

State of Arizona
House of Representatives
Fiftieth Legislature
Second Regular Session
2012

HOUSE BILL 2033

AN ACT

AMENDING SECTIONS 16-168, 16-222, 16-230, 16-241, 16-242, 16-244, 16-250, 16-315 AND 16-343, ARIZONA REVISED STATUTES; AMENDING TITLE 16, CHAPTER 3, ARTICLE 6, ARIZONA REVISED STATUTES, BY ADDING SECTION 16-351.01; AMENDING SECTIONS 16-464, 16-571, 16-580, 16-803, 16-804, 16-901, 16-902.01, 16-913, 16-914.01, 16-916, 16-917 AND 16-1005, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 1, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-134; AMENDING SECTION 41-1202, 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 16-168, Arizona Revised Statutes, is amended to
3 read:

4 16-168. Precinct registers; date of preparation; contents;
5 copies; reports; statewide database; violation;
6 classification

7 A. By the tenth day preceding the primary and general elections the
8 county recorder shall prepare from the original registration forms or from
9 electronic media at least four lists that are printed or typed on paper, or
10 at least two electronic media poll lists, or any combination of both, of all
11 qualified electors in each precinct in the county, and the lists shall be the
12 official precinct registers.

13 B. The official precinct registers for use at the polling place shall
14 contain at least the names in full, party preference, date of registration
15 and residence address of each qualified elector in the respective precincts.
16 The names shall be in alphabetical order and, in a column to the left of the
17 names, shall be numbered consecutively beginning with number 1 in each
18 precinct register.

19 C. For the purposes of transmitting voter registration information as
20 prescribed by this subsection, electronic media shall be the principal media.
21 A county or state chairman who is eligible to receive copies of precinct
22 lists as prescribed by this subsection may request that the recorder provide
23 a paper copy of the precinct lists. In addition to preparing the official
24 precinct lists, the county recorder shall provide a means for electronically
25 reproducing the precinct lists. Unless otherwise agreed, the county recorder
26 shall deliver one electronic media copy of each precinct list in the county
27 without charge and on the same day within eight days after the close of
28 registration for the primary and general elections to the county chairman and
29 one electronic media copy to the state chairman of each party that has at
30 least four candidates other than presidential electors appearing on the
31 ballot in that county at the current election. The secretary of state shall
32 establish a single format that prescribes the manner and template in which
33 all county recorders provide this data to the secretary of state to ensure
34 that the submissions are uniform from all counties in this state, that all
35 submissions are identical in format, including the level of detail for voting
36 history, and that information may readily be combined from two or more
37 counties. The electronic media copies of the precinct lists that are
38 delivered to the party chairmen shall include for each elector the following
39 information:

- 40 1. Name in full and appropriate title.
- 41 2. Party preference.
- 42 3. Date of registration.
- 43 4. Residence address.
- 44 5. Mailing address, if different from residence address.
- 45 6. Zip code.

1 7. Telephone number if given.

2 8. Birth year.

3 9. Occupation if given.

4 10. Voting history for all elections in the prior four years and any
5 other information regarding registered voters that the county recorder or
6 city or town clerk maintains electronically and that is public information.

7 11. All data relating to permanent early voters and nonpermanent early
8 voters, including ballot requests and ballot returns.

9 D. The names on the precinct lists shall be in alphabetical order and
10 the precinct lists in their entirety, unless otherwise agreed, shall be
11 delivered to each county chairman and each state chairman within ten business
12 days of the close of each date for counting registered voters prescribed by
13 subsection G of this section other than the primary and general election
14 registered voter counts in the same format and media as prescribed by
15 subsection C of this section. During the thirty-three days immediately
16 preceding an election and on request from a county or state chairman, the
17 county recorder shall provide at no cost a daily list of persons who have
18 requested an early ballot and shall provide at no cost a weekly listing of
19 persons who have returned their early ballots. The recorder shall provide
20 the daily and weekly information through the Friday preceding the election.
21 On request from a county chairman or state chairman, the county recorder of a
22 county with a population of more than eight hundred thousand persons shall
23 provide at no cost a daily listing of persons who have returned their early
24 ballots. The daily listing shall be provided Mondays through Fridays,
25 beginning with the first Monday following the start of early voting and
26 ending on the Monday before the election.

27 E. Precinct registers and other lists and information derived from
28 registration forms may be used only for purposes relating to a political or
29 political party activity, a political campaign or an election, for revising
30 election district boundaries or for any other purpose specifically authorized
31 by law and may not be used for a commercial purpose as defined in section
32 39-121.03. The sale of registers, lists and information derived from
33 registration forms to a candidate or a registered political committee for a
34 use specifically authorized by this subsection does not constitute use for a
35 commercial purpose. The county recorder, on a request for an authorized use
36 and within thirty days from receipt of the request, shall prepare additional
37 copies of an official precinct list and furnish them to any person requesting
38 them on payment of a fee equal to five cents for each name appearing on the
39 register for a printed list and one cent for each name for an electronic data
40 medium, plus the cost of the blank computer disk or computer software if
41 furnished by the recorder, for each copy so furnished.

42 F. Any person in possession of a precinct register or list, in whole
43 or part, or any reproduction of a precinct register or list, shall not permit
44 the register or list to be used, bought, sold or otherwise transferred for
45 any purpose except for uses otherwise authorized by this section. A person

1 in possession of information derived from voter registration forms or
2 precinct registers shall not distribute, post or otherwise provide access to
3 any portion of that information through the internet except as authorized by
4 subsection ~~J~~ I of this section. Nothing in this section shall preclude
5 public inspection of voter registration records at the office of the county
6 recorder for the purposes prescribed by this section, except that the month
7 and day of birth date, the social security number or any portion thereof, the
8 driver license number or nonoperating identification license number, the
9 Indian census number, the father's name or mother's maiden name, the state or
10 country of birth and the records containing a voter's signature shall not be
11 accessible or reproduced by any person other than the voter, by an authorized
12 government official in the scope of the official's duties, **FOR ANY PURPOSE BY**
13 **AN ENTITY DESIGNATED BY THE SECRETARY OF STATE AS A VOTER REGISTRATION AGENCY**
14 **PURSUANT TO THE NATIONAL VOTER REGISTRATION ACT OF 1993 (P.L. 103-31; 107**
15 **STAT. 77)**, for signature verification on petitions and candidate filings, for
16 election purposes and for news gathering purposes by a person engaged in
17 newspaper, radio, television or reportorial work, or connected with or
18 employed by a newspaper, radio or television station or pursuant to a court
19 order. A person who violates this subsection or subsection E of this section
20 is guilty of a class 6 felony.

21 G. The county recorder shall count the registered voters by political
22 party by precinct, legislative district and congressional district as
23 follows:

24 1. In even numbered years, the county recorder shall count all persons
25 who are registered to vote as of:

26 (a) January 1.

27 (b) March 1.

28 ~~(c) June 1.~~

29 ~~(d)~~ (c) The last day on which a person may register to be eligible to
30 vote in the next primary election.

31 ~~(e)~~ (d) The last day on which a person may register to be eligible to
32 vote in the next general election.

33 ~~(f)~~ (e) The last day on which a person may register to be eligible to
34 vote in the next presidential preference election.

35 2. In odd numbered years, the county recorder shall count all persons
36 who are registered to vote as of:

37 (a) January 1.

38 (b) April 1.

39 (c) July 1.

40 (d) October 1.

41 H. The county recorder shall report the totals to the secretary of
42 state as soon as is practicable following each of the dates prescribed in
43 subsection G of this section. The report shall include completed
44 registration forms returned in accordance with section 16-134, subsection B.
45 The county recorder shall also provide the report in a uniform electronic

1 computer media format that shall be agreed on between the secretary of state
2 and all county recorders. The secretary of state shall then prepare a
3 summary report for the state and shall maintain that report as a permanent
4 record.

5 I. The county recorder and the secretary of state shall protect access
6 to voter registration information in an auditable format and method specified
7 in the secretary of state's electronic voting system instructions and
8 procedures manual that is adopted pursuant to section 16-452.

9 J. The secretary of state shall develop and administer a statewide
10 database of voter registration information that contains the name and
11 registration information of every registered voter in this state. The
12 statewide database is a matter of statewide concern and is not subject to
13 modification or further regulation by a political subdivision. The database
14 shall include an identifier that is unique for each individual voter. The
15 database shall provide for access by voter registration officials and shall
16 allow expedited entry of voter registration information after it is received
17 by county recorders. As a part of the statewide voter registration database,
18 county recorders shall provide for the electronic transmittal of that
19 information to the secretary of state on a real time basis. The secretary of
20 state shall provide for maintenance of the database, including provisions
21 regarding removal of ineligible voters that are consistent with the national
22 voter registration act of 1993 (P.L. 103-31; 107 Stat. 77; 42 United States
23 Code section 394) and the help America vote act of 2002 (P.L. 107-252; 116
24 Stat. 1666; 42 United States Code sections 15301 through 15545), provisions
25 regarding removal of duplicate registrations and provisions to ensure that
26 eligible voters are not removed in error. For the purpose of maintaining
27 compliance with the help America vote act of 2002, each county voter
28 registration system is subject to approval by the secretary of state for
29 compatibility with the statewide voter registration database system.

30 K. Except as provided in subsection L of this section, for requests
31 for the use of registration forms and access to information as provided in
32 subsections E and F of this section, the county recorder shall receive and
33 respond to requests regarding federal, state and county elections.

34 L. Beginning January 1, 2008, recognized political parties shall
35 request precinct lists and access to information as provided in subsections E
36 and F of this section during the time periods prescribed in subsection C or D
37 of this section and the county recorder shall receive and respond to those
38 requests. If the county recorder does not provide the requested materials
39 within the applicable time prescribed for the county recorder pursuant to
40 subsection C or D of this section, a recognized political party may request
41 that the secretary of state provide precinct lists and access to information
42 as provided in subsections E and F of this section for federal, state and
43 county elections. The secretary of state shall not provide access to
44 precinct lists and information for recognized political parties unless the
45 county recorder has failed or refused to provide the lists and materials as

1 prescribed by this section. The secretary of state may charge the county
2 recorder a fee determined by rule for each name or record produced.

3 M. For municipal registration information in those municipalities in
4 which the county administers the municipal elections, county and state party
5 chairmen shall request and obtain voter registration information and precinct
6 lists from the city or town clerk during the time periods prescribed in
7 subsection C or D of this section. If the city or town clerk does not
8 provide that information within the same time prescribed for county recorders
9 pursuant to subsection C or D of this section, the county or state party
10 chairman may request and obtain the information from the county recorder.
11 The county recorder shall provide the municipal voter registration and
12 precinct lists within the time prescribed in subsection C or D of this
13 section.

14 N. The county recorders and the secretary of state shall not prohibit
15 any person or entity prescribed in subsection C of this section from
16 distributing a precinct list to any person or entity that is deemed to be
17 using the precinct list in a lawful manner as prescribed in subsections E and
18 F of this section.

19 Sec. 2. Section 16-222, Arizona Revised Statutes, is amended to read:
20 16-222. Vacancy in the office of United States senator or
21 representative

22 A. When a vacancy occurs in the office of United States senator or
23 representative in Congress by reason of death or resignation, or from any
24 other cause, the vacancy shall be filled at the next general election. At
25 such election the person elected shall fill the unexpired term of the vacated
26 office.

27 B. For a vacancy in the office of representative in Congress, if the
28 next general election is not to be held within six months from the date of
29 the occurrence of the vacancy, the governor shall call a special primary
30 election and a special general election to fill the vacancy. The governor
31 shall call the special primary election and establish its date within
32 seventy-two hours after the office is officially declared vacant.
33 Notwithstanding sections 16-313, 16-351 and 16-542, for a candidate for
34 office at an election held pursuant to this subsection, the following apply:

35 1. The special primary election shall be held no less than eighty nor
36 more than ninety days after the occurrence of the vacancy, and the special
37 general election shall be held not less than fifty nor more than sixty days
38 after the special primary election.

39 2. Nomination papers and nomination petitions shall be filed no later
40 than thirty days after the date of the proclamation calling the election.

41 3. Any court action challenging the nomination of a candidate shall be
42 filed no later than 5:00 p.m. on the fifth business day after the last day
43 for filing nomination papers and petitions.

44 4. The superior court shall hear and render a decision within five
45 days after the filing of the action.

1 5. Beginning fifteen days before the date of the election, the county
2 recorder or other officer in charge of elections shall mail early ballots
3 within forty-eight hours after receipt of a complete and correct early ballot
4 request from persons qualified to vote.

5 C. For a vacancy in the office of United States senator, the governor
6 shall appoint a person to fill the vacancy. That appointee shall be of the
7 same political party as the person vacating the office and shall serve until
8 the person elected at the next general election is qualified and assumes
9 office. **IF THE PERSON VACATING THE OFFICE CHANGED POLITICAL PARTY**
10 **AFFILIATIONS AFTER TAKING OFFICE, THE PERSON WHO IS APPOINTED TO FILL THE**
11 **VACANCY SHALL BE OF THE SAME POLITICAL PARTY THAT THE VACATING OFFICEHOLDER**
12 **WAS WHEN THE VACATING OFFICEHOLDER WAS ELECTED OR APPOINTED TO THAT OFFICE.**

13 D. For a vacancy in the office of representative in Congress that
14 occurs simultaneously with at least one hundred additional vacancies in the
15 office of representative in Congress as prescribed by 2 United States Code
16 section 8, a special general election to fill the vacancy in this state shall
17 be held no more than forty-nine days after the declaration of the vacancy
18 unless a regularly scheduled general election or previously scheduled special
19 general election is held within seventy-five days after the declaration of
20 the vacancy.

21 Sec. 3. Section 16-230, Arizona Revised Statutes, is amended to read:
22 16-230. Vacancy in certain state or county offices; election

23 A. Notwithstanding any other statute and except as prescribed by
24 subsection C of this section, for state and county offices that provide for a
25 four-year term of office, the following applies if there is a vacancy in
26 office due to death, disability, resignation or any other cause:

27 1. If a state office becomes vacant, the governor shall appoint a
28 person of the same political party as the person vacating the office to fill
29 the portion of the term until the next regular general election. **IF THE**
30 **PERSON VACATING THE OFFICE CHANGED POLITICAL PARTY AFFILIATIONS AFTER TAKING**
31 **OFFICE, THE PERSON WHO IS APPOINTED TO FILL THE VACANCY SHALL BE OF THE SAME**
32 **POLITICAL PARTY THAT THE VACATING OFFICEHOLDER WAS WHEN THE VACATING**
33 **OFFICEHOLDER WAS ELECTED OR APPOINTED TO THAT OFFICE.** If the vacancy occurs
34 within the first two years of the term, and before the date on which a
35 nomination paper is required to be filed as prescribed by section 16-311, a
36 primary election shall be held as otherwise provided by law to determine
37 candidates to fill the unexpired term. At the next regular general election,
38 the person elected shall fill the remainder of the unexpired term of the
39 vacant office.

40 2. If a county office becomes vacant, the board of supervisors shall
41 appoint a person of the same political party as the person vacating the
42 office to fill the portion of the term until the next regular general
43 election. **IF THE PERSON VACATING THE OFFICE CHANGED POLITICAL PARTY**
44 **AFFILIATIONS AFTER TAKING OFFICE, THE PERSON WHO IS APPOINTED TO FILL THE**
45 **VACANCY SHALL BE OF THE SAME POLITICAL PARTY THAT THE VACATING OFFICEHOLDER**

1 WAS WHEN THE VACATING OFFICEHOLDER WAS ELECTED OR APPOINTED TO THAT OFFICE.

2 If the vacancy occurs within the first two years of the term, and before the
3 date on which a nomination paper is required to be filed as prescribed by
4 section 16-311, a primary election shall be held as otherwise provided by law
5 to determine candidates to fill the unexpired term. At the next regular
6 general election, the person elected shall fill the remainder of the
7 unexpired term of the vacant office.

8 B. A person who is elected to fill the remainder of an unexpired term
9 of a vacant office pursuant to subsection A of this section may take the oath
10 of office and begin the remainder of the term of office at any time within
11 ninety days after the canvass of the election. A person who is appointed
12 pursuant to subsection A of this section shall remain in office until the
13 person elected pursuant to this subsection takes the oath of office.

14 C. This section does not apply to the office of governor.

15 Sec. 4. Section 16-241, Arizona Revised Statutes, is amended to read:
16 16-241. Presidential preference election; conduct of election

17 A. A presidential preference election shall be held on the fourth
18 Tuesday in February of each year in which the president of the United States
19 is elected to give qualified electors the opportunity to express their
20 preference for the presidential candidate of the political party indicated as
21 their preference by the record of their registration. No other election may
22 appear on the same ballot as the presidential preference election.

23 B. Notwithstanding subsection A of this section, the governor may
24 issue a proclamation that the presidential preference election is to be held
25 on a date earlier than the fourth Tuesday in February. The proclamation
26 shall be issued no later than one hundred ~~fifty~~ EIGHTY days before the date
27 of the election as set forth in the proclamation. The governor shall
28 transmit a copy of the election proclamation to the ~~clerk~~ CLERKS of the
29 county boards of supervisors.

30 C. Except as otherwise provided in this article, the presidential
31 preference election shall be conducted and canvassed in the same manner as
32 prescribed in this title for the primary election held pursuant to section
33 16-201. All provisions of other laws that govern elections and that are not
34 in conflict with this article apply to a presidential preference election,
35 including laws relating to registration and qualifications of electors.

36 D. Unless otherwise specifically prescribed by this article, the
37 powers and duties conferred by law on boards of supervisors, officers in
38 charge of elections, county recorders, precinct boards and central counting
39 boards in connection with a primary election are conferred on those persons
40 for purposes of a presidential preference election and shall be exercised by
41 them for a presidential preference election.

42 E. Every act that is an offense pursuant to the election laws of this
43 state is an offense for purposes of a presidential preference election, and a
44 person is subject to the penalties prescribed by those laws.

1 Sec. 5. Section 16-242, Arizona Revised Statutes, is amended to read:
2 16-242. Qualifications for ballot; nomination paper

3 A. A person seeking nomination as a candidate for the office of
4 president of the United States shall sign and cause to be filed with the
5 secretary of state a nomination paper that contains the following
6 information:

7 1. The name, residence address and mailing address of the candidate.

8 2. The name of the recognized political party from which the person
9 seeks nomination.

10 3. The name and address of the chairman of the candidate's state
11 committee.

12 4. The exact manner for printing the candidate's name on the
13 presidential preference ballot pursuant to section 16-311.

14 B. The nomination paper shall be filed not less than ~~fifty~~ NINETY days
15 nor more than ~~seventy~~ ONE HUNDRED TWENTY days before the presidential
16 preference election and not later than 5:00 p.m. on the last day for filing.

17 ~~C. Section 16-351 does not apply to a nomination paper filed pursuant~~
18 ~~to this section.~~

19 C. A CANDIDATE FOR THE OFFICE OF PRESIDENT OF THE UNITED STATES SHALL
20 FILE WITH THE SECRETARY OF STATE NOMINATION PETITIONS SIGNED BY ONE THOUSAND
21 QUALIFIED ELECTORS WHO ARE QUALIFIED TO VOTE FOR THE CANDIDATE WHOSE
22 NOMINATION PETITION THEY ARE SIGNING FOR THAT ELECTION OR, FOR RECOGNIZED
23 PARTIES WITH FEWER THAN FIFTY THOUSAND REGISTERED VOTERS, NOMINATION
24 PETITIONS SIGNED BY ONE THOUSAND QUALIFIED ELECTORS OF ANY POLITICAL PARTY
25 AFFILIATION WHO, AT THE TIME THEY SIGN, ARE REGISTERED VOTERS.

26 D. NOMINATION PETITIONS SHALL CONFORM TO THE REQUIREMENTS OF SECTION
27 16-314.

28 E. IN LIEU OF THE PETITION REQUIREMENTS OF THIS SECTION, A CANDIDATE
29 MAY QUALIFY TO APPEAR ON THE PRESIDENTIAL PREFERENCE PRIMARY BALLOT OF THE
30 CANDIDATE'S POLITICAL PARTY BY FILING WITH THE SECRETARY OF STATE NO LATER
31 THAN THE LAST TUESDAY IN JANUARY PRECEDING A PRESIDENTIAL PREFERENCE PRIMARY,
32 A NOTICE OF CANDIDACY SIGNED BY THE CANDIDATE AND EITHER OF THE FOLLOWING:

33 1. A CERTIFICATION BY THE FEDERAL ELECTION COMMISSION THAT, BY THE
34 FILING DEADLINE, THE CANDIDATE HAS QUALIFIED FOR MATCHING FEDERAL CAMPAIGN
35 FUNDS.

36 2. EVIDENCE THAT BY THE FILING DEADLINE THE CANDIDATE'S NAME IS
37 QUALIFIED TO APPEAR ON THE PRESIDENTIAL PREFERENCE PRIMARY BALLOT OF THE
38 CANDIDATE'S POLITICAL PARTY IN AT LEAST TWENTY OTHER STATES.

39 ~~D.~~ F. Within seventy-two hours after the close of filing the
40 secretary of state shall certify to the officer in charge of elections the
41 names of the candidates who are qualified for the presidential preference
42 election ballot.

1 Sec. 6. Section 16-244, Arizona Revised Statutes, is amended to read:
2 16-244. Representation on ballot

3 A. To be eligible to participate in the presidential preference
4 election, a political party shall be either of the following:

5 1. A political party that is entitled to continued representation on
6 the state ballot pursuant to section 16-804.

7 2. A new political party that has become eligible for recognition and
8 that will be represented by an official party ballot pursuant to section
9 16-801. A petition for recognition of a new political party shall be filed
10 with the secretary of state not less than ~~seventy-five~~ ONE HUNDRED FIFTY nor
11 more than one hundred ~~five~~ EIGHTY days ~~prior to~~ BEFORE the presidential
12 preference election, AND IN THE SAME MANNER AS PRESCRIBED IN SECTION 16-801.

13 ~~A petition for recognition shall be submitted for signature verification to a~~
14 ~~county recorder no later than one hundred fifteen days prior to the~~
15 ~~presidential preference election. The county recorder shall verify and count~~
16 ~~all signatures of qualified electors within thirty days after submission.~~
17 THE PETITION SHALL BE PROCESSED AND VERIFIED AS PRESCRIBED IN SECTION 16-803.

18 A political party that is eligible for the presidential preference election
19 ballot shall be represented on the subsequent primary and general election
20 ballots in the year of the presidential election.

21 B. Notwithstanding the provisions of section 16-804, subsection A, the
22 secretary of state shall determine the political parties entitled to
23 continued representation on the state ballot pursuant to section 16-804,
24 subsection B if, on October 1 of the year immediately preceding the
25 presidential preference election, that party has registered voters equal to
26 at least two-thirds of one per cent of the total number of registered voters
27 in this state. Each county recorder shall furnish the secretary of state
28 with the number of registered voters as prescribed by section 16-168,
29 subsection G, paragraph 2, subdivision (d).

30 Sec. 7. Section 16-250, Arizona Revised Statutes, is amended to read:
31 16-250. Expenses of election

32 A. The secretary of state in consultation with the county recorders
33 and the county officers in charge of elections shall include in the budget
34 request for the department of state sufficient monies from the state general
35 fund to conduct the presidential preference election prescribed by this
36 article.

37 B. Reimbursement of charges incurred by the counties for the
38 presidential preference election shall be made at ~~one dollar twenty five~~
39 ~~cents for each active registered voter who is registered in that county on~~
40 ~~January 1 of the presidential preference election year. If the secretary of~~
41 ~~state determines that reimbursement at that rate would jeopardize a county's~~
42 ~~compliance with federal and state laws and regulations, the secretary of~~
43 ~~state may release a county from that rate of reimbursement~~ ONE HUNDRED PER
44 CENT OF THE COSTS INCURRED AS EVIDENCED BY A PROPER CLAIM SUBMITTED TO THE
45 SECRETARY OF STATE.

1 primary or general election shall be filled by the political party with which
2 the candidate was affiliated as follows:

3 1. In the case of a United States senator or statewide candidate, the
4 state executive committee of the candidate's political party shall nominate a
5 candidate of the party's choice and shall file a nomination paper and
6 affidavit complying with the requirements for candidates as stated in section
7 16-311 in order to fill the vacancy.

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

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

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

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

36 D. A vacancy that is due to voluntary or involuntary withdrawal of the
37 candidate and that occurs following the printing of official ballots shall
38 not be filled in accordance with this section, however, prospective
39 candidates shall comply with section 16-312. A candidate running as a
40 write-in candidate under this subsection shall file the nomination paper no
41 later than 5:00 p.m. on the fifth day before the election.

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

1 F. If a vacancy occurs as described in subsection A of this section
2 for a state office, the secretary of state shall notify the various boards of
3 supervisors as to the vacancy. The boards of supervisors shall notify the
4 inspectors of the various precinct election boards in the county, district or
5 precinct where a vacancy occurs. In the case of a city or town election, the
6 city or town clerk shall notify the appropriate inspectors. A vacancy that
7 occurs as prescribed in subsection D of this section due to the death or
8 incapacity of the candidate shall not be filled and the secretary of state
9 shall notify the appropriate county board of supervisors to post a notice of
10 the death or incapacity of the candidate in each polling place along with
11 notice that any votes cast for that candidate will be tabulated.

12 G. The inspectors shall post the notice of vacancy in the same manner
13 as posting official write-in candidates. In the case of a withdrawal of a
14 candidate that occurs after the printing of official ballots, the inspectors
15 shall post the notice of withdrawal in a conspicuous location in each polling
16 place. NOTICE OF WITHDRAWAL SHALL ALSO BE POSTED AT ALL EARLY VOTING
17 LOCATIONS AND SHALL BE MADE AVAILABLE TO EARLY VOTERS BY PROVIDING WITH THE
18 EARLY BALLOT INSTRUCTIONS A WEBSITE ADDRESS AT WHICH PROMPT UPDATES TO
19 INFORMATION REGARDING WRITE-IN AND WITHDRAWN CANDIDATES IS AVAILABLE.

20 Sec. 10. Title 16, chapter 3, article 6, Arizona Revised Statutes, is
21 amended by adding section 16-351.01, to read:

22 16-351.01. Nomination challenges; attorney fees
23 FOR ANY CHALLENGE OF A CANDIDATE'S NOMINATING PETITION FOR WHICH THE
24 COUNTY RECORDER OR OFFICER IN CHARGE OF ELECTIONS IS REQUIRED TO CONDUCT
25 SIGNATURE VERIFICATION AND TO WHICH THE COUNTY RECORDER OR OFFICER IN CHARGE
26 OF ELECTIONS IS A PARTY, THE COURT MAY AWARD TO THE COUNTY RECORDER OR
27 OFFICER IN CHARGE OF ELECTIONS THE REASONABLE EXPENSES INCURRED IN SIGNATURE
28 VERIFICATION IF THE COURT DETERMINES THAT THE CHALLENGE WAS WITHOUT
29 SUBSTANTIAL JUSTIFICATION OR WAS PRIMARILY OR SOLELY FOR DELAY OR HARASSMENT
30 OR THAT THE CANDIDATE WHO SUBMITTED THE PETITION KNOWINGLY OR RECKLESSLY
31 FILED A SUBSTANTIAL NUMBER OF INVALID SIGNATURES.

32 Sec. 11. Section 16-464, Arizona Revised Statutes, is amended to read:

33 16-464. Rotation of names on ballots
34 A. When there are two or more candidates for a nomination, except in
35 the case of precinct committeemen, the names of all candidates for the
36 nomination shall be so alternated upon the ballots used in each election
37 precinct that the name of each candidate shall appear substantially an equal
38 number of times at the top, at the bottom and in each intermediate place of
39 the list or group of candidates in which they belong. When there are fewer
40 than or the same number of candidates seeking office as the number to be
41 elected, rotation of names is not required and the names shall be placed in
42 alphabetical order.

1 B. The position of the names of candidates for precinct committeemen
2 shall be drawn by lot for appearance on the ballot when there are more
3 candidates than positions available. Such drawing shall take place at a
4 public meeting called by the board of supervisors for that purpose.

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

8 D. WHEN THERE ARE TWO OR MORE PRECINCTS IN A POLITICAL SUBDIVISION
9 THAT HOLD AN ALL MAIL BALLOT ELECTION, CANDIDATE NAME ROTATION SHALL BE THE
10 PRESUMED METHOD OF BALLOT ORGANIZATION, UNLESS CANDIDATE NAME ROTATION IS
11 FOUND TO BE IMPRACTICABLE. WHEN CANDIDATE NAME ROTATION IS FOUND TO BE
12 IMPRACTICABLE, THE POSITION OF THE NAMES OF CANDIDATES SHALL BE DRAWN BY LOT
13 AT A PUBLIC MEETING.

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

16 Sec. 12. Section 16-571, Arizona Revised Statutes, is amended to read:
17 16-571. Poll lists to be kept by election clerk; posting

18 A. In precincts in which electronic poll book systems are not used, at
19 least one election board clerk shall keep a list in duplicate of persons
20 voting, and the name of each person who votes shall be entered thereon and
21 numbered in the order of voting.

22 B. In precincts in which electronic poll book systems are not used,
23 the poll list as prescribed in section 16-516 shall be written on one side
24 only, and ~~the TRIPLICATE copies thereof shall be legible triplicate copies~~
25 MAY BE PROVIDED. Immediately upon the completion of each page of the poll
26 list AND IF COPIES ARE AVAILABLE, one copy shall, upon request, be given to a
27 representative designated by each major political party. In an election with
28 nonpartisan candidates or ballot issues, the officer in charge of the
29 jurisdiction that is conducting the election may designate who is to receive
30 copies of the poll lists. For the purposes of this subsection, "major
31 political party" means the two parties receiving the highest number of votes
32 for governor or presidential electors at the last election.

33 C. In precincts in which electronic poll book systems are used, at
34 least one list of persons voting shall be available by printed or electronic
35 media. The list shall be in substantially the same format as prescribed in
36 section 16-516 and on request shall be given to a representative designated
37 by each major political party. The information contained in the list also
38 may be provided electronically to a representative designated by each major
39 political party by way of a secure electronic file transmittal format as
40 prescribed by the secretary of state.

41 Sec. 13. Section 16-580, Arizona Revised Statutes, is amended to read:
42 16-580. Manner of voting; assistance for certain electors

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

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

6 C. In order that the rights of other voters shall not be interfered
7 with, a voter shall not be allowed to occupy a voting booth for more than
8 five minutes when other voters are waiting to occupy the booth. If the voter
9 refuses to leave after the lapse of five minutes, the voter may be removed by
10 the judges. If a voter has not completed a ballot after the allotted five
11 minutes, the voter may request the marshal to hold the ballot and when
12 another booth is empty and all voters present have had an opportunity to vote
13 the removed person may be allowed an additional five minutes in the booth.

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

20 E. The election board official shall receive the ballot from the voter
21 and in the presence of the election board and if the ballot includes a stub,
22 remove the stub without opening the ballot, deposit the ballot in the ballot
23 box, or if the voter so requests, hand the ballot to the voter and permit the
24 voter to deposit the ballot in the ballot box, and string the stub, if any,
25 on a string provided. If the ballot is of the type that includes a stub and
26 the stub has been removed from the ballot before receipt by the election
27 official, it shall not be deposited in the ballot box, but it shall be marked
28 "spoiled" and placed with the spoiled ballots.

29 F. After delivery of the ballot to the election board official, or if
30 the voter has asked to deposit the ballot in the ballot box, after the ballot
31 is deposited, the voter shall then proceed outside the voting area and shall
32 not again enter the voting area unless the voter is an authorized election
33 official.

34 G. Any registered voter, at the voter's option, may be accompanied by
35 a minor who is permitted in the voting booth pursuant to section 16-515,
36 subsection E, be accompanied and assisted by a person of the voter's own
37 choice or be assisted by two election officials, one from each major
38 political party, during any process relating to voting or during the actual
39 process of voting on a paper ballot, machine or electronic voting system. A
40 person who is a candidate for an office in that election ~~or who has been~~
41 ~~employed by or volunteered for a candidate, campaign, political organization~~
42 ~~or political party in that election~~ OTHER THAN THE OFFICE OF PRECINCT
43 COMMITTEEMAN is not eligible to assist any voter.

1 Sec. 14. Section 16-803, Arizona Revised Statutes, is amended to read:
2 16-803. Filing petition for recognition: submission of
3 petitions to county recorder for signature
4 verification

5 A. A petition for recognition of a new political party shall be filed
6 with the secretary of state, the officer in charge of elections of the county
7 or the city or town clerk, as the case may be, not less than one hundred
8 ~~forty~~ EIGHTY days before the primary election for which the party seeks
9 recognition. A new party that seeks both state and county recognition may
10 file the original petition with the officer in charge of elections for the
11 county and a certified copy of the petition with the secretary of state.

12 ~~B. A petition for recognition shall not be submitted to a county~~
13 ~~recorder or a city or town clerk, as the case may be, later than one hundred~~
14 ~~eighty days before the primary election.~~

15 ~~C. B. On receipt of a petition for statewide recognition, the county~~
16 ~~officer in charge of elections from each of the counties in which the~~
17 ~~petition was filed shall submit the petitions and signatures to the secretary~~
18 ~~of state.~~ Within ~~five~~ SEVEN business days after receipt OF A PETITION FOR
19 STATEWIDE RECOGNITION, the secretary of state shall:

20 1. REVIEW EACH SHEET TO DETERMINE THE COUNTY OF THE MAJORITY OF THE
21 SIGNERS AND SHALL:

22 (a) PLACE A THREE OR FOUR LETTER ABBREVIATION DESIGNATING THAT COUNTY
23 IN THE UPPER RIGHT-HAND CORNER OF THE FACE OF THE PETITION.

24 (b) REMOVE ALL SIGNATURES OF THOSE NOT IN THE COUNTY OF THE MAJORITY
25 ON EACH SHEET BY MARKING AN "SS" IN RED INK IN THE MARGIN TO THE RIGHT OF THE
26 SIGNATURE LINE.

27 (c) CAUSE ALL SIGNATURE SHEETS TO BE GROUPED TOGETHER BY COUNTY OF
28 REGISTRATION OF THE MAJORITY OF THOSE SIGNING.

29 2. Remove the following signatures that are not eligible for
30 verification by marking an "SS" in red ink in the margin to the right of the
31 signature line:

32 ~~1-~~ (a) If the signature of the qualified elector is missing.

33 ~~2-~~ (b) If the residence address or the description of residence
34 location is missing.

35 ~~3-~~ (c) If the date on which the petitioner signed is missing.

36 C. AFTER THE REMOVAL OF PETITION SHEETS AND SIGNATURES, COUNT THE
37 NUMBER OF SIGNATURES FOR VERIFICATION ON THE REMAINING PETITION SHEETS AND
38 NOTE THAT NUMBER IN THE UPPER RIGHT-HAND CORNER OF THE FACE OF EACH PETITION
39 SHEET IMMEDIATELY ABOVE THE COUNTY DESIGNATION.

40 D. NUMBER THE REMAINING PETITION SHEETS THAT WERE NOT PREVIOUSLY
41 REMOVED AND THAT CONTAIN SIGNATURES ELIGIBLE FOR VERIFICATION IN CONSECUTIVE
42 ORDER ON THE FRONT SIDE OF EACH PETITION SHEET IN THE UPPER LEFT-HAND CORNER.

43 E. COUNT ALL REMAINING PETITION SHEETS AND SIGNATURES NOT PREVIOUSLY
44 REMOVED AND ISSUE A RECEIPT TO THE APPLICANT OF THIS TOTAL NUMBER ELIGIBLE
45 FOR VERIFICATION.

1 ~~D.~~ F. The secretary of state, during the same ~~five~~ SEVEN business day
2 period provided in subsection ~~C~~ B, shall select, at random, twenty per cent
3 of the total signatures eligible for verification by the county recorders of
4 the counties in which the persons signing the petition claim to be qualified
5 electors. The random sample of signatures to be verified shall be drawn in
6 such a manner that every signature eligible for verification has an equal
7 chance of being included in the sample. The random sample produced shall
8 identify each signature selected by petition page and line number. The
9 signatures selected shall be marked according to the following procedure:

10 1. Using red ink, mark the selected signature by circling the line
11 number and drawing a line from the base of the circle extending into the left
12 margin.

13 2. If a signature line selected for the random sample is found to be
14 blank or was removed from the verification process pursuant to subsection ~~C~~
15 B, then the next line down, even if that requires going to the next petition
16 sheet in sequence, on which an eligible signature appears shall be selected
17 as a substitute if that line has not already been selected for the random
18 sample. If the next eligible line is already being used in the random
19 sample, the secretary of state shall proceed back up the page from the
20 signature line originally selected for the random sample to the next previous
21 signature line eligible for verification. If that line is already being used
22 in the random sample, the secretary of state shall continue moving down the
23 page or to the next page from the line originally selected for the random
24 sample and shall select the next eligible signature as its substitute for the
25 random sample. The secretary of state shall use this process of alternately
26 moving forward and backward until a signature eligible for verification and
27 not already included in the random sample can be selected and substituted.

28 ~~E.~~ G. After the selection of the random sample, the secretary of
29 state shall reproduce a facsimile of the front of each signature sheet on
30 which a signature included in the random sample appears. The secretary of
31 state shall clearly identify those signatures marked for verification by
32 color highlighting or other similar method and shall transmit by personal
33 delivery or certified mail to each county recorder a facsimile sheet of each
34 signature sheet on which a signature appears of any individual who claims to
35 be a qualified elector of that county and whose signature was selected for
36 verification as part of the random sample.

37 ~~F.~~ H. Within ten business days after receiving the facsimile
38 signature sheets from the secretary of state, the county recorder shall
39 determine which signatures of individuals whose names were transmitted shall
40 be disqualified for any of the following reasons:

41 1. No residence address or description of residence location is
42 provided.

43 2. No date of signing is provided.

44 3. The signature is illegible and the signer is otherwise
45 unidentifiable.

- 1 4. The address provided is illegible or nonexistent.
2 5. The individual was not a qualified elector on the date of signing
3 the petition.
4 6. The individual was a registered voter but was not at least eighteen
5 years of age on the date of signing the petition or affidavit.
6 7. The signature was disqualified after comparison with the signature
7 on the affidavit of registration.
8 8. If a petitioner signed more than once, all but one otherwise valid
9 signature shall be disqualified.
10 9. For the same reasons any signatures could have been removed by the
11 secretary of state pursuant to this section.
12 ~~G.~~ I. Within the same time period provided in subsection ~~F~~ H, the
13 county recorder shall certify to the secretary of state the following:
14 1. The name of any individual whose signature was included in the
15 random sample and disqualified by the county recorder together with the
16 petition page and line number of the disqualified signature.
17 2. The total number of signatures selected for the random sample and
18 transmitted to the county recorder for verification and the total number of
19 random sample signatures disqualified.
20 ~~H.~~ J. At the time of the certification, the county recorder shall:
21 1. Return the facsimile signature sheets to the secretary of state.
22 2. Send notice of the results of the certification by mail to the
23 person or organization that submitted the petitions and to the secretary of
24 state.
25 ~~I.~~ K. Within ~~ten business days~~, SEVENTY-TWO HOURS after receipt of
26 the facsimile signature sheets and the certification of each county recorder,
27 the secretary of state shall determine the total number of valid signatures
28 by subtracting from the total number of eligible signatures in the following
29 order:
30 1. All signatures that were found ineligible by the county recorders.
31 2. After determining the percentage of all signatures found to be
32 invalid in the random sample, a like percentage from those signatures
33 remaining after the subtractions performed pursuant to paragraph 1 of this
34 subsection.
35 ~~J.~~ L. If the number of valid signatures as projected from the random
36 sample pursuant to subsection ~~I~~ K is at least one hundred per cent of the
37 minimum number required by this section, the party shall be recognized. If
38 the number of valid signatures as projected from the random sample is less
39 than one hundred per cent of the minimum number, the party shall not be
40 recognized.
41 Sec. 15. Section 16-804, Arizona Revised Statutes, is amended to read:
42 16-804. Continued representation on basis of votes cast at last
43 preceding general election or registered electors
44 A. A political organization that at the last preceding general
45 election cast for governor or presidential electors or for county attorney or

1 for mayor, whichever applies, not less than five per cent of the total votes
2 cast for governor or presidential electors, in the state or in such county,
3 city or town, is entitled to representation as a political party on the
4 official ballot for state officers or for officers of such county or local
5 subdivision.

6 B. In lieu of subsection A, a political organization is entitled to
7 continued representation as a political party on the official ballot for
8 state, county, city or town officers if, on ~~November~~ OCTOBER 1 of the year
9 immediately preceding the year in which the general election for state or
10 county officers and for city or town officers one hundred fifty-five days
11 immediately preceding the primary election in such jurisdiction, such party
12 has registered electors in the party equal to at least two-thirds of one per
13 cent of the total registered electors in such jurisdiction.

14 C. The secretary of state shall determine the political parties
15 qualified for continued representation on the state ballot pursuant to this
16 section by February 1 of the appropriate year. Each county recorder shall
17 furnish to the secretary of state such information as the secretary of state
18 may require no later than ~~November 30~~ OCTOBER 31 of the preceding year.

19 D. Each county recorder shall determine the political parties
20 qualified for the county ballot pursuant to this section by February 1 of the
21 appropriate year.

22 E. Each city or town clerk of a city or town providing for partisan
23 elections shall determine the political parties qualified for such city or
24 town ballot pursuant to this section one hundred forty days before the
25 primary election.

26 Sec. 16. Section 16-901, Arizona Revised Statutes, is amended to read:
27 16-901. Definitions

28 In this chapter, unless the context otherwise requires:

29 1. "Agent" means, with respect to any person other than a candidate,
30 any person who has oral or written authority, either express or implied, to
31 make or authorize the making of expenditures as defined in this section on
32 behalf of a candidate, any person who has been authorized by the treasurer of
33 a political committee to make or authorize the making of expenditures or a
34 political consultant for a candidate or political committee.

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

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

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

43 5. "Contribution" means any gift, subscription, loan, advance or
44 deposit of money or anything of value made for the purpose of influencing an
45 election including supporting or opposing the recall of a public officer or

1 supporting or opposing the circulation of a petition for a ballot measure,
2 question or proposition or the recall of a public officer and:

3 (a) Includes all of the following:

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

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

9 (iii) The entire amount paid to a political committee to attend a
10 fund-raising or other political event and the entire amount paid to a
11 political committee as the purchase price for a fund-raising meal or item,
12 except that no contribution results if the actual cost of the meal or
13 fund-raising item, based on the amount charged to the committee by the
14 vendor, constitutes the entire amount paid by the purchaser for the meal or
15 item, the meal or item is for the purchaser's personal use and not for resale
16 and the actual cost is the entire amount paid by the purchaser in connection
17 with the event. This exception does not apply to auction items.

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

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

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

25 (ii) Money or the value of anything directly or indirectly provided to
26 defray the expense of an elected official meeting with constituents if the
27 elected official is engaged in the performance of the duties of his office or
28 provided by the state or a political subdivision to an elected official for
29 communication with constituents if the elected official is engaged in the
30 performance of the duties of his office.

31 (iii) The use of real or personal property, including a church or
32 community room used on a regular basis by members of a community for
33 noncommercial purposes, that is obtained by an individual in the course of
34 volunteering personal services to any candidate, candidate's committee or
35 political party, and the cost of invitations, food and beverages voluntarily
36 provided by an individual to any candidate, candidate's campaign committee or
37 political party in rendering voluntary personal services on the individual's
38 residential premises or in the church or community room for candidate-related
39 or political party-related activities, to the extent that the cumulative
40 value of the invitations, food and beverages provided by the individual on
41 behalf of any single candidate does not exceed one hundred dollars with
42 respect to any single election.

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

1 (v) The payment by a political party for party operating expenses,
2 party staff and personnel, party newsletters and reports, voter registration
3 and efforts to increase voter turnout, party organization building and
4 maintenance and printing and postage expenses for slate cards, sample
5 ballots, other written materials that substantially promote three or more
6 nominees of the party for public office and other election activities not
7 related to a specific candidate, except that this item does not apply to
8 costs incurred with respect to a display of the listing of candidates made on
9 telecommunications systems or in newspapers, magazines or similar types of
10 general circulation advertising.

11 (vi) Independent expenditures.

12 (vii) Monies loaned by a state bank, a federally chartered depository
13 institution or a depository institution the deposits or accounts of which are
14 insured by the federal deposit insurance corporation or the national credit
15 union administration, other than an overdraft made with respect to a checking
16 or savings account, that is made in accordance with applicable law and in the
17 ordinary course of business. In order for this exemption to apply, this loan
18 shall be deemed a loan by each endorser or guarantor, in that proportion of
19 the unpaid balance that each endorser or guarantor bears to the total number
20 of endorsers or guarantors, the loan shall be made on a basis that assures
21 repayment, evidenced by a written instrument, shall be subject to a due date
22 or amortization schedule and shall bear the usual and customary interest rate
23 of the lending institution.

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

29 (ix) Legal or accounting services rendered to or on behalf of a
30 political committee or a candidate, if the only person paying for the
31 services is the regular employer of the individual rendering the services and
32 if the services are solely for the purpose of compliance with this title.

33 (x) The payment by a political party of the costs of campaign
34 materials, including pins, bumper stickers, handbills, brochures, posters,
35 party tabloids and yard signs, used by the party in connection with volunteer
36 activities on behalf of any nominee of the party or the payment by a state or
37 local committee of a political party of the costs of voter registration and
38 get-out-the-vote activities conducted by the committee if the payments are
39 not for the costs of campaign materials or activities used in connection with
40 any telecommunication, newspaper, magazine, billboard, direct mail or similar
41 type of general public communication or political advertising.

42 (xi) Transfers between political committees to distribute monies
43 raised through a joint fund-raising effort in the same proportion to each
44 committee's share of the fund-raising expenses and payments from one
45 political committee to another in reimbursement of a committee's

1 proportionate share of its expenses in connection with a joint fund-raising
2 effort.

3 (xii) An extension of credit for goods and services made in the
4 ordinary course of the creditor's business if the terms are substantially
5 similar to extensions of credit to nonpolitical debtors that are of similar
6 risk and size of obligation and if the creditor makes a commercially
7 reasonable attempt to collect the debt, except that any extension of credit
8 under this item made for the purpose of influencing an election ~~which~~ THAT
9 remains unsatisfied by the candidate after six months, notwithstanding good
10 faith collection efforts by the creditor, shall be deemed receipt of a
11 contribution by the candidate but not a contribution by the creditor.

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

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

18 7. "Election" means any election for any initiative, referendum or
19 other measure or proposition or a primary, general, recall, special or runoff
20 election for any office in this state other than the office of precinct
21 committeeman and other than a federal office. For purposes of sections
22 16-903 and 16-905, the general election includes the primary election.

23 8. "Expenditures" includes any purchase, payment, distribution, loan,
24 advance, deposit or gift of money or anything of value made by a person for
25 the purpose of influencing an election in this state including supporting or
26 opposing the recall of a public officer or supporting or opposing the
27 circulation of a petition for a ballot measure, question or proposition or
28 the recall of a public officer and a contract, promise or agreement to make
29 an expenditure resulting in an extension of credit and the value of any
30 in-kind contribution received. Expenditure does not include any of the
31 following:

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

36 (b) Nonpartisan activity designed to encourage individuals to vote or
37 to register to vote.

38 (c) The payment by a political party of the costs of preparation,
39 display, mailing or other distribution incurred by the party with respect to
40 any printed slate card, sample ballot or other printed listing of three or
41 more candidates for any public office for which an election is held, except
42 that this subdivision does not apply to costs incurred by the party with
43 respect to a display of any listing of candidates made on any
44 telecommunications system or in newspapers, magazines or similar types of
45 general public political advertising.

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

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

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

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

20 11. "Filing officer" means the office that is designated by section
21 16-916 to conduct the duties prescribed by this chapter.

22 12. "Identification" means:

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

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

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

33 14. "Independent expenditure" means an expenditure by a person or
34 political committee, other than a candidate's campaign committee, that
35 expressly advocates the election or defeat of a clearly identified candidate,
36 that is made without cooperation or consultation with any candidate or
37 committee or agent of the candidate and that is not made in concert with or
38 at the request or suggestion of a candidate, or any committee or agent of the
39 candidate. Independent expenditure includes an expenditure that is subject
40 to the requirements of section 16-917, which requires a copy of campaign
41 literature or advertisement to be sent to a candidate named or otherwise
42 referred to in the literature or advertisement. An expenditure is not an
43 independent expenditure if any of the following applies:

44 (a) Any officer, member, employee or agent of the political committee
45 making the expenditure is also an officer, member, employee or agent of the

1 committee of the candidate whose election or whose opponent's defeat is being
2 advocated by the expenditure or an agent of the candidate whose election or
3 whose opponent's defeat is being advocated by the expenditure.

4 (b) There is any arrangement, coordination or direction with respect
5 to the expenditure between the candidate or the candidate's agent and the
6 person making the expenditure, including any officer, director, employee or
7 agent of that person.

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

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

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

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

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

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

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

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

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

30 (b) Salary and other earned income from bona fide employment of the
31 candidate, dividends and proceeds from the sale of the stocks or investments
32 of the candidate, bequests to the candidate, income to the candidate from
33 trusts established before candidacy, income to the candidate from trusts
34 established by bequest after candidacy of which the candidate is a
35 beneficiary, gifts to the candidate of a personal nature that have been
36 customarily received before the candidacy and proceeds received by the
37 candidate from lotteries and other legal games of chance.

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

41 (d) Family contributions.

42 19. "Political committee" means a candidate or any association or
43 combination of persons that is organized, conducted or combined for the
44 purpose of influencing the result of any election or to determine whether an
45 individual will become a candidate for election in this state or in any

1 county, city, town, district or precinct in this state, that engages in
2 political activity in behalf of or against a candidate for election or
3 retention or in support of or opposition to an initiative, referendum or
4 recall or any other measure or proposition and that applies for a serial
5 number and circulates petitions and, in the case of a candidate for public
6 office except those exempt pursuant to section 16-903, that receives
7 contributions or makes expenditures OF MORE THAN TWO HUNDRED FIFTY DOLLARS in
8 connection therewith, notwithstanding that the association or combination of
9 persons may be part of a larger association, combination of persons or
10 sponsoring organization not primarily organized, conducted or combined for
11 the purpose of influencing the result of any election in this state or in any
12 county, city, town or precinct in this state. Political committee includes
13 the following types of committees:

14 (a) A candidate's campaign committee.

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

17 (c) A committee acting in support of or opposition to the
18 qualification, passage or defeat of a ballot measure, question or
19 proposition.

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

22 (e) A political party.

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

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

27 (h) A political organization.

28 (i) An exploratory committee.

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

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

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

40 23. "Standing political committee" means a political committee that ~~is~~
41 SATISFIES all of the following:

42 (a) IS active in more than one reporting jurisdiction in this state
43 for more than one year.

44 (b) Files a statement of organization as prescribed by section
45 16-902.01, subsection E.

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

3 (i) A separate, segregated fund.

4 (ii) A political party.

5 (iii) A committee organized for the purpose of making independent
6 expenditures.

7 (iv) A political organization.

8 24. "Statewide office" means the office of governor, secretary of
9 state, state treasurer, attorney general, superintendent of public
10 instruction, corporation commissioner or mine inspector.

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

14 Sec. 17. Section 16-902.01, Arizona Revised Statutes, is amended to
15 read:

16 16-902.01. Registration of political committees; contents;
17 amendment

18 A. Each political committee that intends to accept contributions or
19 make expenditures of more than five hundred dollars shall file a statement of
20 organization with the filing officer in the format prescribed by the filing
21 officer before accepting contributions, making expenditures, distributing any
22 campaign literature or circulating petitions. Each political committee that
23 intends to accept contributions or make expenditures of five hundred dollars
24 or less, **AND MORE THAN TWO HUNDRED FIFTY DOLLARS**, shall file a signed
25 exemption statement in a form prescribed by the filing officer that states
26 that intention before making any expenditures, accepting any contributions,
27 distributing any campaign literature or circulating petitions. If a
28 political committee that has filed a five hundred dollar threshold exemption
29 statement receives contributions or makes expenditures of more than five
30 hundred dollars, that political committee shall file a statement of
31 organization with the filing officer in the format prescribed by the filing
32 officer within five business days after exceeding the five hundred dollar
33 limit.

34 B. The statement of organization of a political committee shall
35 include all of the following:

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

37 2. The name, address, relationship and type of any sponsoring
38 organization.

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

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

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

1 6. A statement that the chairman and treasurer have read all of the
2 applicable laws relating to campaign finance and reporting.

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

6 D. The political committee shall file an amended statement of
7 organization reporting any change in the information prescribed in
8 subsections B and F of this section within five business days after the
9 change.

10 E. A standing political committee shall file a statement of
11 organization with the secretary of state and in each jurisdiction in which
12 the committee is active, and only the secretary of state shall issue an
13 identification number for the committee. The statement of organization shall
14 include a statement with the notarized signature of the chairman or treasurer
15 of the standing political committee that declares the committee's status as a
16 standing political committee. The secretary of state may charge an annual
17 fee for the filing.

18 F. For a political committee that makes expenditures in an attempt to
19 influence the results of a ballot proposition election, the statement of
20 organization shall include in the name of the political committee the
21 official serial number for the petition, if assigned, and a statement as to
22 whether the political committee supports or opposes the passage of the ballot
23 measure. On completion of the designation of statewide ballot propositions
24 by number as prescribed in section 19-125, the secretary of state is
25 authorized to and shall amend the name of the political committee by
26 attaching to the statement of organization the ballot proposition number as a
27 substitute for the official serial number in the name of the political
28 committee. The secretary of state shall promptly notify the political
29 committee of the amended political committee name and shall make that
30 information available to the public.

31 Sec. 18. Section 16-913, Arizona Revised Statutes, is amended to read:
32 16-913. Campaign finance reports; reporting of receipts and
33 disbursements; exemptions; civil penalty

34 A. Except as provided in subsection K of this section, each political
35 committee shall file campaign finance reports in the format prescribed by the
36 filing officer setting forth the committee's receipts and disbursements
37 according to the schedule prescribed in subsections B and C of this section.

38 B. In any calendar year during which there is a regularly scheduled
39 election at which any candidates, measures, questions or propositions appear
40 or may appear on the ballot, the political committee shall file each of the
41 following campaign finance reports:

42 1. A report covering the period beginning January 1 through May 31,
43 filed no later than June 30.

1 2. A preelection report, ~~which~~ THAT shall be filed not less than
2 twelve days before any election and ~~which~~ THAT shall be complete through the
3 twentieth day before the election.

4 3. A postelection report, ~~which~~ THAT shall be filed not more than
5 thirty days after any election and ~~which~~ THAT shall be complete through the
6 twentieth day after the election.

7 C. In any other calendar year, the political committee shall file a
8 report covering the period beginning twenty-one days after the date of the
9 election in the preceding calendar year through December 31 of the
10 nonelection year filed no later than January 31 of the following calendar
11 year. FOR A SPECIAL ELECTION FOR WHICH THE SECRETARY OF STATE IS THE FILING
12 OFFICER, A POLITICAL COMMITTEE THAT RECEIVES CONTRIBUTIONS OR MAKES
13 EXPENDITURES TO INFLUENCE THAT ELECTION SHALL FILE THE FOLLOWING:

14 1. FOR AN INITIATIVE, REFERENDUM OR RECALL, A PREELECTION REPORT THAT
15 IS DUE WITHIN FIFTEEN DAYS OF FILING THE PETITION WITH THE SECRETARY OF STATE
16 AND CURRENT THROUGH THE DATE THE PETITION WAS FILED.

17 2. A PREELECTION REPORT THAT IS DUE WITHIN FIFTEEN DAYS OF THE
18 GOVERNOR'S PROCLAMATION CALLING THE SPECIAL ELECTION AND CURRENT THROUGH THE
19 DATE OF THE GOVERNOR'S PROCLAMATION.

20 3. A PREELECTION REPORT THAT IS DUE AS PRESCRIBED BY SUBSECTION B,
21 PARAGRAPH 2 OF THIS SECTION.

22 4. A POSTELECTION REPORT THAT IS DUE AS PRESCRIBED BY SUBSECTION B,
23 PARAGRAPH 3 OF THIS SECTION.

24 D. In the event that a political committee receives no contributions
25 and makes no expenditures during a period in which it is required to file a
26 campaign finance report, the committee treasurer or if the treasurer is
27 unavailable the candidate, in lieu of filing a report required by subsection
28 B of this section, may sign and file a form prescribed by the secretary of
29 state indicating no activity during the specific reporting period.

30 E. In lieu of the reports prescribed in subsections B and C of this
31 section, a candidate's political committee that remains active after an
32 election due to outstanding debts may file a document no later than January
33 31 in a form prescribed by the secretary of state that states that the
34 committee does not intend to receive any contributions or make any
35 expenditures during the year. If a candidate's political committee does
36 receive a contribution or make an expenditure during that year, the committee
37 shall report as prescribed by subsection B or C of this section.

38 F. A judge who has filed a declaration of the desire to be retained in
39 office is exempt from filing any report required by this section if the
40 judge, not later than twelve days before the general election, files a
41 statement signed and sworn to by the judge certifying that the judge has
42 received no contributions, has made no expenditures and has no campaign
43 committee and that the judge does not intend to receive contributions, make
44 expenditures or have a campaign committee for the purpose of influencing the
45 result of the vote on the question of the judge's retention. With respect to

1 superior court judges, a statement filed pursuant to this subsection is
2 effective until the earlier of twelve days before the third general election
3 following the filing of this statement or the judge receives contributions,
4 makes expenditures or authorizes a campaign committee. Such a statement
5 filed by a supreme court justice or a court of appeals judge is effective
6 until the earlier of twelve days before the fourth general election following
7 the filing of this statement or the justice or judge receives contributions,
8 makes expenditures or authorizes a campaign committee.

9 G. Reports in connection with special or recall elections shall
10 conform to the filing deadlines set forth in ~~subsection~~ SUBSECTIONS B AND C
11 of this section.

12 H. Except as provided in section 16-916, subsection B and subsection K
13 of this section, a political committee shall comply with the requirements of
14 this section in each jurisdiction in this state in which the committee has
15 filed a statement of organization until the committee terminates pursuant to
16 section 16-914, and its statements, designations and reports shall be filed
17 with each officer with whom it has filed a statement of organization, as
18 appropriate.

19 I. Each report required to be filed pursuant to this section shall be
20 signed by the committee treasurer or the candidate or the designating
21 individual if the treasurer is unavailable and shall contain the
22 certification of the signer under penalty of perjury that the report is true
23 and complete.

24 J. A political committee and the candidate, in the case of a
25 candidate's campaign committee, or the designating individual, in the case of
26 an exploratory committee, who violate this section are subject to the penalty
27 prescribed in section 16-918.

28 K. A standing political committee shall file reports with the
29 secretary of state and is exempt from filing a report with any other
30 jurisdiction in which it is active. The reports shall be in an electronic
31 format as prescribed by the secretary of state or by use of the internet.
32 The secretary of state shall promptly make the reports available to the
33 public on the internet and shall make the reports available by electronic
34 means by request. The standing committee shall file the following reports:

35 1. A preelection report that is due as prescribed by subsection B,
36 paragraph 2 of this section shall be filed for each consolidated election
37 date prescribed by section 16-204.

38 2. A postelection report that is due as prescribed by subsection B,
39 paragraph 3 of this section shall be filed for each consolidated election
40 date prescribed by section 16-204.

41 3. An annual report that is due by January 31 in the year immediately
42 following the calendar year that is the subject of the report.

1 Sec. 19. Section 16-914.01, Arizona Revised Statutes, is amended to
2 read:

3 16-914.01. Reporting of contributions by committees acting on
4 ballot measures; civil penalty; definition

5 A. In addition to the requirements relating to election contributions
6 prescribed in section 16-913, a committee acting in support of or opposition
7 to the qualification, passage or defeat of an initiative or referendum or any
8 other ballot measure, question or proposition **OR IN SUPPORT OF OR OPPOSITION**
9 **TO A RECALL ELECTION** shall give notice to the secretary of state for
10 statewide measures and the local filing officer who is responsible for
11 receiving campaign finance reports for filing for nonstatewide measures of
12 any contribution or group of contributions to the committee that is made from
13 a single source less than twenty days before the day of the election if it
14 exceeds:

15 1. A cumulative total of ten thousand dollars for a statewide ballot
16 measure, question or proposition.

17 2. Two thousand five hundred dollars for a nonstatewide ballot
18 measure, question or proposition in a political subdivision with a population
19 of one hundred thousand or more persons.

20 3. Five hundred dollars for a nonstatewide ballot measure, question or
21 proposition in a political subdivision with a population of less than one
22 hundred thousand persons.

23 B. In addition to the requirements of section 16-913, a committee
24 acting in support of or opposition to the qualification, passage or defeat of
25 an initiative or referendum or any other ballot measure, question or
26 proposition shall give notice to the secretary of state for statewide
27 measures and the local filing officer who is responsible for receiving
28 campaign finance reports for filing for nonstatewide measures the first time
29 each of the following occurs:

30 1. The committee has received contributions totaling ten thousand
31 dollars or more.

32 2. The committee has made expenditures totaling ten thousand dollars
33 or more.

34 3. The committee has received contributions totaling ten thousand
35 dollars or more from a single source.

36 4. The committee has received contributions totaling ten thousand
37 dollars or more from different additional single sources.

38 C. The notices prescribed by this section shall be filed within
39 twenty-four hours, excluding Saturdays, Sundays and other legal holidays,
40 after the ten thousand dollar amount has been reached and shall include the
41 identification of the contributors, the dates of receipt and the amounts of
42 the contributions or the amount, recipient and purpose of the expenditures.
43 Contributions subject to the notification requirements of this section shall
44 be included in the next report filed pursuant to section 16-913.

1 D. A political committee that violates this section and a person who
2 knowingly violates this section are liable in a civil action for a civil
3 penalty of up to three times the amount improperly reported as prescribed by
4 section 16-924.

5 E. For the purposes of this section, "single source" includes
6 principals of the same partnership, corporation, limited partnership, limited
7 liability company, limited liability partnership or association.

8 Sec. 20. Section 16-916, Arizona Revised Statutes, is amended to read:

9 16-916. Filing statements of contributions and expenditures;
10 public inspection

11 A. Except as provided in subsection B of this section, the statements,
12 designations and reports required to be filed pursuant to this article shall
13 be filed as follows:

14 1. In the office of the secretary of state for political committees
15 supporting or opposing the recall of a public officer elected statewide or to
16 the legislature, supporting the circulation of petitions for ballot measures,
17 questions and propositions appearing on a state general election ballot or
18 recall of public officials elected statewide or to the legislature or
19 supporting or opposing candidates for state offices and members of the
20 legislature, for justices of the supreme court, for judges of the court of
21 appeals and for a statewide initiative or referendum or any measure or
22 proposition appearing on a state general election ballot. The office of the
23 secretary of state shall post to its website in a format that is viewable by
24 the public the campaign finance information prescribed by this section.

25 2. With the county officer in charge of elections for political
26 committees supporting or opposing the recall of public officers elected to
27 county offices, school district governing boards, community college district
28 governing boards or judges of the superior court, supporting the circulation
29 of petitions for ballot measures, questions and propositions appearing on a
30 county election ballot or for the recall of a public officer elected to
31 county offices, school district governing boards, community college district
32 governing boards or judges of the superior court or supporting or opposing
33 candidates for county offices, school district governing board members or
34 ballot questions, community college district governing board members or
35 ballot questions, judges of the superior court seeking retention, special
36 taxing districts and a county initiative or referendum or any measure or
37 proposition appearing on a county election ballot. For any county with a
38 population of more than one hundred thousand persons that operates a website,
39 the county officer in charge of elections shall post to that website in a
40 format that is viewable by the public the campaign finance information
41 prescribed by this section, WHICH SHALL INCLUDE THE NAMES OF CANDIDATES WHO
42 HAVE FILED AN EXEMPTION STATEMENT PURSUANT TO SECTION 16-902.01, SUBSECTION A
43 WITH THAT FILING OFFICER. ~~The posting requirements of this paragraph do not~~
44 ~~apply to reports where less than five hundred dollars is spent.~~

1 3. With the city or town clerk for political committees supporting or
2 opposing the recall of public officers elected to city or town offices,
3 supporting the circulation of petitions for ballot measures, questions and
4 propositions appearing on a city or town election ballot or recall of public
5 officers elected for city or town offices or supporting or opposing
6 candidates for city or town offices and for a city or town initiative or
7 referendum or any measure or proposition appearing on a city or town election
8 ballot. For any city or town with a population of more than two thousand
9 five hundred persons that operates a website, the city or town shall post to
10 that website in a format that is viewable by the public the campaign finance
11 information prescribed by this section, WHICH SHALL INCLUDE THE NAMES OF
12 CANDIDATES WHO HAVE FILED AN EXEMPTION STATEMENT PURSUANT TO SECTION
13 16-902.01, SUBSECTION A. FOR A CITY OR TOWN WITHOUT A WEBSITE, THE
14 INFORMATION SHALL BE POSTED ON THE WEBSITE OPERATED BY AN ASSOCIATION OF
15 CITIES AND TOWNS IN THIS STATE. ~~The posting requirements of this paragraph~~
16 ~~do not apply to reports where less than five hundred dollars is spent.~~

17 B. Campaign finance reports required pursuant to section 16-913 for
18 the office of member of the legislature and statewide offices shall be filed
19 with the secretary of state in the manner prescribed by the secretary of
20 state. The secretary of state may provide through the procedures manual
21 adopted pursuant to section 16-452 for an alternative method for providing
22 public access to the reports prescribed by this section.

23 C. For all statements, designations and reports, the date of filing is
24 the date of actual receipt by the officer with whom the document is required
25 to be filed except as follows:

26 1. For documents filed by certified mail with a United States mail
27 postmark, the date of mailing constitutes the date of filing.

28 2. For documents filed by commercial delivery services that provide a
29 standardized delivery confirmation process, the date of delivery confirmation
30 constitutes the date of filing.

31 3. For documents filed by commercial delivery services that provide
32 for electronic tracking of specific delivery packages, the date of electronic
33 confirmation of delivery constitutes the date of filing.

34 D. If the date for filing any statement, designation or report
35 required by this article is a Saturday, a Sunday or another legal holiday,
36 the filing deadline is the next day that is not a Saturday, a Sunday or
37 another legal holiday.

38 Sec. 21. Section 16-917, Arizona Revised Statutes, is amended to read:
39 16-917. Independent expenditures; in-kind contribution; civil
40 penalty

41 A. A political committee, CORPORATION, LIMITED LIABILITY COMPANY OR
42 LABOR ORGANIZATION that makes independent expenditures for literature or an
43 advertisement relating to any one candidate or office within sixty days
44 before the day of any election to which the expenditures relate, shall send
45 by certified mail a copy of the campaign literature or advertisement to each

1 candidate named or otherwise referred to in the literature or advertisement
2 twenty-four hours after depositing it at the post office for mailing,
3 twenty-four hours after submitting it to a telecommunications system for
4 broadcast or twenty-four hours after submitting it to a newspaper for
5 printing.

6 B. The copy of the literature or advertisement sent to a candidate
7 pursuant to subsection A of this section shall be a reproduction that is
8 clearly readable, viewable or audible.

9 C. An expenditure by a political committee, CORPORATION, LIMITED
10 LIABILITY COMPANY, LABOR ORGANIZATION or a person that does not meet the
11 definition of an independent expenditure is an in-kind contribution to the
12 candidate and a corresponding expenditure by the candidate unless otherwise
13 exempted.

14 D. A person who violates this section is subject to a civil penalty of
15 three times the cost of the literature or advertisement that was distributed
16 in violation of this section. This civil penalty shall be imposed as
17 prescribed in section 16-924.

18 Sec. 22. Section 16-1005, Arizona Revised Statutes, is amended to
19 read:

20 16-1005. Ballot abuse; violation; classification

21 A. Any person who knowingly marks a voted or unvoted ballot or ballot
22 envelope with the intent to fix an election for his own benefit or for that
23 of another person is guilty of a class 5 felony.

24 B. It is unlawful to offer or provide any consideration to acquire a
25 voted or unvoted early ballot. A person who violates this subsection is
26 guilty of a class 5 felony.

27 C. It is unlawful to receive or agree to receive any consideration in
28 exchange for a voted or unvoted ballot. A person who violates this
29 subsection is guilty of a class 5 felony.

30 D. It is unlawful to possess a voted or unvoted ballot with the intent
31 to sell the voted or unvoted ballot of another person. A person who violates
32 this subsection is guilty of a class 5 felony.

33 E. A person or entity ~~who~~ THAT knowingly solicits the collection of
34 voted or unvoted ballots by misrepresenting itself as an election official or
35 as an official ballot repository or is found to be serving as a ballot drop
36 off site, other than those established and staffed by election officials, is
37 guilty of a class 5 felony.

38 F. A person who knowingly collects voted or unvoted ballots and does
39 not turn those ballots in to an election official, the United States postal
40 service or ANY other entity permitted by law to transmit post is guilty of a
41 class 5 felony.

42 G. A person who engages or participates in a pattern of ballot fraud
43 is guilty of a class 4 felony. For the purposes of this subsection, "pattern
44 of ballot fraud" means the person has offered or provided any consideration
45 to three or more persons to acquire the voted or unvoted ballot of a person.

1 ~~H. Any person who delivers more than ten early ballots to an election~~
2 ~~official for tallying shall also provide to the election official a copy of~~
3 ~~the person's photo identification. If the person delivering the ballots does~~
4 ~~not provide a copy of the person's photo identification, the election~~
5 ~~official shall record the information from the person's photo identification~~
6 ~~and retain the information as a part of the records of the voting location as~~
7 ~~prescribed in procedures established by the secretary of state in the~~
8 ~~instructions and procedures manual adopted pursuant to section 16 452.~~
9 ~~Within sixty days after the election, the officer in charge of that election~~
10 ~~shall submit to the secretary of state the photocopies or other electronic~~
11 ~~facsimiles or other information submitted by the persons delivering the early~~
12 ~~ballots. The secretary of state shall compile a statewide report on the~~
13 ~~submittals and shall make that information available to the public on the~~
14 ~~secretary of state's website. The secretary of state may make any referrals~~
15 ~~to the appropriate prosecuting agency for purposes of enforcing this chapter.~~

16 Sec. 23. Title 41, chapter 1, article 2, Arizona Revised Statutes, is
17 amended by adding section 41-134, to read:

18 41-134. Electronic database system; procedures

19 A. SUBJECT TO LEGISLATIVE APPROPRIATION OR TRANSFER OF MONIES, THE
20 SECRETARY OF STATE SHALL DEVELOP ELECTRONIC DATABASE SYSTEMS FOR FINANCIAL
21 DISCLOSURES REQUIRED UNDER TITLE 38, CHAPTER 3.1, ARTICLE 1 AND LOBBYIST
22 REPORTING REQUIREMENTS UNDER CHAPTER 7, ARTICLE 8.1 OF THIS TITLE.

23 B. THE ELECTRONIC DATABASE SYSTEM SHALL ALLOW A COUNTY, CITY OR TOWN
24 TO ELECT TO USE THE SECRETARY OF STATE'S SYSTEM SUBJECT TO:

25 1. APPROVAL OF THE LOCAL GOVERNING BODY.

26 2. THE LOCAL GOVERNING BODY CONFORMING THE LOCAL GOVERNING BODY'S
27 FINANCIAL DISCLOSURE REQUIREMENT AND LOBBYING DISCLOSURE REQUIREMENTS WITH
28 REQUIREMENTS OF THIS STATE.

29 C. THIS SECTION DOES NOT REQUIRE THE SECRETARY OF STATE TO PROVIDE FOR
30 A SYSTEM THAT COMPLIES WITH FILING REQUIREMENTS OTHER THAN THOSE REQUIRED IN
31 SECTIONS 38-542 AND 38-543 AND CHAPTER 7, ARTICLE 8.1 OF THIS TITLE.

32 Sec. 24. Section 41-1202, Arizona Revised Statutes, is amended to
33 read:

34 41-1202. Vacancy in legislature; precinct committeemen;
35 appointment; definition

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

41 1. The secretary of state shall notify the state party chairman of the
42 appropriate political party of the vacancy. Within three business days after
43 notification of the vacancy by the secretary of state, the state party
44 chairman of the appropriate political party or the chairman's designee shall
45 give written notice of the meeting to fill the vacancy to all elected

1 precinct committeemen of the appropriate political party from precincts that
2 are in the legislative district and that are in the county in which the
3 vacancy occurred.

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

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

19 (a) Is given by the precinct committeeman to another elected precinct
20 committeeman for the legislative district in which the vacancy occurred for
21 use at the meeting to fill the vacancy.

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

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

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

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

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

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

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

14 C. For the purposes of this section, "appropriate political party"
15 means the same political party of which the person who was elected to or
16 appointed to the office was a member immediately before the vacancy occurred
17 EXCEPT THAT IF THE PERSON VACATING THE OFFICE CHANGED POLITICAL PARTY
18 AFFILIATION AFTER TAKING OFFICE, THE PERSON WHO IS APPOINTED TO FILL THE
19 VACANCY SHALL BE OF THE SAME POLITICAL PARTY THAT THE VACATING OFFICEHOLDER
20 WAS WHEN THE VACATING OFFICEHOLDER WAS ELECTED OR APPOINTED TO THAT OFFICE.

21 Sec. 25. Secretary of state; independent counsel

22 Notwithstanding section 41-192, Arizona Revised Statutes, the secretary
23 of state may hire independent counsel in place of the attorney general
24 through December 31, 2014.

25 Sec. 26. Legislative intent

26 It is the intent of the legislature by enacting section 41-134, Arizona
27 Revised Statutes, as added by this act, to increase transparency in campaign
28 finance compliance in a manner that improves access to information for
29 members of the general public at different levels of local and county
30 government, and to provide for improved voter education, and that this
31 increase in access and transparency will result in a better informed and
32 educated voting public.