

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

# HOUSE BILL 2379

AN ACT

AMENDING SECTIONS 16-168, 16-241, 16-242, 16-244, 16-312, 16-315, 16-343, 16-580, 16-803, 16-804, 16-901, 16-902.01, 16-913, 16-914.01, 16-915, 16-917, 16-1005 AND 41-192, 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 16-241, Arizona Revised Statutes, is amended to read:  
20 16-241. Presidential preference election; conduct of election

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

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

34 C. Except as otherwise provided in this article, the presidential  
35 preference election shall be conducted and canvassed in the same manner as  
36 prescribed in this title for the primary election held pursuant to section  
37 16-201. All provisions of other laws that govern elections and that are not  
38 in conflict with this article apply to a presidential preference election,  
39 including laws relating to registration and qualifications of electors.

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

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

4 Sec. 3. Section 16-242, Arizona Revised Statutes, is amended to read:  
5 16-242. Qualifications for ballot; nomination paper

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

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

11 2. The name of the recognized political party from which the person  
12 seeks nomination.

13 3. The name and address of the chairman of the candidate's state  
14 committee.

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

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

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

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

29 D. NOMINATION PETITIONS SHALL CONFORM TO THE REQUIREMENTS OF SECTION  
30 16-314.

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

36 1. A CERTIFICATION BY THE FEDERAL ELECTION COMMISSION THAT, BY THE  
37 FILING DEADLINE, THE CANDIDATE HAS QUALIFIED FOR MATCHING FEDERAL CAMPAIGN  
38 FUNDS.

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

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

1           Sec. 4. 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. 5. Section 16-312, Arizona Revised Statutes, is amended to read:  
31           16-312. Filing of nomination papers for write-in candidates

32           A. Any person desiring to become a write-in candidate for an elective  
33 office in any election shall file a nomination paper, signed by the  
34 candidate, giving the person's actual residence address or description of  
35 place of residence and post office address, age, length of residence in the  
36 state and date of birth.

37           B. A write-in candidate shall file the nomination paper not later than  
38 5:00 p.m. on the ~~fortieth~~ FORTY-SIXTH day before the election, except that:

39           1. A candidate running as a write-in candidate as provided in section  
40 16-343, subsection D shall file the nomination paper not later than 5:00 p.m.  
41 on the fifth day before the election.

42           2. A candidate running as a write-in candidate for an election that  
43 may be canceled pursuant to section ~~48-1082~~, 16-410 shall file the nomination  
44 paper not later than 5:00 p.m. on the seventy-sixth day before the election.

1 C. The write-in filing procedure shall be in the same manner as  
2 prescribed in section 16-311. Any person who does not file a timely  
3 nomination paper shall not be counted in the tally of ballots. The filing  
4 officer shall not accept the nomination paper of a candidate for state or  
5 local office unless the candidate provides or has provided both of the  
6 following:

7 1. A political committee statement of organization or the five hundred  
8 dollar threshold exemption statement for that office.

9 2. The financial disclosure statement as prescribed for candidates for  
10 that office.

11 D. The secretary of state shall notify the various boards of  
12 supervisors as to write-in candidates filing with the secretary of state's  
13 office. The county school superintendent shall notify the appropriate board  
14 of supervisors as to write-in candidates filing with the superintendent's  
15 office. The board of supervisors shall notify the appropriate election board  
16 inspector of all candidates who have properly filed such statements. In the  
17 case of a city or town election, the city or town clerk shall notify the  
18 appropriate election board inspector of candidates properly filed. No other  
19 write-ins shall be counted. The election board inspector shall post the  
20 notice of official write-in candidates in a conspicuous location within the  
21 polling place.

22 E. Except as provided in section 16-343, subsection E, a candidate may  
23 not file pursuant to this section if any of the following applies:

24 1. For a candidate in the general election, the candidate ran in the  
25 immediately preceding primary election and failed to be nominated to the  
26 office sought in the current election.

27 2. For a candidate in the general election, the candidate filed a  
28 nomination petition for the immediately preceding primary election for the  
29 office sought and failed to provide a sufficient number of valid petition  
30 signatures as prescribed by section 16-322.

31 3. For a candidate in the primary election, the candidate filed a  
32 nomination petition for the current primary election for the office sought  
33 and failed to provide a sufficient number of valid petition signatures as  
34 prescribed by section 16-322.

35 4. For a candidate in the general election, the candidate filed a  
36 nomination petition for nomination other than by primary for the office  
37 sought and failed to provide a sufficient number of valid petition signatures  
38 as prescribed by section 16-341.

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

1 designated shall be filed with the candidate's nomination paper. The number  
2 of presidential electors shall equal the number of United States senators and  
3 representatives in Congress from this state.

4 Sec. 6. Section 16-315, Arizona Revised Statutes, is amended to read:

5 16-315. Form of petitions; registration of circulators

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

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

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

13 3. There shall be ~~fifteen~~ TEN lines spaced ~~three-eighths~~ ONE-HALF of  
14 an inch apart and consecutively numbered one through ~~fifteen~~ TEN.

15 4. The signature portion of the petition shall be divided into columns  
16 headed by the FOLLOWING titles:

17 (a) Signature. ~~;~~

18 (b) Printed name. ~~;~~

19 (c) Actual residence address, description of place of residence or  
20 Arizona post office box address, city or town. ~~;~~ ~~and~~

21 (d) Date of signing.

22 5. A photograph of the candidate may appear on the nomination  
23 petition.

24 B. The following shall appear on the petition:

25 Instructions for Circulators

26 1. All petitions shall be signed by circulator.

27 2. Circulator is not required to be a resident of this state but  
28 otherwise must be qualified to register to vote in this state and, if not a  
29 resident of this state, shall register as a circulator with the secretary of  
30 state.

31 3. Circulator's name shall be typed or printed under ~~such person's~~ THE  
32 CIRCULATOR'S signature.

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

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

37 D. Circulators who are not residents of this state must be registered  
38 as circulators with the secretary of state before circulating petitions. The  
39 secretary of state shall provide for a method of receiving service of process  
40 for those petition circulators who register pursuant to this subsection. The  
41 secretary of state shall establish in the instructions and procedures manual  
42 issued pursuant to section 16-452 a procedure for registering circulators and  
43 receiving service of process.



1 write-in candidate under this subsection shall file the nomination paper no  
2 later than 5:00 p.m. on the fifth day before the election.

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

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

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

26 Sec. 8. Section 16-580, Arizona Revised Statutes, is amended to read:  
27 16-580. Manner of voting; assistance for certain electors

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

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

36 C. In order that the rights of other voters shall not be interfered  
37 with, a voter shall not be allowed to occupy a voting booth for more than  
38 five minutes when other voters are waiting to occupy the booth. If the voter  
39 refuses to leave after the lapse of five minutes, the voter may be removed by  
40 the judges. If a voter has not completed a ballot after the allotted five  
41 minutes, the voter may request the marshal to hold the ballot and when  
42 another booth is empty and all voters present have had an opportunity to vote  
43 the removed person may be allowed an additional five minutes in the booth.

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

7 E. The election board official shall receive the ballot from the voter  
8 and in the presence of the election board and if the ballot includes a stub,  
9 remove the stub without opening the ballot, deposit the ballot in the ballot  
10 box, or if the voter so requests, hand the ballot to the voter and permit the  
11 voter to deposit the ballot in the ballot box, and string the stub, if any,  
12 on a string provided. If the ballot is of the type that includes a stub and  
13 the stub has been removed from the ballot before receipt by the election  
14 official, it shall not be deposited in the ballot box, but it shall be marked  
15 "spoiled" and placed with the spoiled ballots.

16 F. After delivery of the ballot to the election board official, or if  
17 the voter has asked to deposit the ballot in the ballot box, after the ballot  
18 is deposited, the voter shall then proceed outside the voting area and shall  
19 not again enter the voting area unless the voter is an authorized election  
20 official.

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

31 Sec. 9. Section 16-803, Arizona Revised Statutes, is amended to read:  
32 16-803. Filing petition for recognition; submission of  
33 petitions to county recorder for signature  
34 verification

35 A. A petition for recognition of a new political party shall be filed  
36 with the secretary of state, the officer in charge of elections of the county  
37 or the city or town clerk, as the case may be, not less than one hundred  
38 ~~forty~~ EIGHTY days before the primary election for which the party seeks  
39 recognition. A new party that seeks both state and county recognition may  
40 file the original petition with the officer in charge of elections for the  
41 county and a certified copy of the petition with the secretary of state.

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

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

6 1. REVIEW EACH SHEET TO DETERMINE THE COUNTY OF THE MAJORITY OF THE  
7 SIGNERS AND SHALL:

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

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

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

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

18 ~~1-~~ (a) If the signature of the qualified elector is missing.

19 ~~2-~~ (b) If the residence address or the description of residence  
20 location is missing.

21 ~~3-~~ (c) If the date on which the petitioner signed is missing.

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

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

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

32 ~~D-~~ F. The secretary of state, during the same ~~five~~ SEVEN business day  
33 period provided in subsection ~~C- B~~, shall select, at random, twenty per cent  
34 of the total signatures eligible for verification by the county recorders of  
35 the counties in which the persons signing the petition claim to be qualified  
36 electors. The random sample of signatures to be verified shall be drawn in  
37 such a manner that every signature eligible for verification has an equal  
38 chance of being included in the sample. The random sample produced shall  
39 identify each signature selected by petition page and line number. The  
40 signatures selected shall be marked according to the following procedure:

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

44 2. If a signature line selected for the random sample is found to be  
45 blank or was removed from the verification process pursuant to subsection ~~C-~~

1 B, then the next line down, even if that requires going to the next petition  
2 sheet in sequence, on which an eligible signature appears shall be selected  
3 as a substitute if that line has not already been selected for the random  
4 sample. If the next eligible line is already being used in the random  
5 sample, the secretary of state shall proceed back up the page from the  
6 signature line originally selected for the random sample to the next previous  
7 signature line eligible for verification. If that line is already being used  
8 in the random sample, the secretary of state shall continue moving down the  
9 page or to the next page from the line originally selected for the random  
10 sample and shall select the next eligible signature as its substitute for the  
11 random sample. The secretary of state shall use this process of alternately  
12 moving forward and backward until a signature eligible for verification and  
13 not already included in the random sample can be selected and substituted.

14 ~~F~~ G. After the selection of the random sample, the secretary of  
15 state shall reproduce a facsimile of the front of each signature sheet on  
16 which a signature included in the random sample appears. The secretary of  
17 state shall clearly identify those signatures marked for verification by  
18 color highlighting or other similar method and shall transmit by personal  
19 delivery or certified mail to each county recorder a facsimile sheet of each  
20 signature sheet on which a signature appears of any individual who claims to  
21 be a qualified elector of that county and whose signature was selected for  
22 verification as part of the random sample.

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

- 27 1. No residence address or description of residence location is  
28 provided.
- 29 2. No date of signing is provided.
- 30 3. The signature is illegible and the signer is otherwise  
31 unidentifiable.
- 32 4. The address provided is illegible or nonexistent.
- 33 5. The individual was not a qualified elector on the date of signing  
34 the petition.
- 35 6. The individual was a registered voter but was not at least eighteen  
36 years of age on the date of signing the petition or affidavit.
- 37 7. The signature was disqualified after comparison with the signature  
38 on the affidavit of registration.
- 39 8. If a petitioner signed more than once, all but one otherwise valid  
40 signature shall be disqualified.
- 41 9. For the same reasons any signatures could have been removed by the  
42 secretary of state pursuant to this section.

43 ~~G~~ I. Within the same time period provided in subsection ~~F~~ H, the  
44 county recorder shall certify to the secretary of state the following:

1           1. The name of any individual whose signature was included in the  
2 random sample and disqualified by the county recorder together with the  
3 petition page and line number of the disqualified signature.

4           2. The total number of signatures selected for the random sample and  
5 transmitted to the county recorder for verification and the total number of  
6 random sample signatures disqualified.

7           ~~H.~~ J. At the time of the certification, the county recorder shall:

8           1. Return the facsimile signature sheets to the secretary of state.

9           2. Send notice of the results of the certification by mail to the  
10 person or organization that submitted the petitions and to the secretary of  
11 state.

12           ~~I.~~ K. Within ~~ten business days~~, SEVENTY-TWO HOURS after receipt of  
13 the facsimile signature sheets and the certification of each county recorder,  
14 the secretary of state shall determine the total number of valid signatures  
15 by subtracting from the total number of eligible signatures in the following  
16 order:

17           1. All signatures that were found ineligible by the county recorders.

18           2. After determining the percentage of all signatures found to be  
19 invalid in the random sample, a like percentage from those signatures  
20 remaining after the subtractions performed pursuant to paragraph 1 of this  
21 subsection.

22           ~~J.~~ L. If the number of valid signatures as projected from the random  
23 sample pursuant to subsection ~~I.~~ K is at least one hundred per cent of the  
24 minimum number required by this section, the party shall be recognized. If  
25 the number of valid signatures as projected from the random sample is less  
26 than one hundred per cent of the minimum number, the party shall not be  
27 recognized.

28           Sec. 10. Section 16-804, Arizona Revised Statutes, is amended to read:

29           16-804. Continued representation on basis of votes cast at last  
30           preceding general election or registered electors

31           A. A political organization that at the last preceding general  
32 election cast for governor or presidential electors or for county attorney or  
33 for mayor, whichever applies, not less than five per cent of the total votes  
34 cast for governor or presidential electors, in the state or in such county,  
35 city or town, is entitled to representation as a political party on the  
36 official ballot for state officers or for officers of such county or local  
37 subdivision.

38           B. In lieu of subsection A, a political organization is entitled to  
39 continued representation as a political party on the official ballot for  
40 state, county, city or town officers if, on ~~November~~ OCTOBER 1 of the year  
41 immediately preceding the year in which the general election for state or  
42 county officers and for city or town officers one hundred fifty-five days  
43 immediately preceding the primary election in such jurisdiction, such party  
44 has registered electors in the party equal to at least two-thirds of one per  
45 cent of the total registered electors in such jurisdiction.

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

6 D. Each county recorder shall determine the political parties  
7 qualified for the county ballot pursuant to this section by February 1 of the  
8 appropriate year.

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

13 Sec. 11. Section 16-901, Arizona Revised Statutes, is amended to read:

14 16-901. Definitions

15 In this chapter, unless the context otherwise requires:

16 1. "Agent" means, with respect to any person other than a candidate,  
17 any person who has oral or written authority, either express or implied, to  
18 make or authorize the making of expenditures as defined in this section on  
19 behalf of a candidate, any person who has been authorized by the treasurer of  
20 a political committee to make or authorize the making of expenditures or a  
21 political consultant for a candidate or political committee.

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

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

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

30 5. "Contribution" means any gift, subscription, loan, advance or  
31 deposit of money or anything of value made for the purpose of influencing an  
32 election including supporting or opposing the recall of a public officer or  
33 supporting or opposing the circulation of a petition for a ballot measure,  
34 question or proposition or the recall of a public officer and:

35 (a) Includes all of the following:

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

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

41 (iii) The entire amount paid to a political committee to attend a  
42 fund-raising or other political event and the entire amount paid to a  
43 political committee as the purchase price for a fund-raising meal or item,  
44 except that no contribution results if the actual cost of the meal or  
45 fund-raising item, based on the amount charged to the committee by the

1 vendor, constitutes the entire amount paid by the purchaser for the meal or  
2 item, the meal or item is for the purchaser's personal use and not for resale  
3 and the actual cost is the entire amount paid by the purchaser in connection  
4 with the event. This exception does not apply to auction items.

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

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

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

12 (ii) Money or the value of anything directly or indirectly provided to  
13 defray the expense of an elected official meeting with constituents if the  
14 elected official is engaged in the performance of the duties of his office or  
15 provided by the state or a political subdivision to an elected official for  
16 communication with constituents if the elected official is engaged in the  
17 performance of the duties of his office.

18 (iii) The use of real or personal property, including a church or  
19 community room used on a regular basis by members of a community for  
20 noncommercial purposes, that is obtained by an individual in the course of  
21 volunteering personal services to any candidate, candidate's committee or  
22 political party, and the cost of invitations, food and beverages voluntarily  
23 provided by an individual to any candidate, candidate's campaign committee or  
24 political party in rendering voluntary personal services on the individual's  
25 residential premises or in the church or community room for candidate-related  
26 or political party-related activities, to the extent that the cumulative  
27 value of the invitations, food and beverages provided by the individual on  
28 behalf of any single candidate does not exceed one hundred dollars with  
29 respect to any single election.

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

33 (v) The payment by a political party for party operating expenses,  
34 party staff and personnel, party newsletters and reports, voter registration  
35 and efforts to increase voter turnout, party organization building and  
36 maintenance and printing and postage expenses for slate cards, sample  
37 ballots, other written materials that substantially promote three or more  
38 nominees of the party for public office and other election activities not  
39 related to a specific candidate, except that this item does not apply to  
40 costs incurred with respect to a display of the listing of candidates made on  
41 telecommunications systems or in newspapers, magazines or similar types of  
42 general circulation advertising.

43 (vi) Independent expenditures.

44 (vii) Monies loaned by a state bank, a federally chartered depository  
45 institution or a depository institution the deposits or accounts of which are

1 insured by the federal deposit insurance corporation or the national credit  
2 union administration, other than an overdraft made with respect to a checking  
3 or savings account, that is made in accordance with applicable law and in the  
4 ordinary course of business. In order for this exemption to apply, this loan  
5 shall be deemed a loan by each endorser or guarantor, in that proportion of  
6 the unpaid balance that each endorser or guarantor bears to the total number  
7 of endorsers or guarantors, the loan shall be made on a basis that assures  
8 repayment, evidenced by a written instrument, shall be subject to a due date  
9 or amortization schedule and shall bear the usual and customary interest rate  
10 of the lending institution.

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

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

20 (x) The payment by a political party of the costs of campaign  
21 materials, including pins, bumper stickers, handbills, brochures, posters,  
22 party tabloids and yard signs, used by the party in connection with volunteer  
23 activities on behalf of any nominee of the party or the payment by a state or  
24 local committee of a political party of the costs of voter registration and  
25 get-out-the-vote activities conducted by the committee if the payments are  
26 not for the costs of campaign materials or activities used in connection with  
27 any telecommunication, newspaper, magazine, billboard, direct mail or similar  
28 type of general public communication or political advertising.

29 (xi) Transfers between political committees to distribute monies  
30 raised through a joint fund-raising effort in the same proportion to each  
31 committee's share of the fund-raising expenses and payments from one  
32 political committee to another in reimbursement of a committee's  
33 proportionate share of its expenses in connection with a joint fund-raising  
34 effort.

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

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

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

5           7. "Election" means any election for any initiative, referendum or  
6 other measure or proposition or a primary, general, recall, special or runoff  
7 election for any office in this state other than the office of precinct  
8 committeeman and other than a federal office. For purposes of sections  
9 16-903 and 16-905, the general election includes the primary election.

10          8. "Expenditures" includes any purchase, payment, distribution, loan,  
11 advance, deposit or gift of money or anything of value made by a person for  
12 the purpose of influencing an election in this state including supporting or  
13 opposing the recall of a public officer or supporting or opposing the  
14 circulation of a petition for a ballot measure, question or proposition or  
15 the recall of a public officer and a contract, promise or agreement to make  
16 an expenditure resulting in an extension of credit and the value of any  
17 in-kind contribution received. Expenditure does not include any of the  
18 following:

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

23           (b) Nonpartisan activity designed to encourage individuals to vote or  
24 to register to vote.

25           (c) The payment by a political party of the costs of preparation,  
26 display, mailing or other distribution incurred by the party with respect to  
27 any printed slate card, sample ballot or other printed listing of three or  
28 more candidates for any public office for which an election is held, except  
29 that this subdivision does not apply to costs incurred by the party with  
30 respect to a display of any listing of candidates made on any  
31 telecommunications system or in newspapers, magazines or similar types of  
32 general public political advertising.

33           (d) 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 telecommunications system, newspaper, magazine, billboard, direct mail or  
41 similar type of general public communication or political advertising.

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

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

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

8           11. "Filing officer" means the office that is designated by section  
9 16-916 to conduct the duties prescribed by this chapter.

10          12. "Identification" means:

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

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

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

21          14. "Independent expenditure" means an expenditure by a person or  
22 political committee, other than a candidate's campaign committee, that  
23 expressly advocates the election or defeat of a clearly identified candidate,  
24 that is made without cooperation or consultation with any candidate or  
25 committee or agent of the candidate and that is not made in concert with or  
26 at the request or suggestion of a candidate, or any committee or agent of the  
27 candidate. Independent expenditure includes an expenditure that is subject  
28 to the requirements of section 16-917, which requires a copy of campaign  
29 literature or advertisement to be sent to a candidate named or otherwise  
30 referred to in the literature or advertisement. An expenditure is not an  
31 independent expenditure if any of the following applies:

32           (a) Any officer, member, employee or agent of the political committee  
33 making the expenditure is also an officer, member, employee or agent of the  
34 committee of the candidate whose election or whose opponent's defeat is being  
35 advocated by the expenditure or an agent of the candidate whose election or  
36 whose opponent's defeat is being advocated by the expenditure.

37           (b) There is any arrangement, coordination or direction with respect  
38 to the expenditure between the candidate or the candidate's agent and the  
39 person making the expenditure, including any officer, director, employee or  
40 agent of that person.

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

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

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

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

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

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

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

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

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

19 (b) Salary and other earned income from bona fide employment of the  
20 candidate, dividends and proceeds from the sale of the stocks or investments  
21 of the candidate, bequests to the candidate, income to the candidate from  
22 trusts established before candidacy, income to the candidate from trusts  
23 established by bequest after candidacy of which the candidate is a  
24 beneficiary, gifts to the candidate of a personal nature that have been  
25 customarily received before the candidacy and proceeds received by the  
26 candidate from lotteries and other legal games of chance.

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

30 (d) Family contributions.

31 19. "Political committee" means a candidate or any association or  
32 combination of persons that is organized, conducted or combined for the  
33 purpose of influencing the result of any election or to determine whether an  
34 individual will become a candidate for election in this state or in any  
35 county, city, town, district or precinct in this state, that engages in  
36 political activity in behalf of or against a candidate for election or  
37 retention or in support of or opposition to an initiative, referendum or  
38 recall or any other measure or proposition and that applies for a serial  
39 number and circulates petitions and, in the case of a candidate for public  
40 office except those exempt pursuant to section 16-903, that receives  
41 contributions or makes expenditures OF MORE THAN ONE HUNDRED DOLLARS in  
42 connection therewith, notwithstanding that the association or combination of  
43 persons may be part of a larger association, combination of persons or  
44 sponsoring organization not primarily organized, conducted or combined for  
45 the purpose of influencing the result of any election in this state or in any

1 county, city, town or precinct in this state. Political committee includes  
2 the following types of committees:

3 (a) A candidate's campaign committee.

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

6 (c) A committee acting in support of or opposition to the  
7 qualification, passage or defeat of a ballot measure, question or  
8 proposition.

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

11 (e) A political party.

12 (f) A committee organized for the purpose of making independent  
13 expenditures.

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

16 (h) A political organization.

17 (i) An exploratory committee.

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

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

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

29 23. "Standing political committee" means a political committee that ~~is~~  
30 **SATISFIES** all of the following:

31 (a) **IS** active in more than one reporting jurisdiction in this state  
32 for more than one year.

33 (b) Files a statement of organization as prescribed by section  
34 16-902.01, subsection E.

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

37 (i) A separate, segregated fund.

38 (ii) A political party.

39 (iii) A committee organized for the purpose of making independent  
40 expenditures.

41 (iv) A political organization.

42 24. "Statewide office" means the office of governor, secretary of  
43 state, state treasurer, attorney general, superintendent of public  
44 instruction, corporation commissioner or mine inspector.



1 the committee is active, and only the secretary of state shall issue an  
2 identification number for the committee. The statement of organization shall  
3 include a statement with the notarized signature of the chairman or treasurer  
4 of the standing political committee that declares the committee's status as a  
5 standing political committee. The secretary of state may charge an annual  
6 fee for the filing.

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

20 Sec. 13. Section 16-913, Arizona Revised Statutes, is amended to read:  
21 16-913. Campaign finance reports; reporting of receipts and  
22 disbursements; exemptions; civil penalty

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

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

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

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

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

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

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

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

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

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

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

17           E. In lieu of the reports prescribed in subsections B and C of this  
18 section, a candidate's political committee that remains active after an  
19 election due to outstanding debts may file a document no later than January  
20 31 in a form prescribed by the secretary of state that states that the  
21 committee does not intend to receive any contributions or make any  
22 expenditures during the year. If a candidate's political committee does  
23 receive a contribution or make an expenditure during that year, the committee  
24 shall report as prescribed by subsection B or C of this section.

25           F. A judge who has filed a declaration of the desire to be retained in  
26 office is exempt from filing any report required by this section if the  
27 judge, not later than twelve days before the general election, files a  
28 statement signed and sworn to by the judge certifying that the judge has  
29 received no contributions, has made no expenditures and has no campaign  
30 committee and that the judge does not intend to receive contributions, make  
31 expenditures or have a campaign committee for the purpose of influencing the  
32 result of the vote on the question of the judge's retention. With respect to  
33 superior court judges, a statement filed pursuant to this subsection is  
34 effective until the earlier of twelve days before the third general election  
35 following the filing of this statement or the judge receives contributions,  
36 makes expenditures or authorizes a campaign committee. Such a statement  
37 filed by a supreme court justice or a court of appeals judge is effective  
38 until the earlier of twelve days before the fourth general election following  
39 the filing of this statement or the justice or judge receives contributions,  
40 makes expenditures or authorizes a campaign committee.

41           G. Reports in connection with special or recall elections shall  
42 conform to the filing deadlines set forth in subsection B of this section.

43           H. Except as provided in section 16-916, subsection B and subsection K  
44 of this section, a political committee shall comply with the requirements of  
45 this section in each jurisdiction in this state in which the committee has

1 filed a statement of organization until the committee terminates pursuant to  
2 section 16-914, and its statements, designations and reports shall be filed  
3 with each officer with whom it has filed a statement of organization, as  
4 appropriate.

5 I. Each report required to be filed pursuant to this section shall be  
6 signed by the committee treasurer or the candidate or the designating  
7 individual if the treasurer is unavailable and shall contain the  
8 certification of the signer under penalty of perjury that the report is true  
9 and complete.

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

14 K. A standing political committee shall file reports with the  
15 secretary of state and is exempt from filing a report with any other  
16 jurisdiction in which it is active. The reports shall be in an electronic  
17 format as prescribed by the secretary of state or by use of the internet.  
18 The secretary of state shall promptly make the reports available to the  
19 public on the internet and shall make the reports available by electronic  
20 means by request. The standing committee shall file the following reports:

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

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

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

29 Sec. 14. Section 16-914.01, Arizona Revised Statutes, is amended to  
30 read:

31 16-914.01. Reporting of contributions by committees acting on  
32 ballot measures; civil penalty; definition

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

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

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

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

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

14           1. The committee has received contributions totaling ten thousand  
15 dollars or more.

16           2. The committee has made expenditures totaling ten thousand dollars  
17 or more.

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

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

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

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

33           E. For the purposes of this section, "single source" includes  
34 principals of the same partnership, corporation, limited partnership, limited  
35 liability company, limited liability partnership or association.

36           Sec. 15. Section 16-915, Arizona Revised Statutes, is amended to read:  
37 16-915. Contents of campaign finance reports

38           A. Each campaign finance report required by section 16-913 shall set  
39 forth all of the following:

40           1. The amount of cash on hand at the beginning of the reporting  
41 period.

42           2. For the reporting period and the election, the total amount of all  
43 receipts and an itemized list of all receipts in the following categories,  
44 together with the total of all receipts in each category:

45           (a) Contributions from individuals.

1 (b) Contributions from political committees.

2 (c) For a candidate's campaign committee, the candidate's contribution  
3 or promise of personal monies, including loans guaranteed by the candidate.

4 (d) All other loans.

5 (e) Rebates, refunds and other offsets to operating expenditures.

6 (f) Dividends, interest and other forms of receipts.

7 (g) The value of in-kind contributions.

8 3. The identification of each:

9 (a) Individual who makes any contribution during the period covered by  
10 the report AND whose total contribution or contributions for that election  
11 have an aggregate amount exceeding ~~twenty-five~~ FIFTY dollars together with  
12 the date and amount of the contributions, except as provided in subsection E  
13 of this section. Contributions of ~~twenty-five~~ FIFTY dollars or less may be  
14 aggregated.

15 (b) Political committee that makes a contribution during the period  
16 covered by the report together with the date and amount of the contribution.

17 (c) Person who makes a loan during the period covered by the report,  
18 together with the identification of any endorser or guarantor of the loan and  
19 the amount endorsed or guaranteed by each, and the date and amount of the  
20 loan.

21 (d) Person who provides any rebate, refund or other offset to  
22 operating expenditures during the period covered by the report together with  
23 the date and amount of the receipt.

24 (e) Person who provides a dividend, interest or other receipt during  
25 the period covered by the report together with the date and amount of the  
26 receipt.

27 4. For the reporting period and the election, the total amount of all  
28 disbursements and an itemized list of all disbursements in the following  
29 categories together with the total of all disbursements in each category:

30 (a) Expenditures, other than a contract, promise or agreement to make  
31 an expenditure resulting in an extension of credit, made to meet committee  
32 operating expenses.

33 (b) Transfers to other political committees.

34 (c) For a candidate's campaign committee, the repayment of loans made  
35 or guaranteed by the candidate.

36 (d) Repayment of all other loans.

37 (e) Refunds of contributions received and other offsets to  
38 contributions.

39 (f) Loans made by the reporting political committee.

40 (g) The value of in-kind contributions received.

41 (h) Independent expenditures together with the information required  
42 pursuant to subsection F.

43 (i) Any other disbursements.

1           5. The name and address of each recipient of an expenditure made  
2 during the period covered by the report and, in the case of a disbursement to  
3 a political committee, the identification number issued on the filing of a  
4 statement of organization as prescribed by section 16-902.01, together with  
5 the date, THE amount of the expenditure and a clear description of the items  
6 or services purchased.

7           6. An itemized account of the campaign debts and extensions of credit  
8 that are owed by the candidate or political committee and that remain  
9 outstanding including the name and address of the obligee or creditor, the  
10 amount owed, whether the amount is certain or estimated and on what basis,  
11 and the purpose of the obligation. An obligation that is itemized on a  
12 campaign finance report shall be listed on all subsequent finance reports  
13 until extinguished.

14           7. The total sum of all receipts, together with the total receipts  
15 less offsets, and the total sum of all disbursements, together with the total  
16 disbursements less offsets, for both the period covered by the report and the  
17 election.

18           B. The amount of an in-kind contribution shall be equal to the usual  
19 and normal value on the date received by the political committee as  
20 determined by generally accepted accounting principles.

21           C. Campaign finance reports shall be cumulative for the election to  
22 which they relate, but if there has been no change during the period covered  
23 by a report in an item listed in a previous report for that election, only  
24 the amount need be carried forward.

25           D. A candidate's campaign committee or a political committee that  
26 makes contributions to candidates and that has received prior contributions  
27 from an individual or a political committee for an election shall show in  
28 each report for that election the cumulative total received from that source.

29           E. In the case of a political committee that receives contributions  
30 through a payroll deduction plan, that committee is not required to  
31 separately itemize each additional contribution received from the contributor  
32 during the reporting period. In lieu of the separate itemization required by  
33 subsection A, paragraph 2 of this section, the committee may report all of  
34 the following:

35           1. The aggregate amount of contributions received from the contributor  
36 through the payroll deduction plan during the reporting period.

37           2. The identification of the individual.

38           3. A statement of the amount deducted per pay period.

39           F. An independent expenditure report shall contain all of the  
40 following:

41           1. The name and address of any person to whom an independent  
42 expenditure was made.

43           2. The date and amount of the independent expenditure.

44           3. The purpose of the independent expenditure including a description  
45 of what was purchased.



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

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

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

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

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

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

23 ~~H. Any person who delivers more than ten early ballots to an election  
24 official for tallying shall also provide to the election official a copy of  
25 the person's photo identification. If the person delivering the ballots does  
26 not provide a copy of the person's photo identification, the election  
27 official shall record the information from the person's photo identification  
28 and retain the information as a part of the records of the voting location as  
29 prescribed in procedures established by the secretary of state in the  
30 instructions and procedures manual adopted pursuant to section 16 452.  
31 Within sixty days after the election, the officer in charge of that election  
32 shall submit to the secretary of state the photocopies or other electronic  
33 facsimiles or other information submitted by the persons delivering the early  
34 ballots. The secretary of state shall compile a statewide report on the  
35 submittals and shall make that information available to the public on the  
36 secretary of state's website. The secretary of state may make any referrals  
37 to the appropriate prosecuting agency for purposes of enforcing this chapter.~~

38 Sec. 18. Section 41-192, Arizona Revised Statutes, is amended to read:

39 41-192. Powers and duties of attorney general; restrictions on  
40 state agencies as to legal counsel; exceptions

41 A. The attorney general shall have charge of and direct the department  
42 of law and shall serve as chief legal officer of the state. The attorney  
43 general shall:

44 1. Be the legal advisor of the departments of this state and render  
45 such legal services as the departments require.

1           2. Establish administrative and operational policies and procedures  
2 within his department.

3           3. Approve long-range plans for developing departmental programs  
4 therein, and coordinate the legal services required by other departments of  
5 this state or other state agencies.

6           4. Represent school districts and governing boards of school districts  
7 in any lawsuit involving a conflict of interest with other county offices.

8           5. Represent political subdivisions, school districts and  
9 municipalities in suits to enforce state or federal statutes pertaining to  
10 antitrust, restraint of trade or price-fixing activities or conspiracies, if  
11 the attorney general notifies in writing the political subdivisions, school  
12 districts and municipalities of the attorney general's intention to bring any  
13 such action on its behalf. At any time within thirty days after the  
14 notification, the political subdivisions, school districts and  
15 municipalities, by formal resolution of its governing body, may withdraw the  
16 authority of the attorney general to bring the intended action on its behalf.

17           6. In any action brought by the attorney general pursuant to state or  
18 federal statutes pertaining to antitrust, restraint of trade, or price-fixing  
19 activities or conspiracies for the recovery of damages by this state or any  
20 of its political subdivisions, school districts or municipalities, in  
21 addition to the attorney general's other powers and authority, the attorney  
22 general on behalf of this state may enter into contracts relating to the  
23 investigation and prosecution of such action with any other party plaintiff  
24 who has brought a similar action for the recovery of damages and with whom  
25 the attorney general finds it advantageous to act jointly or to share common  
26 expenses or to cooperate in any manner relative to such action. In any such  
27 action, notwithstanding any other laws to the contrary, the attorney general  
28 may undertake, among other things, to render legal services as special  
29 counsel or to obtain the legal services of special counsel from any  
30 department or agency of the United States, of this state or any other state  
31 or any department or agency thereof or any county, city, public corporation  
32 or public district in this state or in any other state that has brought or  
33 intends to bring a similar action for the recovery of damages or their duly  
34 authorized legal representatives in such action.

35           7. Organize the civil rights division within the department of law and  
36 administer such division pursuant to the powers and duties provided in  
37 chapter 9 of this title.

38           8. Compile, publish and distribute to all state agencies, departments,  
39 boards, commissions and councils, and to other persons and government  
40 entities on request, at least every ten years, the Arizona agency handbook  
41 that sets forth and explains the major state laws that govern state agencies,  
42 including information on the laws relating to bribery, conflicts of interest,  
43 contracting with the government, disclosure of public information,  
44 discrimination, nepotism, financial disclosure, gifts and extra compensation,  
45 incompatible employment, political activity by employees, public access and

1 misuse of public resources for personal gain. A supplement to the handbook  
2 reflecting revisions to the information contained in the handbook shall be  
3 compiled and distributed by the attorney general as deemed necessary.

4 B. Except as otherwise provided by law, the attorney general may:

5 1. Organize the department into such bureaus, subdivisions or units as  
6 he deems most efficient and economical, and consolidate or abolish them.

7 2. Adopt rules for the orderly conduct of the business of the  
8 department.

9 3. Employ and assign assistant attorneys general and other employees  
10 necessary to perform the functions of the department.

11 4. Compromise or settle any action or claim by or against this state  
12 or any department, board or agency of this state. If the compromise or  
13 settlement involves a particular department, board or agency of this state,  
14 the compromise or settlement shall be first approved by the department, board  
15 or agency. If no department or agency is named or otherwise materially  
16 involved, the approval of the governor shall be first obtained.

17 5. Charge reasonable fees for distributing official publications,  
18 including attorney general legal opinions and the Arizona agency handbook.  
19 The fees received shall be transmitted to the state treasurer for deposit in  
20 the state general fund.

21 C. Assistants and employees in any legal division subject to a merit  
22 system prior to March 6, 1953 shall remain subject thereto.

23 D. The powers and duties of a bureau, subdivision or unit shall be  
24 limited to those assigned by law to the department.

25 E. Notwithstanding any law to the contrary, except as provided in  
26 subsections F and G of this section, no state agency other than the attorney  
27 general shall employ legal counsel or make an expenditure or incur an  
28 indebtedness for legal services, but the following are exempt from this  
29 section:

30 1. The director of water resources.

31 2. The residential utility consumer office.

32 3. The industrial commission.

33 4. The Arizona board of regents.

34 5. The auditor general.

35 6. The corporation commissioners and the corporation commission other  
36 than the securities division.

37 7. The office of the governor.

38 8. The constitutional defense council.

39 9. The office of the state treasurer.

40 10. The Arizona commerce authority.

41 **11. THE OFFICE OF THE SECRETARY OF STATE.**

42 F. If the attorney general determines that he is disqualified from  
43 providing judicial or quasi-judicial legal representation or legal services  
44 on behalf of any state agency in relation to any matter, the attorney general  
45 shall give written notification to the state agency affected. If the agency

1 has received written notification from the attorney general that the attorney  
2 general is disqualified from providing judicial or quasi-judicial legal  
3 representation or legal services in relation to any particular matter, the  
4 state agency is authorized to make expenditures and incur indebtedness to  
5 employ attorneys to provide the representation or services.

6 G. If the attorney general and the director of the department of  
7 agriculture cannot agree on the final disposition of a pesticide complaint  
8 under section 3-368, if the attorney general and the director determine that  
9 a conflict of interest exists as to any matter or if the attorney general and  
10 the director determine that the attorney general does not have the expertise  
11 or attorneys available to handle a matter, the director is authorized to make  
12 expenditures and incur indebtedness to employ attorneys to provide  
13 representation or services to the department with regard to that matter.

14 H. Any department or agency of this state authorized by law to  
15 maintain a legal division or incur expenses for legal services from funds  
16 derived from sources other than the general revenue of the state, or from any  
17 special or trust fund, shall pay from such source of revenue or special or  
18 trust fund into the general fund of the state, to the extent such funds are  
19 available and upon a reimbursable basis for warrants drawn, the amount  
20 actually expended by the department of law within legislative appropriations  
21 for such legal division or legal services.

22 I. Appropriations made pursuant to subsection H of this section shall  
23 not be subject to lapsing provisions otherwise provided by law. Services for  
24 departments or agencies to which this subsection and subsection G of this  
25 section are applicable shall be performed by special or regular assistants to  
26 the attorney general.

27 J. Notwithstanding section 35-148, monies received by the attorney  
28 general from charges to state agencies and political subdivisions for legal  
29 services relating to interagency service agreements shall be deposited,  
30 pursuant to sections 35-146 and 35-147, in an attorney general agency  
31 services fund. Monies in the fund are subject to legislative appropriation  
32 and are exempt from the provisions of section 35-190 relating to lapsing of  
33 appropriations.