influencing an election
7 and that is a combination of corporations, limited liability companies or
8 labor organizations or that is a corporation, limited liability company or
9 labor organization that accepts donations or contributions shall file with
10 the filing officer as a political committee as otherwise provided by law.

11 L. For the purposes of this section, an expenditure occurs on the date
12 on which literature or advertisements are deposited at the post office for
13 mailing, submitted to a communications system for broadcast or submitted to a
14 newspaper or similar print medium for printing and, with respect to an
15 expenditure for signs, the date on which a sign is first posted. **A**
16 **CONTRIBUTION OCCURS ON THE DATE IT IS MADE.**

17 M. For the purposes of this section:

18 1. "Independent expenditure" has the same meaning prescribed in
19 section 16-901, except that it is made by a corporation, a limited liability
20 company or a labor organization and except as prescribed in subsection L of
21 this section.

22 2. "Local election" means an election in a county, city, town, school
23 district or special district.

24 Sec. 16. Section 16-915.01, Arizona Revised Statutes, is amended to
25 read:

26 **16-915.01. Disposal of surplus monies; transfer of debt**

27 A. A political committee shall dispose of surplus monies only as
28 follows:

29 1. Retain surplus monies for use in a subsequent election, which
30 includes a transfer by an individual's exploratory committee or a candidate's
31 campaign committee to that individual's subsequent exploratory committee or
32 that candidate's campaign committee designated for a subsequent election.

33 2. Return surplus monies to the contributor to the extent records are
34 available permitting such return.

35 3. Contribute surplus monies to the county, state or local committee
36 of a political party.

37 4. Donate the surplus monies to a charitable organization that
38 qualifies under section 501(c)(3) of the United States internal revenue code.

39 5. In the case of a political committee other than an individual's
40 exploratory committee or a candidate's committee, contribute surplus monies
41 to a candidate's campaign committee if the contribution is within the
42 limitations of section 16-905.

43 6. Donate surplus monies to a political committee other than an
44 individual's exploratory committee or to a candidate's campaign committee.

1 7. SUBJECT TO THE RESTRICTIONS IN SECTION 41-133, CONTRIBUTE SURPLUS
2 MONIES TO THE INDIVIDUAL'S OFFICEHOLDER EXPENSE ACCOUNT.

3 ~~7.~~ 8. Dispose of the surplus monies in any other lawful manner.

4 B. Surplus monies shall not be used for or converted to the personal
5 use of the designating individual, in the case of an individual's exploratory
6 committee, or a candidate, in the case of a candidate's campaign committee,
7 or any person related to the candidate by blood or marriage. Nothing in this
8 subsection precludes the repayment of a loan made by the designating
9 individual or candidate to his campaign.

10 C. An individual's exploratory committee or a candidate's campaign
11 committee may transfer its debts and obligations to that individual's
12 subsequent exploratory committee or that candidate's campaign committee
13 designated for a subsequent election.

14 Sec. 17. Section 16-920, Arizona Revised Statutes, is amended to read:

15 16-920. Permitted expenditures by corporations and labor
16 organizations

17 A. Expenditures for the following purposes shall not be construed to
18 be political contributions prohibited by law:

19 1. Communications by a corporation to its stockholders and executive
20 or administrative personnel and their families, or by a labor organization to
21 its members and their families, on any subject.

22 2. Nonpartisan registration and get-out-the-vote campaigns by a
23 corporation aimed at its stockholders and executive or administrative
24 personnel and their families or by a labor organization aimed at its members
25 and their families.

26 3. The establishment, administration and solicitation of voluntary
27 contributions to a separate segregated fund to be utilized for political
28 purposes by a corporation, labor organization, membership organization, trade
29 association, cooperative or corporation without capital stock.

30 4. The establishment, administration and solicitation of voluntary
31 contributions from employees of a corporation or limited liability company,
32 including contributions made by payroll deduction, deposit or transfer or
33 other similar method, and that are made directly to a separate segregated
34 fund that is used for political purposes by a trade association of which the
35 employing corporation or limited liability company is a member.
36 Contributions received under this subsection shall be reported pursuant to
37 section 16-915, subsection A, paragraph 2, subdivision (a) or subsection E.

38 5. Contributions for use to support or oppose an initiative or
39 referendum measure or amendment to the constitution.

40 6. Independent expenditures **AND CONTRIBUTIONS TO INDEPENDENT**
41 **EXPENDITURE COMMITTEES** made pursuant to section 16-914.02.

42 B. A membership organization, trade association, cooperative or
43 corporation without capital stock may engage in the activities permitted in
44 subsection A, paragraphs 1 and 2 of this section if such activities are

1 directed toward its members, stockholders or members of its members, its and
2 its members' executive or administrative personnel and their families.

3 Sec. 18. Section 16-924, Arizona Revised Statutes, is amended to read:

4 16-924. Civil penalties; attorney general; county, city or town
5 attorney

6 A. Unless another penalty is specifically prescribed in this **article**
7 **TITLE**, if the filing officer for campaign finance reports designated pursuant
8 to section 16-916, subsection A has reasonable cause to believe that a person
9 is violating any provision of this article, the secretary of state shall
10 notify the attorney general for a violation regarding a statewide office or
11 the legislature, the county officer in charge of elections shall notify the
12 county attorney for that county for a violation regarding a county office or
13 the city or town clerk shall notify the city or town attorney for a violation
14 regarding a city or town office. The attorney general, county attorney or
15 city or town attorney, as appropriate, may serve on the person an order
16 requiring compliance with that provision. The order shall state with
17 reasonable particularity the nature of the violation and shall require
18 compliance within twenty days from the date of issuance of the order. The
19 alleged violator has twenty days from the date of issuance of the order to
20 request a hearing pursuant to title 41, chapter 6.

21 B. If a person fails to take corrective action within the time
22 specified in the compliance order issued pursuant to subsection A, the
23 attorney general, county attorney or city or town attorney, as appropriate,
24 shall issue an order assessing a civil penalty of not more than one thousand
25 dollars. The person alleged to have violated the compliance order has thirty
26 days from the date of issuance of the order assessing the civil penalty to
27 request a hearing pursuant to title 41, chapter 6.

28 C. Any party aggrieved by an order or decision of the attorney
29 general, county attorney or city or town attorney, as appropriate, may appeal
30 to the superior court as provided in title 12, chapter 7, article 6.

31 D. For **THE** purposes of this section, failure to comply with a
32 compliance order issued by the attorney general, county attorney or city or
33 town attorney, as appropriate, as prescribed in subsection A is deemed an
34 intentional act.

35 Sec. 19. Section 19-112, Arizona Revised Statutes, is amended to read:

36 19-112. Signatures and verification; attachment; registration
37 of circulators

38 A. Every qualified elector signing a petition shall do so in the
39 presence of the person who is circulating the petition and who is to execute
40 the affidavit of verification. At the time of signing, the qualified elector
41 shall sign his first and last names in the spaces provided and the elector so
42 signing shall print his first and last names and write, in the appropriate
43 spaces following the signature, the signer's residence address, giving street
44 and number, and if he has no street address, a description of his residence
45 location. The elector so signing shall write, in the appropriate spaces

1 following the elector's address, the date on which the elector signed the
2 petition.

3 B. The signature sheets shall be attached at all times during
4 circulation to a full and correct copy of the title and text of the measure
5 or constitutional amendment proposed or referred by the petition. The title
6 and text shall be in at least eight point type and shall include both the
7 original and the amended text. The text shall indicate material deleted, if
8 any, by printing the material with a line drawn through the center of the
9 letters of the material and shall indicate material added or new material by
10 printing the letters of the material in capital letters.

11 C. The person before whom the signatures, NAMES and addresses were
12 written on the signature sheet shall, on the affidavit form pursuant to this
13 section, subscribe and swear before a notary public that each of the names on
14 the sheet was signed and the name and address were printed ~~in the presence of~~
15 BY the elector and the circulator on the date indicated, and that in his
16 belief each signer was a qualified elector of a certain county of the state,
17 or, in the case of a city, town or county measure, of the city, town or
18 county affected by the measure on the date indicated, and that at all times
19 during circulation of the signature sheet a copy of the title and text was
20 attached to the signature sheet. CIRCULATORS WHO ARE NOT RESIDENTS OF THIS
21 STATE MUST BE REGISTERED AS CIRCULATORS WITH THE SECRETARY OF STATE BEFORE
22 CIRCULATING PETITIONS. THE SECRETARY OF STATE SHALL PROVIDE FOR A METHOD OF
23 RECEIVING SERVICE OF PROCESS FOR THOSE PETITION CIRCULATORS WHO REGISTER
24 PURSUANT TO THIS SUBSECTION. THE SECRETARY OF STATE SHALL ESTABLISH IN THE
25 INSTRUCTIONS AND PROCEDURES MANUAL ISSUED PURSUANT TO SECTION 16-452 A
26 PROCEDURE FOR REGISTERING CIRCULATORS AND RECEIVING SERVICE OF PROCESS. All
27 signatures of petitioners on a signature sheet shall be those of qualified
28 electors who are registered to vote in the same county. However, if
29 signatures from more than one county appear on the same signature sheet, only
30 the valid signatures from the same county ~~which~~ THAT are most numerous on the
31 signature sheet shall be counted. Signature and handwriting comparisons may
32 be made.

33 D. The affidavit shall be in the following form printed on the reverse
34 side of each signature sheet:

35 Affidavit of Circulator
36 State of Arizona)
37) ss.:
38 County of _____)
39 (Where notarized)

40 I, (print name), a person WHO IS NOT REQUIRED TO BE A
41 RESIDENT OF THIS STATE BUT who is OTHERWISE qualified to
42 register to vote in the county of _____, in the state of
43 Arizona at all times during my circulation of this petition
44 sheet, and under the penalty of a class 1 misdemeanor, depose
45 and say that each individual PRINTED THE INDIVIDUAL'S OWN NAME

1 AND ADDRESS AND signed this sheet of the foregoing petition in
2 my presence on the date indicated and I believe that each
3 signer's name and residence address or post office address are
4 correctly stated and that each signer is a qualified elector of
5 the state of Arizona (or in the case of a city, town or county
6 measure, of the city, town or county affected by the measure
7 proposed to be initiated or referred to the people) and that at
8 all times during circulation of this signature sheet a copy of
9 the title and text was attached to the signature sheet.

10 (Signature of affiant) _____
11 (Residence address, street
12 and number of affiant, or
13 if no street address, a
14 description of residence
15 location) _____
16 _____

17 Subscribed and sworn to before me on _____.
18 (date)

19 _____
20 Notary Public
21 _____, Arizona.

22 My commission expires on _____.
23 (date)

24 E. The eight point type required by subsection B shall not apply to
25 maps, charts or other graphics.

26 Sec. 20. Section 19-121.04, Arizona Revised Statutes, is amended to
27 read:

28 19-121.04. Disposition of petitions by secretary of state

29 A. Within seventy-two hours, excluding Saturdays, Sundays and other
30 legal holidays, after receipt of the facsimile signature sheets and the
31 certification of each county recorder, the secretary of state shall determine
32 the total number of valid signatures by subtracting from the total number of
33 eligible signatures determined pursuant to section 19-121.01, subsection A,
34 paragraph 6 in the following order:

35 1. All signatures on petitions containing a defective circulator's
36 affidavit.

37 2. All signatures that were found ineligible by the county recorders
38 and that were not subtracted pursuant to paragraph 1 of this subsection.

39 3. After determining the percentage of all signatures found to be
40 invalid in the random sample, a like percentage from those signatures
41 remaining after the subtractions performed pursuant to paragraphs 1 and 2 of
42 this subsection.

43 B. If the actual number of signatures ~~after certification pursuant to~~
44 ~~subsection C of this section~~ on the remaining sheets after any such
45 subtraction equals or exceeds the minimum number required by the constitution

1 or if the number of valid signatures as projected from the random sample
2 pursuant to subsection A of this section is at least one hundred ~~five~~ per
3 cent of the minimum number required by the constitution, the secretary of
4 state shall issue the following receipt to the person or organization that
5 submitted them:

6 _____ signature pages bearing _____
7 signatures for initiative (referendum) petition serial number
8 ____ have been refused for filing in this office because the
9 person circulating them was a county recorder or justice of the
10 peace at the time of circulating the petition or due to defects
11 in the circulator's affidavit. A total of _____
12 signatures included on the remaining petition sheets were found
13 to be ineligible. Of the total random sample of _____
14 signatures, a total of _____ signatures were invalidated by
15 the county recorders resulting in a failure rate of _____
16 per cent. The actual number of remaining signatures for such
17 initiative (referendum) petition number _____ are equal to or
18 in excess of the minimum required by the constitution to place a
19 measure on the general election ballot. The number of valid
20 signatures filed with this petition, based on the random sample,
21 appears to be at least one hundred five per cent of the minimum
22 required or through examination of each signature has been
23 certified to be greater than the minimum required by the
24 constitution.

25 Date: _____
26 _____ Secretary of State
27 (Seal)
28

29 The secretary of state shall then forthwith notify the governor that a
30 sufficient number of signatures has been filed and that the initiative or
31 referendum shall be placed on the ballot in the manner provided by law.

32 ~~C. If the number of valid signatures as projected from the random
33 sample is less than one hundred five but greater than ninety five per cent of
34 the minimum number required by the constitution, the secretary of state shall
35 order the examination and verification of each signature filed and shall so
36 notify the county recorders. The county recorder's certification shall be in
37 the form prescribed by the secretary of state.~~

38 ~~D.~~ C. If the number of valid signatures as projected from the random
39 sample is less than ~~ninety-five~~ ONE HUNDRED per cent of the minimum number
40 required by the constitution or if the actual number of signatures on the
41 remaining sheets after any such subtraction from the random sample or after
42 certification fails to equal or exceed the minimum required by the
43 constitution, the secretary of state shall immediately return the original
44 signature sheets, in the form filed by him under section 19-121, to the
45 person or organization that submitted them, together with a certified

1 statement that, for the following reasons, the petition lacks the minimum
2 number of signatures to place it on the general election ballot:

3 1. Signature sheets bearing secretary of state page
4 numbers _____ and bearing signatures of _____
5 persons appeared on petitions containing a defective
6 circulator's affidavit.

7 2. A total of _____ signatures on the remaining
8 petition sheets were found to be ineligible.

9 3. A total of _____ signatures included in
10 the random sample have been certified by the county recorders as
11 ineligible at the time such petition was signed and a projection
12 from such random sample has indicated that _____ more
13 signatures are ineligible to appear on the petition.

14 A facsimile of the certifications of the county recorders under section
15 19-121.02 shall accompany the signature sheets returned to the person or
16 organization that submitted them.

17 Sec. 21. Scanned ballot election auditing pilot program;
18 secretary of state; proposals; report; delayed
19 repeal

20 A. In cooperation with one or more county boards of supervisors, the
21 secretary of state may establish a scanned ballot election auditing pilot
22 program to audit and analyze ballot scanning and tabulating equipment for the
23 purpose of investigating or developing postelection audit systems for use on
24 a broad, election-wide basis. The pilot program shall include analytical
25 assistance from one or more of the universities under the direction of the
26 Arizona board of regents.

27 B. Notwithstanding section 16-624, Arizona Revised Statutes:

28 1. On request, a county treasurer shall release ballots to the custody
29 of the secretary of state for the purposes of the pilot program.

30 2. On approval of a governing body, the pilot program may be used to
31 audit the results of a live election for a special taxing district or for
32 another other local election. Ballots and software used in the pilot program
33 are not public records and are not subject to title 39, Arizona Revised
34 Statutes.

35 C. In cooperation with one or more county boards of supervisors, the
36 secretary of state shall solicit proposals for an auditing pilot program from
37 entities with ballot scanning capabilities. Proposals for an auditing pilot
38 program are not subject to procurement pursuant to title 41, chapter 23,
39 Arizona Revised Statutes, but the secretary of state shall solicit at least
40 three proposals. The secretary of state may coordinate and work with
41 election officials in other jurisdictions if a federal program or project on
42 scanned ballots audit procedures is established.

43 D. The secretary of state shall prepare and publish a report on the
44 results of the pilot program no later than December 31, 2013.

45 E. This section is repealed from and after September 30, 2014.

