

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

HOUSE BILL 2304

AN ACT

AMENDING SECTIONS 16-246, 16-315, 16-321, 16-341, 16-343, 16-411, 16-449, 16-502, 16-515 AND 16-542, 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, 16-912, 16-915.01, 16-918, 16-919, 16-920, 16-924, 19-112, 19-115, 19-121.04 AND 38-542, 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, IF NOT A**
25 **RESIDENT OF THIS STATE, SHALL REGISTER AS A CIRCULATOR WITH THE SECRETARY OF**
26 **STATE.**

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

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

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

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

40 Sec. 3. Section 16-321, Arizona Revised Statutes, is amended to read:
41 16-321. Signing and certification of nomination petition

42 A. Each signer of a nomination petition shall sign only one petition
43 for the same office unless more than one candidate is to be elected to such
44 office, and in that case not more than the number of nomination petitions
45 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 16-341, Arizona Revised Statutes, is amended to read:
40 16-341. Nomination petition; method and time of filing; form;
41 qualifications and number of petitioners required

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

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

8 C. A nomination petition stating the name of the office to be filled,
9 the name and residence of the candidate and other information required by
10 this section shall be filed with the same officer with whom primary
11 nomination papers and petitions are required to be filed as prescribed in
12 section 16-311. Except for candidates for the office of presidential elector
13 filed pursuant to this section, the petition shall be filed at the same time
14 as primary nomination papers and petitions are required to be filed as
15 prescribed by section 16-311. The petition shall be signed only by voters
16 who have not signed the nomination petitions of a candidate for the office to
17 be voted for at that primary election.

18 D. The nomination petition shall be in substantially the following
19 form:

20 ~~"~~The undersigned, qualified electors of _____
21 county, state of Arizona, do hereby nominate _____, who
22 resides at _____ in the county of _____, as a
23 candidate for the office of _____ at the general (or
24 special, as the case may be) election to be held on the
25 _____ day of _____, ____.

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

32 E. The nomination petition shall conform as nearly as possible to the
33 provisions relating to nomination petitions of candidates to be voted for at
34 primary elections and shall be signed by at least the number of persons who
35 are registered to vote determined by calculating three per cent of the
36 persons who are registered to vote of the state, county, subdivision or
37 district for which the candidate is nominated who are not members of a
38 political party that is qualified to be represented by an official party
39 ballot at the next ensuing primary election and accorded representation on
40 the general election ballot.

41 F. The percentage of persons who are registered to vote necessary to
42 sign the nomination petition shall be determined by the total number of
43 registered voters from other than political parties that are qualified to be
44 represented by an official party ballot at the next ensuing primary election
45 and accorded representation on the general election ballot in the state,

1 county, subdivision or district on March 1 of the year in which the general
2 election is held. Notwithstanding the method prescribed by subsection E of
3 this section and this subsection for calculating the minimum number of
4 signatures necessary, any person who is registered to vote in the state,
5 county, subdivision or district for which the candidate is nominated is
6 eligible to sign the nomination petition without regard to the signer's party
7 affiliation.

8 G. ~~For the purposes of this section,~~ A nomination petition for ~~the~~
9 ~~office of presidential elector~~ ANY CANDIDATE may be circulated by a person
10 who is not a resident of this state but who is otherwise eligible to register
11 to vote in this state IF THAT PERSON REGISTERS AS A CIRCULATOR WITH THE
12 SECRETARY OF STATE BEFORE CIRCULATING PETITIONS. The nomination petition FOR
13 THE OFFICE OF PRESIDENTIAL ELECTOR shall include a group of names of
14 candidates equal to the number of United States senators and representatives
15 in Congress from this state instead of separate nomination petitions for each
16 candidate for the office of presidential elector. A valid signature on a
17 petition containing a group of presidential electors candidates is counted as
18 a signature for the nomination of each of the candidates. The presidential
19 candidate whom the candidates for presidential elector will represent shall
20 designate in writing to the secretary of state the names of the candidates
21 who will represent the presidential candidate before any signatures for the
22 candidate can be accepted for filing. A nomination petition for the office
23 of presidential elector shall be filed not less than sixty nor more than
24 ninety days before the general election. The petition shall be signed only
25 by qualified electors who have not signed the nomination petitions of a
26 candidate for the office of presidential elector to be voted for at that
27 election.

28 H. The secretary of state shall require in the instructions and
29 procedures manual issued pursuant to section 16-452 that persons who
30 circulate nomination petitions pursuant to this section ~~for the office of~~
31 ~~presidential elector~~ and who are not residents of this state but who are
32 otherwise eligible to register to vote in this state shall register as
33 circulators with the office of the secretary of state before circulating
34 petitions. The secretary of state shall provide for a method of receiving
35 service of process for those petition circulators who are registered.

36 I. A person who files a nomination paper pursuant to this section for
37 the office of president of the United States shall designate in writing to
38 the secretary of state at the time of filing the name of the candidate's
39 vice-presidential running mate, the names of the presidential electors who
40 will represent that candidate and a statement that is signed by the
41 vice-presidential running mate and the designated presidential electors and
42 that indicates their consent to be designated. A nomination paper for each
43 presidential elector designated shall be filed with the candidate's
44 nomination paper. The number of presidential electors shall equal the number
45 of United States senators and representatives in Congress from this state.

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

- 6 1. The nomination petition required by this title.
- 7 2. A political committee statement of organization or the five hundred
8 dollar threshold exemption statement for that office.
- 9 3. The financial disclosure statement as prescribed for candidates for
10 that office.

11 Sec. 5. Section 16-343, Arizona Revised Statutes, is amended to read:
12 16-343. Filling vacancy caused by death or incapacity or
13 withdrawal of candidate

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

18 1. In the case of a United States senator or statewide candidate, the
19 state executive committee of the candidate's political party shall nominate a
20 candidate of the party's choice and shall file a nomination paper and
21 affidavit complying with the requirements for candidates as stated in section
22 16-311 in order to fill the vacancy.

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

28 3. In the case of a vacancy for a county or precinct office, the party
29 county committee of counties with a population of less than two hundred fifty
30 thousand persons according to the most recent United States decennial census
31 and, in counties with a population of two hundred fifty thousand persons or
32 more according to the most recent United States decennial census the county
33 officers of the party together with the chairman of the party precinct
34 committeemen in each legislative district of the county, shall nominate a
35 candidate of the party's choice and shall file a nomination paper and
36 affidavit complying with the requirements of section 16-311 to fill such
37 vacancy.

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

41 C. Any meetings for the purpose of filing a nomination paper and
42 affidavit provided for in this section shall be called by the chairman of
43 such committee or legislative district, except that in the case of
44 multicounty legislative or congressional districts the party county chairman
45 of the county having the largest geographic area within such district shall

1 call such meeting. The chairman or in his absence the vice-chairman calling
2 such meeting shall preside. The call to such meeting shall be mailed or
3 given in person to each person entitled to participate therein no later than
4 one day prior to such meeting. A majority of those present and voting shall
5 be required to fill a vacancy pursuant to this section.

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

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

17 F. If a vacancy occurs as described in subsection A of this section
18 for a state office, the secretary of state shall notify the various boards of
19 supervisors as to the vacancy. The boards of supervisors shall notify the
20 inspectors of the various precinct election boards in the county, district or
21 precinct where a vacancy occurs. In the case of a city or town election, the
22 city or town clerk shall notify the appropriate inspectors. **A VACANCY THAT**
23 **OCCURS AS PRESCRIBED IN SUBSECTION D OF THIS SECTION DUE TO THE DEATH OR**
24 **INCAPACITY OF THE CANDIDATE SHALL NOT BE FILLED AND THE SECRETARY OF STATE**
25 **SHALL NOTIFY THE APPROPRIATE COUNTY BOARD OF SUPERVISORS TO POST A NOTICE OF**
26 **THE DEATH OR INCAPACITY OF THE CANDIDATE IN EACH POLLING PLACE ALONG WITH**
27 **NOTICE THAT ANY VOTES CAST FOR THAT CANDIDATE WILL BE TABULATED.**

28 G. The inspectors shall post the notice of vacancy in the same manner
29 as posting official write-in candidates. In the case of a withdrawal of a
30 candidate that occurs after the printing of official ballots, the inspectors
31 shall post the notice of withdrawal in a conspicuous location in each polling
32 place.

33 Sec. 6. Section 16-411, Arizona Revised Statutes, is amended to read:

34 **16-411. Designation of election precincts and polling places;**
35 **electioneering; wait times**

36 A. Except as prescribed by subsection J of this section, the board of
37 supervisors of each county, on or before December 1 of each year preceding
38 the year of a general election, by an order, shall establish a convenient
39 number of election precincts in the county and define the boundaries of the
40 precincts. Such election precinct boundaries shall be so established as
41 included within election districts prescribed by law for elected officers of
42 the state and its political subdivisions including community college district
43 precincts, except those elected officers provided for in titles 30 and 48.

1 B. Not less than twenty days before a general or primary election, and
2 at least ten days before a special election, the board shall designate one
3 polling place within each precinct where the election shall be held, except
4 that:

5 1. On a specific finding of the board, included in the order or
6 resolution designating polling places pursuant to this subsection, that no
7 suitable polling place is available within a precinct, a polling place for
8 such precinct may be designated within an adjacent precinct.

9 2. Adjacent precincts may be combined if boundaries so established are
10 included in election districts prescribed by law for state elected officials
11 and political subdivisions including community college districts but not
12 including elected officials prescribed by titles 30 and 48. The officer in
13 charge of elections may also split a precinct for administrative purposes.
14 Any such polling places shall be listed in separate sections of the order or
15 resolution.

16 3. On a specific finding of the board that the number of persons who
17 are listed as permanent early voters pursuant to section 16-544 is likely to
18 substantially reduce the number of voters appearing at one or more specific
19 polling places at that election, adjacent precincts may be consolidated by
20 combining polling places and precinct boards for that election. The board of
21 supervisors shall ensure that a reasonable and adequate number of polling
22 places will be designated for that election. Any consolidated polling places
23 shall be listed in separate sections of the order or resolution of the board.

24 C. If the board fails to designate the place for holding the election,
25 or if it cannot be held at or about the place designated, the justice of the
26 peace in the precinct, two days before the election, by an order, copies of
27 which the justice of the peace shall immediately post in three public places
28 in the precinct, shall designate the place within the precinct for holding
29 the election. If there is no justice of the peace in the precinct, or if the
30 justice of the peace fails to do so, the election board of the precinct shall
31 designate and give notice of the place within the precinct of holding the
32 election. For any election in which there are no candidates for elected
33 office appearing on the ballot, the board may consolidate polling places and
34 precinct boards and may consolidate the tabulation of results for that
35 election if all of the following apply:

36 1. All affected voters are notified by mail of the change at least
37 thirty-three days before the election.

38 2. Notice of the change in polling places includes notice of the new
39 voting location, notice of the hours for voting on election day and notice of
40 the telephone number to call for voter assistance.

41 3. All affected voters receive information on early voting that
42 includes the application used to request an early voting ballot.

1 D. The board is not required to designate a polling place for special
2 district mail ballot elections held pursuant to article 8.1 of this chapter,
3 but the board may designate one or more sites for voters to deposit marked
4 ballots until 7:00 p.m. on the day of the election.

5 E. Except as provided in subsection F of this section, a public school
6 shall provide sufficient space for use as a polling place for any city,
7 county or state election when requested by the officer in charge of
8 elections.

9 F. The principal of the school may deny a request to provide space for
10 use as a polling place for any city, county or state election if, within two
11 weeks after a request has been made, the principal provides a written
12 statement indicating a reason the election cannot be held in the school,
13 including any of the following:

- 14 1. Space is not available at the school.
- 15 2. The safety or welfare of the children would be jeopardized.

16 G. The board shall make available to the public as a public record a
17 list of the polling places for all precincts in which the election is to be
18 held including identification of polling place changes that were submitted to
19 the United States department of justice for approval.

20 H. Except in the case of an emergency, any facility that is used as a
21 polling place on election day OR THAT IS USED AS AN EARLY VOTING SITE DURING
22 THE PERIOD OF EARLY VOTING shall allow persons to electioneer and engage in
23 other political activity outside of the seventy-five foot limit prescribed by
24 section 16-515 in public areas and parking lots used by voters. This
25 subsection shall not be construed to permit the temporary or permanent
26 construction of structures in public areas and parking lots or the blocking
27 or other impairment of access to parking spaces for voters.

28 I. The secretary of state shall provide through the instructions and
29 procedures manual adopted pursuant to section 16-452 the maximum allowable
30 wait time for any election that is subject to section 16-204 and provide for
31 a method to reduce voter wait time at the polls in the primary and general
32 elections. The method shall consider at least all of the following for
33 primary and general elections in each precinct:

- 34 1. The number of ballots voted in the prior primary and general
35 elections.
- 36 2. The number of registered voters who voted early in the prior
37 primary and general elections.
- 38 3. The number of registered voters and the number of registered voters
39 who cast an early ballot for the current primary or general election.
- 40 4. The number of election board members and clerks and the number of
41 rosters that will reduce voter wait time at the polls.

42 J. The board of supervisors of a county shall not change precinct
43 lines during the period after July 31, 2008 and before January 1, 2011. The
44 board of supervisors may subdivide an election precinct for administrative
45 purposes or may provide for more than one polling place within the boundaries

1 of the election precincts established for use in voting in elections held
2 after July 31, 2008 and before January 1, 2011. In providing for multiple
3 polling places within a precinct, the board of supervisors shall consider the
4 particular population characteristics of each precinct in order to provide
5 the voters the most reasonable access to the polls possible.

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

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

40 B. Electronic ballot tabulating systems shall be tested for logic and
41 accuracy within seven days before their use for early balloting pursuant to
42 the instructions and procedures manual for electronic voting systems that is
43 adopted by the secretary of state as prescribed by section 16-452. The
44 instructions and procedures manual shall include procedures for the handling
45 of ballots, the electronic scanning of ballots and any other matters

1 necessary to ensure the maximum degree of correctness, impartiality and
2 uniformity in the administration of an electronic ballot tabulating system.

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

9 Sec. 8. Section 16-502, Arizona Revised Statutes, is amended to read:

10 16-502. Form and contents of ballot

11 A. Ballots shall be printed with black ink on white paper of
12 sufficient thickness to prevent the printing thereon from being discernible
13 from the back, and the same type shall be used for the names of all
14 candidates. The ballots shall be headed "official ballot" in bold-faced
15 plain letters, with a heavy rule above and below the heading. Immediately
16 below shall be placed the words "type of election, (date of election)" and
17 the name of the county and state in which the election is held. The name or
18 number of the precinct in which the election is held shall be placed on the
19 ballot in a uniform location for all ballots. No other matter shall be
20 placed or printed at the head of any ballot, except above the heading there
21 may be a stub that contains the words "stub no. _____, register no. _____, to
22 be torn off by inspector." The stub shall be separated from the ballot by a
23 perforated line, so that it may be easily detached from the ballot.
24 Instructions to the voter on marking the ballot may be printed below the
25 heading. The official ballots shall be bound together in blocks of not less
26 than five nor more than one hundred.

27 B. Immediately below the ballot heading shall be placed the following:

28 "Section One

29 Partisan Ballot

30 1. Put a mark according to the instructions next to the
31 name of each candidate for each partisan office for whom you
32 wish to vote.

33 2. If you wish to vote for a person whose name is not
34 printed on the ballot, write such name in the blank space
35 provided on the ballot or write-in envelope and put a mark
36 according to the instructions next to the name so written."

37 C. Immediately below the instructions for voting in section one there
38 shall be placed in columns the names of the candidates of the several
39 political parties. Next to each candidate's name there shall be printed in
40 bold-faced letters the name of the political party. At the head of each
41 column shall be printed the names of the offices to be filled with the name
42 of each office being of uniform type size. At the head of each column shall
43 be printed in the following order the names of candidates for:

44 1. Presidential electors.

45 2. United States senator.

1 3. Representatives in Congress.

2 4. The several state offices.

3 5. The several county and precinct offices.

4 D. The names of candidates for the offices of state senator and state
5 representative along with the district number shall be placed within the
6 heading of each column to the right of the office name for state offices and
7 immediately below the candidates for the office of governor. The number of
8 the supervisorial district of which a candidate is a nominee shall be printed
9 within the heading of each column to the right of the name of the office.

10 E. The lists of the candidates of the several parties shall be
11 arranged with the names of the parties in descending order according to the
12 votes cast for governor for that county in the most recent general election
13 for the office of governor, commencing with the left-hand column. In the
14 case of political parties which did not have candidates on the ballot in the
15 last general election, such parties shall be listed in alphabetical order
16 below the parties which did have candidates on the ballot in the last general
17 election. The names of all candidates nominated under section 16-341 shall
18 be placed in a single column below that of the recognized parties. Next to
19 the name of each candidate, in parentheses, shall be printed ~~the designation~~
20 ~~not to exceed three words in length as~~ A THREE-LETTER ABBREVIATION THAT IS
21 TAKEN FROM THE THREE WORDS prescribed in the candidate's certificate of
22 nomination.

23 F. Immediately below the designation of the office to be voted for
24 shall appear the words: "Vote for not more than _____" (insert the number
25 to be elected).

26 G. In each column at the right of the name of each candidate and on
27 the same line there shall be a place for the voter to put a mark. Below the
28 name of the last named candidate for each office there shall be as many blank
29 lines as there are offices of the same title to be filled, with a place for
30 the voter to put a mark unless write-in envelopes are provided for that
31 purpose. Upon the blank line the voter may write the name of any person for
32 whom he desires to vote whose name is not printed, and next to the name so
33 written he shall designate his choice by a mark as in the case of printed
34 names.

35 H. When there are two or more candidates of the same political party
36 for the same office, or more than one candidate for a judicial office, the
37 names of all such candidates shall be so alternated on the ballots used in
38 each election district that the name of each candidate shall appear
39 substantially an equal number of times in each possible location. If there
40 are fewer or the same number of candidates seeking office than the number to
41 be elected, the rotation of names is not required and the names shall be
42 placed in alphabetical order.

43 I. Immediately below section one of the ballot shall be placed the
44 following:

"Section Two
Nonpartisan Ballot

1
2
3 1. Put a mark according to the instructions next to the
4 name of each candidate for each nonpartisan office for whom you
5 wish to vote.

6 2. If you wish to vote for a person whose name is not
7 printed on the ballot, write such name in the blank space
8 provided on the ballot or write-in envelope and put a mark
9 according to the instructions next to the name so written.

10 3. Put a mark according to the instructions next to the
11 word 'yes' (or for) for each proposition or question you wish to
12 be adopted. Put a mark according to the instructions next to
13 the word 'no' (or against) for each proposition or question you
14 wish not to be adopted."

15 J. Immediately below the instructions for voting in section two shall
16 be placed the names of the candidates for judges of the superior court
17 standing for election pursuant to article VI, section 12, Constitution of
18 Arizona, school district officials, ~~justice~~ JUSTICES of the supreme court,
19 judges of the court of appeals, judges of the superior court standing for
20 retention or rejection pursuant to article VI, section 38, Constitution of
21 Arizona, and other nonpartisan officials in a column or in columns without
22 partisan or other designation except the title of office in an order
23 determined by the officer in charge of the election.

24 K. Immediately below the offices listed in subsection J of this
25 section, the ballot shall contain a separate heading of any nonpartisan
26 office for a vacant unexpired term and shall include the expiration date of
27 the term of the vacated office.

28 L. All proposed constitutional amendments and other propositions or
29 questions to be submitted to the voters shall be printed immediately below
30 the names of candidates for nonpartisan positions in such order as the
31 secretary of state, or if a city or town election, the city or town clerk,
32 designates. Placement of county and local charter amendments, propositions
33 or questions shall be determined by the officer in charge of the election.
34 Except as provided by section 19-125, each proposition or question shall be
35 followed by the words "yes" and "no" or "for _____" and "against _____" as
36 the nature of the proposition or question requires, and at the right of and
37 next to each of such words shall be a place for the voter to put a mark
38 according to the instructions that is similar in size to those places
39 appearing opposite the names of the candidates, in which the voter may
40 indicate his vote for or against such proposition or question by a mark as
41 defined in section 16-400.

42 M. Instead of printing the official and descriptive titles or the full
43 text of each measure or question on the official ballot, the officer in
44 charge of elections may print phrases on the official ballot that contain all
45 of the following:

1 1. The number of the measure in reverse type and at least twelve point
2 type.

3 2. The designation of the measure as prescribed by section 19-125,
4 subsection C or as a question, proposition or charter amendment, followed by
5 the words "relating to..." and inserting the subject.

6 3. Either the statement prescribed by section 19-125, subsection D
7 that describes the effects of a "yes" vote and a "no" vote or, for other
8 measures, the text of the question or proposition.

9 4. The words "yes" and "no" or "for" and "against", as may be
10 appropriate and a place for the voter to put a mark.

11 N. For any ballot printed pursuant to subsection M of this section,
12 the instructions on the official ballot shall direct the voter to the full
13 text of the official and descriptive titles and the questions and
14 propositions as printed on the sample ballot and posted in the polling place.

15 Sec. 9. Section 16-515, Arizona Revised Statutes, is amended to read:

16 16-515. "Seventy-five foot limit" notices; posting; violation;
17 classification; definitions

18 A. Except as prescribed in this section and section 16-580, a person
19 shall not be allowed to remain inside the seventy-five foot limit while the
20 polls are open, except for the purpose of voting, and except the election
21 officials, one representative at any one time of each political party
22 represented on the ballot who has been appointed by the county chairman of
23 that political party and the challengers allowed by law, and no ~~political or~~
24 electioneering materials may be displayed **AND NO ELECTIONEERING MAY OCCUR**
25 within the seventy-five foot limit. Voters having cast their ballots shall
26 promptly move outside the seventy-five foot limit.

27 B. The board of supervisors shall furnish, with the ballots for each
28 polling place, three notices, printed in letters not less than two inches
29 high, with the heading: "Seventy-five foot limit" and underneath that
30 heading the following:

31 No person shall be allowed to remain inside these limits while
32 the polls are open, except for the purpose of voting, and except
33 the election officials, one representative at any one time of
34 each political party represented on the ballot who has been
35 appointed by the county chairman of such political party, and
36 the challengers allowed by law. Voters having cast their
37 ballots shall at once retire without the seventy-five foot
38 limit. A person violating any provision of this notice is
39 guilty of a class 2 misdemeanor.

40 C. A minor voting in a simulated election at a polling place is
41 subject to the same seventy-five foot limit restrictions prescribed for a
42 voter. Persons supervising or working in a simulated election in which
43 minors vote may remain within the seventy-five foot limit of the polling
44 place. The inspector for the polling place shall exercise authority over all
45 election and simulated election related activities at the polling place.

1 D. For an election that is held by an Indian tribe and that is held at
2 a polling place at the same time and on the same date as any other election,
3 the following apply:

4 1. A person who is voting is subject to the same seventy-five foot
5 limit restrictions prescribed for other voters.

6 2. An election official for the tribal election may remain within the
7 seventy-five foot limit for the polling place.

8 E. With the permission of the voter, a minor may enter and remain
9 within the seventy-five foot limit in order to accompany a voter into a
10 polling place, an on-site early voting facility and a voting booth while the
11 voter is voting.

12 F. Any person violating this section is guilty of a class 2
13 misdemeanor.

14 G. FOR THE PURPOSES OF THIS SECTION:

15 1. "ELECTIONEERING" MEANS A DEMONSTRATION OF EXPRESS SUPPORT FOR OR
16 OPPOSITION TO A CANDIDATE WHO APPEARS ON THE BALLOT IN THAT ELECTION, A
17 BALLOT QUESTION THAT APPEARS ON THE BALLOT IN THAT ELECTION OR A POLITICAL
18 PARTY WITH ONE OR MORE CANDIDATES WHO APPEAR ON THE BALLOT IN THAT ELECTION,
19 AND INCLUDES ANY USE OF A CANDIDATE'S OR POLITICAL PARTY'S NAME OR A BALLOT
20 MEASURE'S NAME OR NUMERIC DESIGNATION AND ANY VERBAL EXPRESSIONS OF
21 OPPOSITION OR SUPPORT.

22 2. "ELECTIONEERING MATERIALS" MEANS WRITTEN OR PRINTED MATERIAL OR
23 ITEMS, INCLUDING ARTICLES OF CLOTHING, THAT EXPRESS SUPPORT FOR OR OPPOSITION
24 TO A CANDIDATE WHO APPEARS ON THE BALLOT IN THAT ELECTION, A BALLOT QUESTION
25 THAT APPEARS ON THE BALLOT IN THAT ELECTION OR A POLITICAL PARTY WITH ONE OR
26 MORE CANDIDATES WHO APPEAR ON THE BALLOT IN THAT ELECTION.

27 Sec. 10. Section 16-542, Arizona Revised Statutes, is amended to read:
28 16-542. Request for ballot

29 A. Within ninety-three days before any election called pursuant to the
30 laws of this state, an elector may make a verbal or signed request to the
31 county recorder, or other officer in charge of elections for the applicable
32 political subdivision of this state in whose jurisdiction the elector is
33 registered to vote, for an official early ballot. In addition to name and
34 address, the requesting elector shall provide the date of birth and state or
35 country of birth or other information that if compared to the voter
36 registration information on file would confirm the identity of the elector.
37 If the request indicates that the elector needs a primary election ballot and
38 a general election ballot, the county recorder or other officer in charge of
39 elections shall honor the request. For any partisan primary election, if the
40 elector is not registered as a member of a political party that is entitled
41 to continued representation on the ballot pursuant to section 16-804, the
42 elector shall designate the ballot of only one of the political parties that
43 is entitled to continued representation on the ballot and the elector may
44 receive and vote the ballot of only that one political party. The county
45 recorder may establish on-site early voting locations at the recorder's

1 office, which shall be open and available for use beginning the same day that
2 a county begins to send out the early ballots. The county recorder may also
3 establish any other early voting locations in the county the recorder deems
4 necessary.

5 B. Notwithstanding subsection A of this section, a request for an
6 official early ballot from an absent uniformed services voter or overseas
7 voter as defined in the uniformed and overseas citizens absentee voting act
8 of 1986 (P.L. 99-410; 42 United States Code section 1973ff-6) or a voter
9 whose information is protected pursuant to section 16-153 that is received by
10 the county recorder or other officer in charge of elections more than
11 ninety-three days before the election is valid. If requested by the absent
12 uniformed services or overseas voter, or a voter whose information is
13 protected pursuant to section 16-153, the county recorder or other officer in
14 charge of elections shall provide to the requesting voter early ballot
15 materials through the next ~~two~~ regularly scheduled general ~~elections~~ ELECTION
16 for federal office immediately following receipt of the request UNLESS A
17 DIFFERENT PERIOD OF TIME, WHICH DOES NOT EXCEED THE NEXT TWO REGULARLY
18 SCHEDULED GENERAL ELECTIONS FOR FEDERAL OFFICE, IS DESIGNATED BY THE VOTER.

19 C. The county recorder or other officer in charge of elections shall
20 mail the early ballot and the envelope for its return postage prepaid to the
21 address provided by the requesting elector within five days after receipt of
22 the official early ballots from the officer charged by law with the duty of
23 preparing ballots pursuant to section 16-545, except that early ballot
24 distribution shall not begin more than twenty-six days before the election.
25 If an early ballot request is received on or before the thirtieth day before
26 the election, the early ballot shall be distributed on the twenty-sixth day
27 before the election.

28 D. Only the elector may be in possession of that elector's unvoted
29 early ballot. If a complete and correct request is made by the elector
30 within twenty-six days before the election, the mailing must be made within
31 forty-eight hours after receipt of the request. Saturdays, Sundays and other
32 legal holidays are excluded from the computation of the forty-eight hour
33 period prescribed by this subsection. If a complete and correct request is
34 made by an absent uniformed services voter or an overseas voter before the
35 election, the regular early ballot shall be transmitted by mail, by fax or by
36 other electronic format approved by the secretary of state within twenty-four
37 hours after the early ballots are delivered pursuant to section 16-545,
38 subsection B, excluding Sundays.

39 E. In order to be complete and correct and to receive an early ballot
40 by mail, an elector's request that an early ballot be mailed to the elector's
41 residence or temporary address must include all of the information prescribed
42 by subsection A of this section and must be received by the county recorder
43 or other officer in charge of elections no later than 5:00 p.m. on the
44 eleventh day preceding the election. An elector who appears personally no
45 later than 5:00 p.m. on the Friday preceding the election at an on-site early

1 voting location that is established by the county recorder or other officer
2 in charge of elections shall be given a ballot and permitted to vote at the
3 on-site location. If an elector's request to receive an early ballot is not
4 complete and correct but complies with all other requirements of this
5 section, the county recorder or other officer in charge of elections shall
6 attempt to notify the elector of the deficiency of the request.

7 F. Unless an elector specifies that the address to which an early
8 ballot is to be sent is a temporary address, the recorder may use the
9 information from an early ballot request form to update voter registration
10 records.

11 G. The county recorder or other officer in charge of early balloting
12 shall provide an alphabetized list of all voters in the precinct who have
13 requested and have been sent an early ballot to the election board of the
14 precinct in which the voter is registered not later than the day prior to the
15 election.

16 H. As a result of an emergency occurring between 5:00 p.m. on the
17 second Friday preceding the election and 5:00 p.m. on the Monday preceding
18 the election, qualified electors may request to vote early in the manner
19 prescribed by the county recorder of their respective county. For the
20 purposes of this subsection, "emergency" means any unforeseen circumstances
21 that would prevent the elector from voting at the polls.

22 I. A candidate or political committee may distribute early ballot
23 request forms to voters. If the early ballot request forms include a printed
24 address for return to an addressee other than a political subdivision, the
25 addressee shall be the candidate or political committee that paid for the
26 printing and distribution of the request forms. All early ballot request
27 forms that are received by a candidate or political committee shall be
28 transmitted as soon as practicable to the political subdivision that will
29 conduct the election.

30 Sec. 11. Repeal

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

32 Sec. 12. Section 16-544, Arizona Revised Statutes, is amended to read:
33 16-544. Permanent early voting list

34 A. Any voter may request to be included on a permanent list of voters
35 to receive an early ballot for any election for which the county voter
36 registration roll is used to prepare the election register. The county
37 recorder of each county shall maintain the permanent early voting list as
38 part of the voter registration roll.

39 B. In order to be included on the permanent early voting list, the
40 voter shall make a written request specifically requesting that the voter's
41 name be added to the permanent early voting list for all elections in which
42 the applicant is eligible to vote. A permanent early voter request form
43 shall conform to requirements prescribed in the instructions and procedures
44 manual issued pursuant to section 16-452. The application shall allow for
45 the voter to provide the voter's name, residence address, mailing address in

1 the voter's county of residence, date of birth and signature. The voter
2 shall not list a mailing address that is outside of ~~the voter's county of~~
3 ~~residence~~ THIS STATE for the purpose of the permanent early voting list
4 unless the voter is an absent uniformed services voter or overseas voter as
5 defined in the uniformed and overseas citizens absentee voting act of 1986
6 (P.L. 99-410; 42 United States Code section 1973ff-6). In lieu of the
7 application, the applicant may submit a written request that contains the
8 required information.

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

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

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

33 2. Update the voter's residence address in the voter's county of
34 residence.

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

37 E. If the notice that is mailed to the voter is returned undeliverable
38 by the postal service, the county recorder or other officer in charge of
39 elections shall take the necessary steps to contact the voter at the voter's
40 new residence address in order to update that voter's address or to move the
41 voter to inactive status as prescribed in section 16-166, subsection A. If a
42 voter is moved to inactive status, the voter shall be removed from the
43 permanent early voting list. If the voter is removed from the permanent
44 early voting list, the voter shall only be added to the permanent early

1 voting list again if the voter submits a new request pursuant to this
2 section.

3 F. Not later than the first day of early voting, the county recorder
4 or other officer in charge of elections shall mail an early ballot to all
5 eligible voters included on the permanent early voting list in the same
6 manner prescribed in section 16-542, subsection C. If the voter has not
7 returned the notice or otherwise notified the election officer within
8 forty-five days before the election that the voter does not wish to receive
9 an early ballot by mail for the election or elections indicated, the ballot
10 shall automatically be scheduled for mailing.

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

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

18 2. To receive an early ballot for the primary election, the voter
19 shall submit the voter's choice for political party ballot to the county
20 recorder.

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

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

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

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

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

39 J. An absent uniformed services voter or overseas voter as defined in
40 the uniformed and overseas citizens absentee voting act of 1986 (P.L. 99-410;
41 42 United States Code section 1973ff-6) is eligible to be placed on the
42 permanent early voting list pursuant to this section.

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

1 Sec. 13. Section 16-602, Arizona Revised Statutes, is amended to read:

2 16-602. Removal of ballots from ballot boxes; disposition of
3 ballots folded together or excessive ballots;
4 designated margin; hand counts; vote count
5 verification committee

6 A. For any primary, **SPECIAL** or general election in which the votes are
7 cast on an electronic voting machine or tabulator, the election judge shall
8 compare the number of votes cast as indicated on the machine or tabulator
9 with the number of votes cast as indicated on the poll list and the number of
10 provisional ballots cast and that information shall be noted in a written
11 report prepared and submitted to the officer in charge of elections along
12 with other tally reports.

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

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

43 2. The races to be counted on the ballots from the precincts that were
44 selected pursuant to paragraph 1 of this subsection for each primary, **SPECIAL**
45 and general election shall include up to five contested races. After the

1 county recorder or other officer in charge of elections separates the primary
2 ballots by political party, the races to be counted shall be determined by
3 selecting by lot without the use of a computer from those ballots as follows:

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

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

7 (c) One contested race for federal office, either United States senate
8 or United States house of representatives. If the United States house of
9 representatives race is selected, the names of the candidates may vary among
10 the sampled precincts.

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

14 (e) If there are fewer than four contested races resulting from the
15 selections made pursuant to subdivisions (a) through (d) and if there are
16 additional contested federal, statewide or legislative races or ballot
17 measures, additional contested races shall be selected by lot not using a
18 computer until four races have been selected or until no additional contested
19 federal, statewide or legislative races or ballot measures are available for
20 selection.

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

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

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

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

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

35 7. The county chairman of each political party shall designate and
36 provide the number of election board members as designated by the county
37 officer in charge of elections who shall perform the hand count under the
38 supervision of the county officer in charge of elections. For each precinct
39 that is to be audited, the county chairmen shall designate at least two board
40 workers who are registered members of any or no political party to assist
41 with the audit. Any qualified elector from this state may be a board worker
42 without regard to party designation. The county election officer shall
43 provide for compensation for those board workers, not to include travel, meal
44 or lodging expenses. If there are less than two persons for each audited
45 precinct available to participate on behalf of each recognized political

1 party, the recorder or officer in charge of elections, with the approval of
2 at least two county party chairpersons in the county in which the shortfall
3 occurs, shall substitute additional individual electors who are provided by
4 any political party from anywhere in the state without regard to party
5 designation to conduct the hand count. A county party chairman shall approve
6 only those substitute electors who are provided by the county chairman's
7 political party. The political parties shall provide to the recorder or
8 officer in charge of elections in writing the names of those persons
9 intending to participate in the hand count at the audited precincts not later
10 than 5:00 p.m. on the Tuesday preceding the election. If the total number of
11 board workers provided by all parties is less than four times the number of
12 precincts to be audited, the recorder or officer in charge of elections shall
13 notify the parties of the shortage by 9:00 a.m. on the Wednesday preceding
14 the election. The hand count shall not proceed unless the political parties
15 provide the recorder or officer in charge of elections, in writing, a
16 sufficient number of persons by 5:00 p.m. on the Thursday preceding the
17 election and a sufficient number of persons, pursuant to this paragraph,
18 arrive to perform the hand count. The recorder or officer in charge of
19 elections may prohibit persons from participating in the hand count if they
20 are taking actions to disrupt the count or are unable to perform the duties
21 as assigned. For the hand count to proceed, no more than seventy-five per
22 cent of the persons performing the hand count shall be from the same
23 political party.

24 8. If a political party is not represented by a designated chairperson
25 within a county, the state chairperson for that political party, or a person
26 designated by the state chairperson, may perform the actions required by the
27 county chairperson as specified in this section.

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

1 D. In any expanded count of randomly selected precincts, if the
2 randomly selected precinct hand counts result in a difference in any race
3 that is equal to or greater than the designated margin when compared to the
4 electronic tabulation of those same ballots, the final hand count shall be
5 extended to include the entire jurisdiction for that race. If the
6 jurisdictional boundary for that race would include any portion of more than
7 one county, the final hand count shall not be extended into the precincts of
8 that race that are outside of the county that is conducting the expanded hand
9 count. If the expanded hand count results in a difference in that race that
10 is less than the designated margin when compared to the electronic tabulation
11 of those same ballots, the electronic tabulation constitutes the official
12 count for that race.

13 E. If a final hand count is performed for an entire jurisdiction for a
14 race, the final hand count shall be repeated for that race until a hand count
15 for that race for the entire jurisdiction results in a count that is
16 identical to one other hand count for that race for the entire jurisdiction
17 and that hand count constitutes the official count for that race.

18 F. After the electronic tabulation of early ballots and at one or more
19 times selected by the chairman of the political parties entitled to continued
20 representation on the ballot or the chairman's designee, the chairmen or the
21 chairmen's designees shall randomly select one or more batches of early
22 ballots that have been tabulated to include at least one batch from each
23 machine used for tabulating early ballots and those ballots shall be securely
24 sequestered by the county recorder or officer in charge of elections along
25 with their unofficial tally reports for a postelection manual audit. The
26 chairmen or the chairmen's designees shall randomly select from those
27 sequestered early ballots a number equal to one per cent of the total number
28 of early ballots cast or five thousand early ballots, whichever is less.
29 From those randomly selected early ballots, the county officer in charge of
30 elections shall conduct a manual audit of the same races that are being hand
31 counted pursuant to subsection B of this section. If the manual audit of the
32 early ballots results in a difference in any race that is equal to or greater
33 than the designated margin when compared to the electronically tabulated
34 results for those same early ballots, the manual audit shall be repeated for
35 those same early ballots. If the second manual audit results in a difference
36 in that race that is equal to or greater than the designated margin when
37 compared to the electronically tabulated results for those same early
38 ballots, the manual audit shall be expanded only for that race to a number of
39 additional early ballots equal to one per cent of the total early ballots
40 cast or an additional five thousand ballots, whichever is less, to be
41 randomly selected from the batch or batches of sequestered early ballots. If
42 the expanded early ballot manual audit results in a difference for that race
43 that is equal to or greater than the designated margin when compared to any
44 of the earlier manual counts for that race, the manual counts shall be
45 repeated for that race until a manual count results in a difference in that

1 race that is less than the designated margin. If at any point in the manual
2 audit of early ballots the difference between any manual count of early
3 ballots is less than the designated margin when compared to the electronic
4 tabulation of those ballots, the electronic tabulation shall be included in
5 the canvass and no further manual audit of the early ballots shall be
6 conducted.

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

10 H. Notwithstanding any other law, the county officer in charge of
11 elections shall retain custody of the ballots for purposes of performing any
12 required hand counts and the officer shall provide for security for those
13 ballots.

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

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

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

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

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

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

42 4. The vote count verification committee shall meet and establish one
43 or more designated margins to be used in reviewing the hand counting of votes
44 as required pursuant to this section. The committee shall review and
45 consider revising the designated margins every two years for use in the

1 applicable elections. The committee shall provide the designated margins to
2 the secretary of state at least ten days before the primary election and at
3 least ten days before the general election, and the secretary of state shall
4 make that information publicly available on the secretary of state's ~~web-site~~
5 WEBSITE.

6 5. Members of the vote count verification committee are not eligible
7 to receive compensation but are eligible for reimbursement of expenses
8 pursuant to title 38, chapter 4, article 2. The committee is a public body
9 and its meetings are subject to title 38, chapter 3, article 3.1 and its
10 reports and records are subject to title 39, chapter 1.

11 Sec. 14. Section 16-645, Arizona Revised Statutes, is amended to read:
12 16-645. Canvass and return of precinct vote; declaring nominee
13 of party; certificate of nomination; write-in
14 candidates

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

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

40 C. A certificate of election shall not be issued to a write-in
41 candidate for precinct committeeman unless he receives a number of votes
42 equivalent to at least the same number of signatures required by section
43 16-322 for nominating petitions for the same office.

44 D. Except as provided in subsection C of this section, a ~~certificate~~
45 ~~of~~ LETTER DECLARING nomination shall not be issued to a write-in candidate of

1 a party ~~which~~ THAT has not qualified for continued representation on the
2 official ballot pursuant to section 16-804 unless he receives a plurality of
3 the votes of the party for the office for which he is a candidate.

4 E. Except as provided by subsection C of this section, a ~~certificate~~
5 ~~of~~ LETTER DECLARING nomination shall not be issued to a write-in candidate of
6 a party qualified for continued representation on the official ballot unless
7 he receives a number of votes equivalent to at least the same number of
8 signatures required by section 16-322 for nominating petitions for the same
9 office.

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

14 Sec. 15. Section 16-801, Arizona Revised Statutes, is amended to read:
15 16-801. Representation of new party on ballot at primary and
16 general elections

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

25 1. Bear the certification of the county recorder of each county that
26 the signatures on the petition have been examined and that these are
27 signatures of qualified electors of the county.

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

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

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

34 B. NOTWITHSTANDING ANY OTHER LAW, ON RECOGNITION AS A POLITICAL PARTY
35 THAT IS REPRESENTED BY AN OFFICIAL PARTY BALLOT AT THE PRIMARY ELECTION AND
36 ACCORDED A BALLOT COLUMN AT THE SUCCEEDING GENERAL ELECTION, A NEW POLITICAL
37 PARTY IS ENTITLED TO REPRESENTATION AS A POLITICAL PARTY ON THE OFFICIAL
38 BALLOT THROUGH THE NEXT TWO REGULARLY SCHEDULED GENERAL ELECTIONS FOR FEDERAL
39 OFFICE IMMEDIATELY FOLLOWING RECOGNITION OF THE POLITICAL PARTY. AFTER THESE
40 TWO REGULARLY SCHEDULED GENERAL ELECTIONS FOR FEDERAL OFFICE, THE POLITICAL
41 PARTY IS INELIGIBLE FOR FURTHER REPRESENTATION ON THE BALLOT UNLESS IT
42 QUALIFIES FOR CONTINUED REPRESENTATION ON THE BALLOT AS PRESCRIBED IN SECTION
43 16-804 OR IT FILES A NEW PETITION FOR RECOGNITION AS A NEW POLITICAL PARTY
44 PURSUANT TO THIS SECTION AND SECTION 16-803.

1 standing political committee. The secretary of state may charge an annual
2 fee for the filing.

3 F. For a political committee that makes expenditures in an attempt to
4 influence the results of a ballot proposition election, the statement of
5 organization shall include in the name of the political committee the
6 official serial number for the petition, if assigned, and a statement as to
7 whether the political committee supports or opposes the passage of the ballot
8 measure. On completion of the designation of statewide ballot propositions
9 by number as prescribed in section 19-125, the secretary of state is
10 authorized to and shall amend the name of the political committee by
11 attaching to the statement of organization the ballot proposition number as a
12 substitute for the official serial number in the name of the political
13 committee. The secretary of state shall promptly notify the political
14 committee of the amended political committee name and shall make that
15 information available to the public.

16 Sec. 17. Section 16-903, Arizona Revised Statutes, is amended to read:

17 16-903. Candidate's campaign committees; exploratory
18 committees; designation; candidate as agent; civil
19 penalty

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

37 B. An individual who receives contributions or makes expenditures of
38 more than five hundred dollars for the purpose of determining whether the
39 individual will become a candidate for election to an office in this state
40 shall designate in the format prescribed by the filing officer a political
41 committee to serve as the individual's exploratory committee. The individual
42 shall make the designation pursuant to this subsection before making any
43 expenditures, accepting any contributions, **CIRCULATING ANY PETITIONS** or
44 distributing any campaign literature.

1 C. An individual may have only one exploratory committee in existence
2 at one time. A candidate may have only one campaign committee designated for
3 each election, but a candidate may have more than one campaign committee
4 simultaneously in existence.

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

8 E. Any candidate who receives a contribution or any loan for use in
9 connection with the campaign of that candidate for election or who makes a
10 disbursement in connection with that campaign shall be deemed as having
11 received the contribution or loan or as having made the disbursement as an
12 agent of the candidate's campaign committee for purposes of this article.

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

17 G. AFTER DESIGNATING AN EXPLORATORY COMMITTEE, A CANDIDATE MAY
18 LAWFULLY COLLECT SIGNATURES ON NOMINATION PETITIONS AND RECEIVE
19 CONTRIBUTIONS.

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

26 Sec. 18. Section 16-912, Arizona Revised Statutes, is amended to read:

27 16-912. Candidates and independent expenditures; campaign
28 literature and advertisement sponsors;
29 identification; civil penalty

30 A. A political committee that makes an expenditure for campaign
31 literature or advertisements that expressly advocate the election or defeat
32 of any candidate or that make any solicitation of contributions to any
33 political committee shall be registered pursuant to this chapter at the time
34 of distribution, placement or solicitation and shall include on the
35 literature or advertisement the words "paid for by" followed by the name of
36 the committee that appears on its statement of organization or five hundred
37 dollar exemption statement.

38 B. If the expenditure for the campaign literature or advertisements by
39 a political committee is an independent expenditure, the political committee,
40 in addition to the disclosures required by subsection A of this section,
41 shall include on the literature or advertisement the names and telephone
42 numbers of the three political committees making the largest contributions to
43 the political committee making the independent expenditure. If an acronym is
44 used to name any political committee outlined in this section, the name of
45 any sponsoring organization of the political committee shall also be printed

1 or spoken. For purposes of determining the three contributors to be
2 disclosed, the contributions of each political committee to the political
3 committee making the independent expenditure during the one year period
4 before the election being affected are aggregated.

5 C. ~~The provisions of~~ Subsection A of this section ~~do~~ DOES not apply to
6 bumper stickers, pins, buttons, pens and similar small items on which the
7 statements required in subsection A of this section cannot be conveniently
8 printed or to signs paid for by a candidate with campaign monies or by a
9 candidate's campaign committee or to a solicitation of contributions by a
10 separate segregated fund from those persons it may solicit pursuant to
11 sections 16-920 and 16-921.

12 D. The disclosures required pursuant to this section shall be printed
13 clearly and legibly in a conspicuous manner or, if the advertisement is
14 broadcast on a telecommunications system, the disclosure shall be spoken.
15 FOR COMMUNICATIONS THAT ARE BROADCAST ON A TELECOMMUNICATIONS SYSTEM OR OTHER
16 MEDIUM THAT CAN PROVIDE A VIEWABLE DISCLOSURE AND A SPOKEN DISCLOSURE, THE
17 DISCLOSURE MAY BE MADE IN PRINTED FORMAT ONLY AND A SPOKEN DISCLOSURE IS NOT
18 REQUIRED.

19 E. A person who violates this section is subject to a civil penalty of
20 up to three times the cost of producing and distributing the literature or
21 advertisement. This civil penalty shall be imposed as prescribed in section
22 16-924.

23 Sec. 19. Section 16-915.01, Arizona Revised Statutes, is amended to
24 read:

25 16-915.01. Disposal of surplus monies; transfer of debt

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

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

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

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

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

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

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

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

1 2. The report is not signed in accordance with section 16-913.

2 3. A good faith effort is not made to substantially complete the
3 report as prescribed by section 16-915.

4 E. It is a defense to an enforcement action brought pursuant to this
5 section if good cause is shown by the treasurer, the designating individual,
6 in the case of an exploratory committee, or the candidate, in the case of a
7 candidate's campaign committee, for the failure to make and file a campaign
8 finance report. For the purposes of this subsection, "good cause" includes
9 an illness or absence from this state at the time the campaign finance report
10 was due or the written notice of delinquency was delivered if the illness or
11 absence reasonably prevented the treasurer, designating individual or
12 candidate from filing the report or receiving the written notice.

13 F. In addition to the enforcement actions prescribed by this section,
14 a person who was a candidate for nomination or election to any local or state
15 office and who after written notice pursuant to this section failed to make
16 and file a campaign finance report as required by this chapter is not
17 eligible to be a candidate for nomination or election to any local or state
18 office for five years after the last failure to make and file a campaign
19 finance report occurred. This penalty shall be imposed as follows:

20 1. A candidate's failure to make and file a campaign finance report
21 with a filing officer for a jurisdiction is grounds for that filing officer
22 to refuse the candidate's nomination paper for any public office in that
23 jurisdiction as described in this subsection.

24 2. A candidate's failure to make and file a campaign finance report
25 with any filing officer is grounds for a filing officer from another
26 jurisdiction to refuse the candidate's nomination paper for any public office
27 on presentation of a certified copy of a final order issued pursuant to
28 section 16-924.

29 G. For a standing political committee, in addition to any late penalty
30 and civil penalty assessed pursuant to this section, if the standing
31 political committee makes a late filing three or more times, the standing
32 political committee is no longer eligible for consolidated filing status
33 pursuant to section 16-913, subsection K and shall make all of its filings in
34 each reporting jurisdiction in which it is active.

35 H. For any political committee that has failed to file three
36 consecutive campaign finance reports with the filing officer as prescribed by
37 section 16-913, the filing officer shall send the committee chairman and
38 treasurer a written notice of intent to suspend the political committee. The
39 notice of intent to suspend shall state that failure of the political
40 committee to fully comply with all filing requirements for that committee,
41 including any required payments, within thirty days of the date of the notice
42 shall result in suspension of the political committee's authority to operate
43 in that jurisdiction. On suspension of the political committee's authority
44 to operate, the filing officer is no longer required to provide any further
45 notice of delinquency to the political committee. This subsection does not

1 reduce or eliminate the political committee's continuing obligation to make
2 campaign finance filings and pay any fines, penalties, civil penalties or
3 other sanctions that may continue to accrue as otherwise provided by law.
4 This subsection does not apply to reports required pursuant to article 2 of
5 this chapter or to a candidate's campaign committee designated by that
6 candidate pursuant to section 16-903 during that election cycle.

7 Sec. 21. Section 16-919, Arizona Revised Statutes, is amended to read:

8 16-919. Prohibition of contributions by corporations, limited
9 liability companies or labor organizations;
10 exemption; classification; definitions

11 A. Except as provided in section 16-914.02, it is unlawful for a
12 corporation or a limited liability company to make an expenditure or any
13 contribution of money or anything of value for the purpose of influencing an
14 election, and it is unlawful for the designating individual who formed an
15 exploratory committee, an exploratory committee, a candidate or a candidate's
16 campaign committee to accept any contribution of money or anything of value
17 from a corporation or a limited liability company for the purpose of
18 influencing an election. This subsection does not apply to political
19 committees that are incorporated pursuant to title 10, chapters 24 through 40
20 and political committees that are organized as limited liability companies.

21 B. Except as provided in section 16-914.02, it is unlawful for a labor
22 organization to make an expenditure or any contribution of money or anything
23 of value for the purpose of influencing an election.

24 C. NOTWITHSTANDING SUBSECTIONS A AND B OF THIS SECTION, A CORPORATION,
25 LIMITED LIABILITY COMPANY OR LABOR ORGANIZATION MAY CONTRIBUTE TO AN
26 INDEPENDENT EXPENDITURE COMMITTEE.

27 ~~C.~~ D. A corporation, limited liability company or labor organization
28 that violates this section is guilty of a class 2 misdemeanor.

29 ~~D.~~ E. The person through whom the violation is effected is guilty of
30 a class 6 felony.

31 ~~E.~~ F. Notwithstanding subsection A of this section, a political
32 committee that is incorporated only for the purposes of liability limitation
33 may make contributions for the purpose of influencing an election.
34 Notwithstanding the corporate status of a political committee, the chairman
35 and treasurer of an incorporated political committee remain personally
36 responsible for carrying out their respective duties under this article.

37 ~~F.~~ G. For the purposes of this section:

38 1. "Election" means any election to any political office, any election
39 to any political convention or caucus or any primary election held for the
40 purpose of selecting any candidate, political committee or other person for
41 any political office, convention or caucus.

42 2. "Employee" includes any employee, is not limited to the employees
43 of a particular employer and includes any individual whose work has ceased as
44 a consequence of, or in connection with, any current labor dispute or because
45 of any unfair labor practice.

1 to section 16-916, subsection A has reasonable cause to believe that a person
2 is violating any provision of this TITLE, EXCEPT FOR VIOLATIONS OF CHAPTER 6,
3 article 2, the secretary of state shall notify the attorney general for a
4 violation regarding a statewide office or the legislature, the county officer
5 in charge of elections shall notify the county attorney for that county for a
6 violation regarding a county office or the city or town clerk shall notify
7 the city or town attorney for a violation regarding a city or town office.
8 The attorney general, county attorney or city or town attorney, as
9 appropriate, may serve on the person an order requiring compliance with that
10 provision. The order shall state with reasonable particularity the nature of
11 the violation and shall require compliance within twenty days from the date
12 of issuance of the order. The alleged violator has twenty days from the date
13 of issuance of the order to request a hearing pursuant to title 41,
14 chapter 6.

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

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

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

29 Sec. 24. Section 19-112, Arizona Revised Statutes, is amended to read:
30 19-112. Signatures and verification; attachment; registration
31 of circulators

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

42 B. The signature sheets shall be attached at all times during
43 circulation to a full and correct copy of the title and text of the measure
44 or constitutional amendment proposed or referred by the petition. The title
45 and text shall be in at least eight point type and shall include both the

1 original and the amended text. The text shall indicate material deleted, if
2 any, by printing the material with a line drawn through the center of the
3 letters of the material and shall indicate material added or new material by
4 printing the letters of the material in capital letters.

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

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

29 Affidavit of Circulator
30 State of Arizona)
31) ss.:
32 County of _____)
33 (Where notarized)

34 I, (print name), a person WHO IS NOT REQUIRED TO BE A
35 RESIDENT OF THIS STATE BUT who is OTHERWISE qualified to
36 register to vote in the county of _____, in the state of
37 Arizona at all times during my circulation of this petition
38 sheet, and under the penalty of a class 1 misdemeanor, depose
39 and say that SUBJECT TO SECTION 19-115, ARIZONA REVISED
40 STATUTES, each individual PRINTED THE INDIVIDUAL'S OWN NAME AND
41 ADDRESS AND signed this sheet of the foregoing petition in my
42 presence on the date indicated and I believe that each signer's
43 name and residence address or post office address are correctly
44 stated and that each signer is a qualified elector of the state
45 of Arizona (or in the case of a city, town or county measure, of

1 the city, town or county affected by the measure proposed to be
2 initiated or referred to the people) and that at all times
3 during circulation of this signature sheet a copy of the title
4 and text was attached to the signature sheet.

5 (Signature of affiant) _____
6 (Residence address, street
7 and number of affiant, or
8 if no street address, a
9 description of residence
10 location) _____

11 _____
12 Subscribed and sworn to before me on _____.
13 (date)

14 _____
15 Notary Public
16 _____, Arizona.
17 My commission expires on _____.
18 (date)

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

21 Sec. 25. Section 19-115, Arizona Revised Statutes, is amended to read:
22 19-115. Unlawful acts; violations; classification

23 A. Every qualified elector of the state may sign a referendum or
24 initiative petition upon any measure which he is legally entitled to vote
25 upon.

26 B. A person WHO knowingly ~~signing~~ SIGNS any name other than his own to
27 a petition, except in a circumstance where he signs for a person, ~~in the~~
28 presence of and at the specific request of such A person, ~~who is incapable~~
29 of signing his own name, ~~OR PRINTING HIS OWN NAME AND ADDRESS~~ because of
30 physical infirmity, ~~or~~ WHO knowingly ~~signing~~ SIGNS his name more than once
31 for the same measure, ~~or~~ or proposed constitutional amendment, ~~at one~~
32 election, ~~or~~ who is not at the time of signing a qualified elector of this
33 state OR WHO KNOWINGLY FILLS OUT THE NAME AND ADDRESS PORTION OF THE PETITION
34 WITH THE INTENT TO COMMIT FRAUD, or any officer or person WHO knowingly
35 ~~violating~~ VIOLATES any provision of this chapter, is guilty of a class 1
36 misdemeanor unless another classification is specifically prescribed in this
37 title.

38 Sec. 26. Section 19-121.04, Arizona Revised Statutes, is amended to
39 read:
40 19-121.04. Disposition of petitions by secretary of state

41 A. Within seventy-two hours, excluding Saturdays, Sundays and other
42 legal holidays, after receipt of the facsimile signature sheets and the
43 certification of each county recorder, the secretary of state shall determine
44 the total number of valid signatures by subtracting from the total number of

1 eligible signatures determined pursuant to section 19-121.01, subsection A,
2 paragraph 6 in the following order:

3 1. All signatures on petitions containing a defective circulator's
4 affidavit.

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

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

11 B. If the actual number of signatures ~~after certification pursuant to~~
12 ~~subsection C of this section~~ on the remaining sheets after any such
13 subtraction equals or exceeds the minimum number required by the constitution
14 or if the number of valid signatures as projected from the random sample
15 pursuant to subsection A of this section is at least one hundred **five** per
16 cent of the minimum number required by the constitution, the secretary of
17 state shall issue the following receipt to the person or organization that
18 submitted them:

19 _____ signature pages bearing _____
20 signatures for initiative (referendum) petition serial number
21 ____ have been refused for filing in this office because the
22 person circulating them was a county recorder or justice of the
23 peace at the time of circulating the petition or due to defects
24 in the circulator's affidavit. A total of _____
25 signatures included on the remaining petition sheets were found
26 to be ineligible. Of the total random sample of _____
27 signatures, a total of _____ signatures were invalidated by
28 the county recorders resulting in a failure rate of _____
29 per cent. The actual number of remaining signatures for such
30 initiative (referendum) petition number _____ are equal to or
31 in excess of the minimum required by the constitution to place a
32 measure on the general election ballot. The number of valid
33 signatures filed with this petition, based on the random sample,
34 appears to be at least one hundred five per cent of the minimum
35 required or through examination of each signature has been
36 certified to be greater than the minimum required by the
37 constitution.

38 Date: _____

39 _____
40 Secretary of State
41 (Seal)

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

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

7 ~~D.~~ C. If the number of valid signatures as projected from the random
8 sample is less than ~~ninety five~~ ONE HUNDRED per cent of the minimum number
9 required by the constitution or if the actual number of signatures on the
10 remaining sheets after any such subtraction from the random sample or after
11 certification fails to equal or exceed the minimum required by the
12 constitution, the secretary of state shall immediately return the original
13 signature sheets, in the form filed by him under section 19-121, to the
14 person or organization that submitted them, together with a certified
15 statement that, for the following reasons, the petition lacks the minimum
16 number of signatures to place it on the general election ballot:

17 1. Signature sheets bearing secretary of state page
18 numbers _____ and bearing signatures of _____
19 persons appeared on petitions containing a defective
20 circulator's affidavit.

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

23 3. A total of _____ signatures included in the
24 random sample have been certified by the county recorders as
25 ineligible at the time such petition was signed and a projection
26 from such random sample has indicated that _____ more
27 signatures are ineligible to appear on the petition.

28 A facsimile of the certifications of the county recorders under section
29 19-121.02 shall accompany the signature sheets returned to the person or
30 organization that submitted them.

31 Sec. 27. Section 38-542, Arizona Revised Statutes, is amended to read:
32 38-542. Duty to file financial disclosure statement; contents;
33 exceptions

34 A. In addition to other statements and reports required by law, every
35 public officer, as a matter of public record, shall file with the secretary
36 of state on a form prescribed by the secretary of state a verified financial
37 disclosure statement covering the preceding calendar year ~~ending December 31~~.
38 The statement shall disclose:

39 1. The name and address of the public officer and each member of his
40 household and all names and addresses under which each does business.

41 2. The name and address of each employer and of each other source of
42 compensation other than gifts amounting to more than one thousand dollars
43 received during the preceding calendar year by the public officer and members
44 of his household in their own names, or by any other person for the use or
45 benefit of the public officer or members of his household, a description of

1 the services for which the compensation was received and the nature of the
2 employer's business. This paragraph shall not be construed to require the
3 disclosure of individual items of compensation that constituted a portion of
4 the gross income of the business from which the public officer or members of
5 his household derived compensation.

6 3. For a controlled business, a description of the goods or services
7 provided by the business, and if any single source of compensation to the
8 business during the preceding calendar year amounts to more than ten thousand
9 dollars and is more than twenty-five per cent of the gross income of the
10 business, the disclosure shall also include a description of the goods or
11 services provided to the source of compensation. For a dependent business
12 the statement shall disclose a description of the goods or services provided
13 by the business and a description of the goods or services provided to the
14 source of compensation from which the dependent business derived the amount
15 of gross income described in section 38-541, paragraph 4. If the source of
16 compensation for a controlled or dependent business is a business, the
17 statement shall disclose a description of the business activities engaged in
18 by the source of compensation.

19 4. The names and addresses of all businesses and trusts in which the
20 public officer or members of his household, or any other person for the use
21 or benefit of the public officer or members of his household, had an
22 ownership or beneficial interest of over one thousand dollars at any time
23 during the preceding calendar year, and the names and addresses of all
24 businesses and trusts in which the public officer or any member of his
25 household held any office or had a fiduciary relationship at any time during
26 the preceding calendar year, together with the amount or value of the
27 interest and a description of the interest, office or relationship.

28 5. All Arizona real property interests and real property improvements,
29 including specific location and approximate size, in which the public
30 officer, any member of his household or a controlled or dependent business
31 held legal title or a beneficial interest at any time during the preceding
32 calendar year, and the value of any such interest, except that this paragraph
33 does not apply to a real property interest and improvements thereon used as
34 the primary personal residence or for the personal recreational use of the
35 public officer. If a public officer, any member of his household or a
36 controlled or dependent business acquired or divested any such interest
37 during the preceding calendar year, he shall also disclose that the
38 transaction was made and the date it occurred. If the controlled or
39 dependent business is in the business of dealing in real property interests
40 or improvements, disclosure need not include individual parcels or
41 transactions as long as the aggregate value of all parcels of such property
42 is reported.

43 6. The names and addresses of all creditors to whom the public officer
44 or members of his household, in their own names or in the name of any other
45 person, owed a debt of more than one thousand dollars or to whom a controlled

1 business or a dependent business owed a debt of more than ten thousand
2 dollars which was also more than thirty per cent of the total business
3 indebtedness at any time during the preceding calendar year, listing each
4 such creditor. This paragraph shall not be construed to require the
5 disclosure of debts owed by the public officer or any member of his household
6 resulting from the ordinary conduct of a business other than a controlled or
7 dependent business. ~~nor shall disclosure be required of credit card~~
8 transactions, retail installment contracts, debts on residences or
9 recreational property exempt from disclosure under paragraph 5 of this
10 subsection, debts on motor vehicles not used for commercial purposes, debts
11 secured by cash values on life insurance or debts owed to relatives. It is
12 sufficient disclosure of a creditor if the name and address of a person to
13 whom payments are made is disclosed. If the public officer, any member of
14 his household or a controlled or dependent business incurred or discharged a
15 debt which is reportable under this subsection during the preceding calendar
16 year, the report shall disclose that the transaction was made and the date it
17 occurred.

18 7. The identification and amount of each debt exceeding one thousand
19 dollars owed at any time during the preceding calendar year to the public
20 officer and members of his household in their own names, or to any other
21 person for the use or benefit of the public officer or any member of his
22 household. The disclosure shall include the identification and amount of
23 each debt exceeding ten thousand dollars to a controlled business or
24 dependent business which was also more than thirty per cent of the total
25 indebtedness to the business at any time during the preceding calendar year.
26 This paragraph shall not be construed to require the disclosure of debts from
27 the ordinary conduct of a business other than a controlled or dependent
28 business. If the public officer, any member of his household or a controlled
29 or dependent business incurred or discharged a debt which is reportable under
30 this subsection during the preceding year, the report shall disclose that the
31 transaction was made and the date it occurred.

32 8. The name of each source of any gift, or accumulated gifts from a
33 single source, of more than five hundred dollars received by the public
34 officer and members of his household in their own names during the preceding
35 calendar year, or by any other person for the use or benefit of the public
36 officer or any member of his household except gifts received by will or by
37 virtue of intestate succession, or received by way of distribution from any
38 inter vivos or testamentary trust established by a spouse or by an ancestor,
39 or gifts received from any other member of the household or relatives to the
40 second degree of consanguinity. Political campaign contributions shall not
41 be construed as gifts if otherwise publicly reported as political campaign
42 contributions as required by law.

43 9. A list of all business licenses issued to, held by or in which the
44 public officer or any member of his household had an interest at any time

1 during the preceding calendar year, including the name in which the license
2 was issued, the type of business and its location.

3 10. A list of all bonds, together with their value, issued by this
4 state or any political subdivision of this state AND held at any time during
5 the preceding calendar year by the public officer or any member of his
6 household, which bonds issued by a single entity had a value in excess of one
7 thousand dollars. If the public officer or any member of his household
8 acquired or divested any bonds during the preceding calendar year which are
9 reportable under this paragraph, the fact that the transaction occurred and
10 the date shall also be shown.

11 B. If an amount or value is required to be reported pursuant to this
12 section, it is sufficient to report whether the amount or value of the equity
13 interest falls within:

14 1. Category 1, one thousand dollars to twenty-five thousand dollars.

15 2. Category 2, more than twenty-five thousand dollars to one hundred
16 thousand dollars.

17 3. Category 3, more than one hundred thousand dollars.

18 C. This section does not require the disclosure of any information
19 that is privileged by law.

20 D. The statement required to be filed pursuant to subsection A shall
21 be filed by all persons who qualified as public officers at any time during
22 the preceding calendar year on or before January 31 of each year with the
23 exceptions that a public officer appointed to fill a vacancy shall, within
24 sixty days following his taking of such office, file a financial disclosure
25 statement covering as his annual period the twelve month period ending with
26 the last full month prior to the date of his taking office, AND A PUBLIC
27 OFFICER WHOSE FINAL TERM EXPIRES LESS THAN THIRTY-ONE DAYS INTO THE
28 IMMEDIATELY FOLLOWING CALENDAR YEAR MAY FILE THE PUBLIC OFFICER'S FINAL
29 FINANCIAL DISCLOSURE AT THE SAME TIME AS THE DISCLOSURE FOR THE LAST
30 IMMEDIATELY PRECEDING YEAR.

31 E. The secretary of state shall prepare written guidelines, forms and
32 samples for completing the financial disclosure statement required by this
33 section. A copy of the guidelines, forms and samples shall be distributed to
34 each public officer and shall be made available to each candidate required to
35 file a financial disclosure statement pursuant to section 38-543.

36 Sec. 28. Scanned ballot election auditing pilot program;
37 secretary of state; proposals; report; delayed
38 repeal

39 A. In cooperation with one or more county boards of supervisors or
40 other political subdivisions, the secretary of state may establish a scanned
41 ballot election auditing pilot program to audit and analyze ballot scanning
42 and tabulating equipment for the purpose of investigating or developing
43 postelection audit systems for use on a broad, election-wide basis. The
44 pilot program may include analytical assistance from one or more of the
45 universities under the direction of the Arizona board of regents.

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

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

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

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

17 D. The secretary of state shall prepare and publish a report on the
18 results of the pilot program no later than December 31, 2014.

19 E. This section is repealed from and after March 19, 2015.

20 Sec. 29. Secretary of state; multijurisdictional database;
21 restriction; delayed repeal

22 A. Notwithstanding any other law, the secretary of state may enter
23 into one or more agreements with other states for the purpose of establishing
24 and maintaining a multijurisdictional database of voter registrants.

25 B. The database shall be established and used for the purpose of
26 locating and evaluating potentially duplicate voter registrations from
27 different jurisdictions and for ensuring that this state's voter registration
28 database contains the best and most accurate information possible. The other
29 states that participate by agreement in the multijurisdictional database
30 shall maintain a system of database security that is at least as stringent as
31 that maintained by this state. By agreement among the states, information
32 contained in the database shall not be sold or released to any person other
33 than persons acting in their official election-related capacity as otherwise
34 provided by law and persons employed by the states for the purposes of
35 conducting the activities authorized by this section.

36 C. This section is repealed from and after August 31, 2015.

37 Sec. 30. 2012 legislative candidates; secretary of state;
38 nomination papers and petitions; nomination
39 signatures

40 Notwithstanding any other law, for candidates for election in 2012 to
41 the legislature, the following apply:

42 1. If the nomination paper and nomination petition are in compliance
43 with otherwise applicable law, the secretary of state shall accept as a valid
44 filing the nomination paper and nomination petition of a person that

1 designates a legislative district for that person's candidacy and that use
2 any or all of the following:

3 (a) A legislative district number as used in the 2010 elections.

4 (b) A legislative district as denominated in a redistricting plan
5 adopted by the independent redistricting commission.

6 (c) A legislative district as denominated in a redistricting plan that
7 is precleared by the United States department of justice.

8 2. If the candidate nomination petition and the petition signers are
9 in compliance with otherwise applicable law, the secretary of state shall
10 accept and petition signers are valid if the petition signers are registered
11 voters who are residents of any or all of the following districts that the
12 candidate proposes to represent:

13 (a) A legislative district as used in the 2010 elections.

14 (b) A legislative district as denominated in a redistricting plan
15 adopted by the independent redistricting commission.

16 (c) A legislative district as denominated in a redistricting plan that
17 is precleared by the United States department of justice.

18 Sec. 31. Elections training classes; statement; water;
19 registration form

20 Notwithstanding any other law, rule or regulation, from and after
21 January 1, 2011 the secretary of state's office may provide bottled water at
22 any election training class if the election training class registration form
23 clearly states that a portion of the registration fee will be used for
24 hydration.

25 Sec. 32. Secretary of state; secure petition process pilot
26 program; delayed repeal

27 A. Subject to the requirements of article IV, part 1, section 1,
28 Constitution of Arizona, notwithstanding any other law, the secretary of
29 state may establish a method for registered voters to sign a nomination
30 petition and a citizens clean elections five dollar donation qualification
31 form for a candidate by way of a secure internet portal for petitions for
32 statewide and legislative offices. The method established shall ensure that
33 only those registered voters who are eligible to sign petitions for that
34 particular candidate may sign the petitions and qualification forms for a
35 candidate and shall provide a method for the registered voter's identity to
36 be properly verified. No more than fifty per cent of the required number of
37 signatures may be acquired from the process established pursuant to this
38 section.

39 B. This section is repealed from and after December 31, 2014.

40 Sec. 33. Requirements for enactment; three-fourths vote

41 Pursuant to article IV, part 1, section 1, Constitution of Arizona,
42 section 32 of this act, relating to the secure petition process pilot
43 program, is effective only on the affirmative vote of at least three-fourths
44 of the members of each house of the legislature.