

REFERENCE TITLE: comprehensive election law amendments

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

HB 2379

Introduced by
Representative Farnsworth

AN ACT

AMENDING SECTIONS 16-168, 16-242, 16-244, 16-312, 16-315, 16-343, 16-580, 16-803, 16-804, 16-901, 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 of this section. Nothing in this section shall preclude public
5 inspection of voter registration records at the office of the county recorder
6 for the purposes prescribed by this section, except that the month and day of
7 birth date, the social security number or any portion thereof, the driver
8 license number or nonoperating identification license number, the Indian
9 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~~ APRIL 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 16-242, Arizona Revised Statutes, is amended to read:

20 16-242. Qualifications for ballot; nomination paper

21 A. A person seeking nomination as a candidate for the office of
22 president of the United States shall sign and cause to be filed with the
23 secretary of state a nomination paper that contains the following
24 information:

- 25 1. The name, residence address and mailing address of the candidate.
- 26 2. The name of the recognized political party from which the person
27 seeks nomination.
- 28 3. The name and address of the chairman of the candidate's state
29 committee.
- 30 4. The exact manner for printing the candidate's name on the
31 presidential preference ballot pursuant to section 16-311.

32 B. The nomination paper shall be filed not less than ~~fifty~~ SIXTY days
33 nor more than ~~seventy~~ NINETY days before the presidential preference election
34 and not later than 5:00 p.m. on the last day for filing.

35 C. Section 16-351 does not apply to a nomination paper filed pursuant
36 to this section.

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

40 Sec. 3. Section 16-244, Arizona Revised Statutes, is amended to read:

41 16-244. Representation on ballot

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

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

1 2. A new political party that has become eligible for recognition and
2 that will be represented by an official party ballot pursuant to section
3 16-801. A petition for recognition of a new political party shall be filed
4 with the secretary of state not less than ~~seventy-five~~ ONE HUNDRED TWENTY nor
5 more than one hundred ~~five~~ FIFTY days ~~prior to~~ BEFORE the presidential
6 preference election, AND IN THE SAME MANNER AS PRESCRIBED IN SECTION 16-801.
7 ~~A petition for recognition shall be submitted for signature verification to a~~
8 ~~county recorder no later than one hundred fifteen days prior to the~~
9 ~~presidential preference election. The county recorder shall verify and count~~
10 ~~all signatures of qualified electors within thirty days after submission.~~
11 THE PETITION SHALL BE PROCESSED AND VERIFIED AS PRESCRIBED IN SECTION 16-803.
12 A political party that is eligible for the presidential preference election
13 ballot shall be represented on the subsequent primary and general election
14 ballots in the year of the presidential election.

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

24 Sec. 4. Section 16-312, Arizona Revised Statutes, is amended to read:

25 16-312. Filing of nomination papers for write-in candidates

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

31 B. A write-in candidate shall file the nomination paper not later than
32 5:00 p.m. on the ~~fortieth~~ FORTY-SIXTH day before the election, except that:

33 1. A candidate running as a write-in candidate as provided in section
34 16-343, subsection D shall file the nomination paper not later than 5:00 p.m.
35 on the fifth day before the election.

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

39 C. The write-in filing procedure shall be in the same manner as
40 prescribed in section 16-311. Any person who does not file a timely
41 nomination paper shall not be counted in the tally of ballots. The filing
42 officer shall not accept the nomination paper of a candidate for state or
43 local office unless the candidate provides or has provided both of the
44 following:

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

3 2. The financial disclosure statement as prescribed for candidates for
4 that office.

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

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

18 1. For a candidate in the general election, the candidate ran in the
19 immediately preceding primary election and failed to be nominated to the
20 office sought in the current election.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 Sec. 7. Section 16-580, Arizona Revised Statutes, is amended to read:
21 16-580. Manner of voting; assistance for certain electors

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

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

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

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

44 E. The election board official shall receive the ballot from the voter
45 and in the presence of the election board and if the ballot includes a stub,

1 remove the stub without opening the ballot, deposit the ballot in the ballot
2 box, or if the voter so requests, hand the ballot to the voter and permit the
3 voter to deposit the ballot in the ballot box, and string the stub, if any,
4 on a string provided. If the ballot is of the type that includes a stub and
5 the stub has been removed from the ballot before receipt by the election
6 official, it shall not be deposited in the ballot box, but it shall be marked
7 "spoiled" and placed with the spoiled ballots.

8 F. After delivery of the ballot to the election board official, or if
9 the voter has asked to deposit the ballot in the ballot box, after the ballot
10 is deposited, the voter shall then proceed outside the voting area and shall
11 not again enter the voting area unless the voter is an authorized election
12 official.

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

23 Sec. 8. Section 16-803, Arizona Revised Statutes, is amended to read:
24 16-803. Filing petition for recognition; submission of
25 petitions to county recorder for signature
26 verification

27 A. A petition for recognition of a new political party shall be filed
28 with the secretary of state, the officer in charge of elections of the county
29 or the city or town clerk, as the case may be, not less than one hundred
30 ~~forty~~ EIGHTY days before the primary election for which the party seeks
31 recognition. A new party that seeks both state and county recognition may
32 file the original petition with the officer in charge of elections for the
33 county and a certified copy of the petition with the secretary of state.

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

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

42 1. REVIEW EACH SHEET TO DETERMINE THE COUNTY OF THE MAJORITY OF THE
43 SIGNERS AND SHALL:

1 (a) PLACE A THREE OR FOUR LETTER ABBREVIATION DESIGNATING THAT COUNTY
2 IN THE UPPER RIGHT-HAND CORNER OF THE FACE OF THE PETITION.
3 (b) REMOVE ALL SIGNATURES OF THOSE NOT IN THE COUNTY OF THE MAJORITY
4 ON EACH SHEET BY MARKING AN "SS" IN RED INK IN THE MARGIN TO THE RIGHT OF THE
5 SIGNATURE LINE.
6 (c) CAUSE ALL SIGNATURE SHEETS TO BE GROUPED TOGETHER BY COUNTY OF
7 REGISTRATION OF THE MAJORITY OF THOSE SIGNING.
8 2. Remove the following signatures that are not eligible for
9 verification by marking an "SS" in red ink in the margin to the right of the
10 signature line:
11 ~~1.~~ (a) If the signature of the qualified elector is missing.
12 ~~2.~~ (b) If the residence address or the description of residence
13 location is missing.
14 ~~3.~~ (c) If the date on which the petitioner signed is missing.
15 C. AFTER THE REMOVAL OF PETITION SHEETS AND SIGNATURES, COUNT THE
16 NUMBER OF SIGNATURES FOR VERIFICATION ON THE REMAINING PETITION SHEETS AND
17 NOTE THAT NUMBER IN THE UPPER RIGHT-HAND CORNER OF THE FACE OF EACH PETITION
18 SHEET IMMEDIATELY ABOVE THE COUNTY DESIGNATION.
19 D. NUMBER THE REMAINING PETITION SHEETS THAT WERE NOT PREVIOUSLY
20 REMOVED AND THAT CONTAIN SIGNATURES ELIGIBLE FOR VERIFICATION IN CONSECUTIVE
21 ORDER ON THE FRONT SIDE OF EACH PETITION SHEET IN THE UPPER LEFT-HAND CORNER.
22 E. COUNT ALL REMAINING PETITION SHEETS AND SIGNATURES NOT PREVIOUSLY
23 REMOVED AND ISSUE A RECEIPT TO THE APPLICANT OF THIS TOTAL NUMBER ELIGIBLE
24 FOR VERIFICATION.
25 ~~D.~~ F. The secretary of state, during the same ~~five~~ SEVEN business day
26 period provided in subsection ~~C~~ B, shall select, at random, twenty per cent
27 of the total signatures eligible for verification by the county recorders of
28 the counties in which the persons signing the petition claim to be qualified
29 electors. The random sample of signatures to be verified shall be drawn in
30 such a manner that every signature eligible for verification has an equal
31 chance of being included in the sample. The random sample produced shall
32 identify each signature selected by petition page and line number. The
33 signatures selected shall be marked according to the following procedure:
34 1. Using red ink, mark the selected signature by circling the line
35 number and drawing a line from the base of the circle extending into the left
36 margin.
37 2. If a signature line selected for the random sample is found to be
38 blank or was removed from the verification process pursuant to subsection ~~C~~
39 B, then the next line down, even if that requires going to the next petition
40 sheet in sequence, on which an eligible signature appears shall be selected
41 as a substitute if that line has not already been selected for the random
42 sample. If the next eligible line is already being used in the random
43 sample, the secretary of state shall proceed back up the page from the
44 signature line originally selected for the random sample to the next previous
45 signature line eligible for verification. If that line is already being used

1 in the random sample, the secretary of state shall continue moving down the
2 page or to the next page from the line originally selected for the random
3 sample and shall select the next eligible signature as its substitute for the
4 random sample. The secretary of state shall use this process of alternately
5 moving forward and backward until a signature eligible for verification and
6 not already included in the random sample can be selected and substituted.

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

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

20 1. No residence address or description of residence location is
21 provided.

22 2. No date of signing is provided.

23 3. The signature is illegible and the signer is otherwise
24 unidentifiable.

25 4. The address provided is illegible or nonexistent.

26 5. The individual was not a qualified elector on the date of signing
27 the petition.

28 6. The individual was a registered voter but was not at least eighteen
29 years of age on the date of signing the petition or affidavit.

30 7. The signature was disqualified after comparison with the signature
31 on the affidavit of registration.

32 8. If a petitioner signed more than once, all but one otherwise valid
33 signature shall be disqualified.

34 9. For the same reasons any signatures could have been removed by the
35 secretary of state pursuant to this section.

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

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

41 2. The total number of signatures selected for the random sample and
42 transmitted to the county recorder for verification and the total number of
43 random sample signatures disqualified.

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

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

8 Sec. 10. Section 16-901, Arizona Revised Statutes, is amended to read:
9 16-901. Definitions

10 In this chapter, unless the context otherwise requires:

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

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

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

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

25 5. "Contribution" means any gift, subscription, loan, advance or
26 deposit of money or anything of value made for the purpose of influencing an
27 election including supporting or opposing the recall of a public officer or
28 supporting or opposing the circulation of a petition for a ballot measure,
29 question or proposition or the recall of a public officer and:

30 (a) Includes all of the following:

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

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

36 (iii) The entire amount paid to a political committee to attend a
37 fund-raising or other political event and the entire amount paid to a
38 political committee as the purchase price for a fund-raising meal or item,
39 except that no contribution results if the actual cost of the meal or
40 fund-raising item, based on the amount charged to the committee by the
41 vendor, constitutes the entire amount paid by the purchaser for the meal or
42 item, the meal or item is for the purchaser's personal use and not for resale
43 and the actual cost is the entire amount paid by the purchaser in connection
44 with the event. This exception does not apply to auction items.

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

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

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

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

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

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

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

39 (vi) Independent expenditures.

40 (vii) Monies loaned by a state bank, a federally chartered depository
41 institution or a depository institution the deposits or accounts of which are
42 insured by the federal deposit insurance corporation or the national credit
43 union administration, other than an overdraft made with respect to a checking
44 or savings account, that is made in accordance with applicable law and in the
45 ordinary course of business. In order for this exemption to apply, this loan

1 shall be deemed a loan by each endorser or guarantor, in that proportion of
2 the unpaid balance that each endorser or guarantor bears to the total number
3 of endorsers or guarantors, the loan shall be made on a basis that assures
4 repayment, evidenced by a written instrument, shall be subject to a due date
5 or amortization schedule and shall bear the usual and customary interest rate
6 of the lending institution.

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

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

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

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

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

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

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

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

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

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

19 (b) Nonpartisan activity designed to encourage individuals to vote or
20 to register to vote.

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

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

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

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

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

4 11. "Filing officer" means the office that is designated by section
5 16-916 to conduct the duties prescribed by this chapter.

6 12. "Identification" means:

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

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

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

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

28 (a) Any officer, member, employee or agent of the political committee
29 making the expenditure is also an officer, member, employee or agent of the
30 committee of the candidate whose election or whose opponent's defeat is being
31 advocated by the expenditure or an agent of the candidate whose election or
32 whose opponent's defeat is being advocated by the expenditure.

33 (b) There is any arrangement, coordination or direction with respect
34 to the expenditure between the candidate or the candidate's agent and the
35 person making the expenditure, including any officer, director, employee or
36 agent of that person.

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

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

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

43 (d) The expenditure is based on information about the candidate's
44 plans, projects or needs, or those of his campaign committee, provided to the
45 expending person by the candidate or by the candidate's agents or any

1 officer, member or employee of the candidate's campaign committee with a view
2 toward having the expenditure made.

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

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

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

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

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

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

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

25 (d) Family contributions.

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

43 (a) A candidate's campaign committee.

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

- 1 (c) A committee acting in support of or opposition to the
2 qualification, passage or defeat of a ballot measure, question or
3 proposition.
- 4 (d) A committee organized to circulate or oppose a recall petition or
5 to influence the result of a recall election.
- 6 (e) A political party.
- 7 (f) A committee organized for the purpose of making independent
8 expenditures.
- 9 (g) A committee organized in support of or opposition to one or more
10 candidates.
- 11 (h) A political organization.
- 12 (i) An exploratory committee.
- 13 20. "Political organization" means an organization that is formally
14 affiliated with and recognized by a political party including a district
15 committee organized pursuant to section 16-823.
- 16 21. "Political party" means the state committee as prescribed by
17 section 16-825 or the county committee as prescribed by section 16-821 of an
18 organization that meets the requirements for recognition as a political party
19 pursuant to section 16-801 or section 16-804, subsection A.
- 20 22. "Sponsoring organization" means any organization that establishes,
21 administers or contributes financial support to the administration of, or
22 that has common or overlapping membership or officers with, a political
23 committee other than a candidate's campaign committee.
- 24 23. "Standing political committee" means a political committee that ~~is~~
25 **SATISFIES** all of the following:
- 26 (a) **IS** active in more than one reporting jurisdiction in this state
27 for more than one year.
- 28 (b) Files a statement of organization as prescribed by section
29 16-902.01, subsection E.
- 30 (c) Is any of the following as defined by paragraph 19 of this
31 section:
- 32 (i) A separate, segregated fund.
- 33 (ii) A political party.
- 34 (iii) A committee organized for the purpose of making independent
35 expenditures.
- 36 (iv) A political organization.
- 37 24. "Statewide office" means the office of governor, secretary of
38 state, state treasurer, attorney general, superintendent of public
39 instruction, corporation commissioner or mine inspector.
- 40 25. "Surplus monies" means those monies of a political committee
41 remaining after all of the committee's expenditures have been made and its
42 debts have been extinguished.

1 Sec. 11. Section 16-913, Arizona Revised Statutes, is amended to read:
2 16-913. Campaign finance reports; reporting of receipts and
3 disbursements; exemptions; civil penalty

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

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

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

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

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

20 C. In any other calendar year, the political committee shall file a
21 report covering the period beginning twenty-one days after the date of the
22 election in the preceding calendar year through December 31 of the
23 nonelection year filed no later than January 31 of the following calendar
24 year, **EXCEPT THAT IF AN ELECTION THAT IS NOT REGULARLY SCHEDULED IS HELD IN**
25 **THAT CALENDAR YEAR AND THE POLITICAL COMMITTEE RECEIVES CONTRIBUTIONS OR**
26 **MAKES EXPENDITURES TO INFLUENCE THAT ELECTION, THE POLITICAL COMMITTEE SHALL**
27 **FILE THE FOLLOWING:**

28 1. **A PREELECTION REPORT THAT IS DUE AS PRESCRIBED BY SUBSECTION B,**
29 **PARAGRAPH 2 OF THIS SECTION.**

30 2. **A POSTELECTION REPORT THAT IS DUE AS PRESCRIBED BY SUBSECTION B,**
31 **PARAGRAPH 3 OF THIS SECTION.**

32 3. **AN ANNUAL REPORT THAT IS DUE BY JANUARY 31 IN THE YEAR IMMEDIATELY**
33 **FOLLOWING THE CALENDAR YEAR THAT IS THE SUBJECT OF THE REPORT.**

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

40 E. In lieu of the reports prescribed in subsections B and C of this
41 section, a candidate's political committee that remains active after an
42 election due to outstanding debts may file a document no later than January
43 31 in a form prescribed by the secretary of state that states that the
44 committee does not intend to receive any contributions or make any
45 expenditures during the year. If a candidate's political committee does

1 receive a contribution or make an expenditure during that year, the committee
2 shall report as prescribed by subsection B or C of this section.

3 F. A judge who has filed a declaration of the desire to be retained in
4 office is exempt from filing any report required by this section if the
5 judge, not later than twelve days before the general election, files a
6 statement signed and sworn to by the judge certifying that the judge has
7 received no contributions, has made no expenditures and has no campaign
8 committee and that the judge does not intend to receive contributions, make
9 expenditures or have a campaign committee for the purpose of influencing the
10 result of the vote on the question of the judge's retention. With respect to
11 superior court judges, a statement filed pursuant to this subsection is
12 effective until the earlier of twelve days before the third general election
13 following the filing of this statement or the judge receives contributions,
14 makes expenditures or authorizes a campaign committee. Such a statement
15 filed by a supreme court justice or a court of appeals judge is effective
16 until the earlier of twelve days before the fourth general election following
17 the filing of this statement or the justice or judge receives contributions,
18 makes expenditures or authorizes a campaign committee.

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

21 H. Except as provided in section 16-916, subsection B and subsection K
22 of this section, a political committee shall comply with the requirements of
23 this section in each jurisdiction in this state in which the committee has
24 filed a statement of organization until the committee terminates pursuant to
25 section 16-914, and its statements, designations and reports shall be filed
26 with each officer with whom it has filed a statement of organization, as
27 appropriate.

28 I. Each report required to be filed pursuant to this section shall be
29 signed by the committee treasurer or the candidate or the designating
30 individual if the treasurer is unavailable and shall contain the
31 certification of the signer under penalty of perjury that the report is true
32 and complete.

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

37 K. A standing political committee shall file reports with the
38 secretary of state and is exempt from filing a report with any other
39 jurisdiction in which it is active. The reports shall be in an electronic
40 format as prescribed by the secretary of state or by use of the internet.
41 The secretary of state shall promptly make the reports available to the
42 public on the internet and shall make the reports available by electronic
43 means by request. The standing committee shall file the following reports:

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

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

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

9 Sec. 12. Section 16-914.01, Arizona Revised Statutes, is amended to
10 read:

11 16-914.01. Reporting of contributions by committees acting on
12 ballot measures; civil penalty; definition

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

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

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

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

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

38 1. The committee has received contributions totaling ten thousand
39 dollars or more.

40 2. The committee has made expenditures totaling ten thousand dollars
41 or more.

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

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

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

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

12 E. For the purposes of this section, "single source" includes
13 principals of the same partnership, corporation, limited partnership, limited
14 liability company, limited liability partnership or association.

15 Sec. 13. Section 16-915, Arizona Revised Statutes, is amended to read:
16 16-915. Contents of campaign finance reports

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

19 1. The amount of cash on hand at the beginning of the reporting
20 period.

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

24 (a) Contributions from individuals.

25 (b) Contributions from political committees.

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

28 (d) All other loans.

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

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

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

32 3. The identification of each:

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

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

41 (c) Person who makes a loan during the period covered by the report,
42 together with the identification of any endorser or guarantor of the loan and
43 the amount endorsed or guaranteed by each, and the date and amount of the
44 loan.

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

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

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

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

13 (b) Transfers to other political committees.

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

16 (d) Repayment of all other loans.

17 (e) Refunds of contributions received and other offsets to
18 contributions.

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

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

21 (h) Independent expenditures together with the information required
22 pursuant to subsection F.

23 (i) Any other disbursements.

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

30 6. An itemized account of the campaign debts and extensions of credit
31 that are owed by the candidate or political committee and that remain
32 outstanding including the name and address of the obligee or creditor, the
33 amount owed, whether the amount is certain or estimated and on what basis,
34 and the purpose of the obligation. An obligation that is itemized on a
35 campaign finance report shall be listed on all subsequent finance reports
36 until extinguished.

37 7. The total sum of all receipts, together with the total receipts
38 less offsets, and the total sum of all disbursements, together with the total
39 disbursements less offsets, for both the period covered by the report and the
40 election.

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

44 C. Campaign finance reports shall be cumulative for the election to
45 which they relate, but if there has been no change during the period covered

1 by a report in an item listed in a previous report for that election, only
2 the amount need be carried forward.

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

7 E. In the case of a political committee that receives contributions
8 through a payroll deduction plan, that committee is not required to
9 separately itemize each additional contribution received from the contributor
10 during the reporting period. In lieu of the separate itemization required by
11 subsection A, paragraph 2 of this section, the committee may report all of
12 the following:

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

15 2. The identification of the individual.

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

17 F. An independent expenditure report shall contain all of the
18 following:

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

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

22 3. The purpose of the independent expenditure including a description
23 of what was purchased.

24 4. The name of each candidate whose election or defeat was advocated
25 by the expenditure and, for each such candidate, the office sought by the
26 candidate and the year of the election.

27 5. The names, occupations, employers and amount contributed by each of
28 the three contributors that contributed the most money within the preceding
29 six months provided that if any other contributor contributed the same amount
30 during this time period as any of the top three contributors the information
31 shall be provided for that contributor as well. If any of these contributors
32 is a political committee, the report shall include the names, occupations and
33 employers of the committee's chairman and treasurer.

34 6. Under penalty of perjury, a certification stating whether or not
35 the claimed independent expenditure is made in cooperation, consultation or
36 concert with or at the request or suggestion of any candidate or any campaign
37 committee or agent of that candidate.

38 Sec. 14. Section 16-917, Arizona Revised Statutes, is amended to read:

39 16-917. Independent expenditures; in-kind contribution; civil
40 penalty

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

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

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

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

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

18 Sec. 15. Section 16-1005, Arizona Revised Statutes, is amended to
19 read:

20 16-1005. Ballot abuse; violation; classification

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

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

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

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

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

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

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

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

16 Sec. 16. Section 41-192, Arizona Revised Statutes, is amended to read:

17 ~~41-192.~~ Powers and duties of attorney general; restrictions on
18 state agencies as to legal counsel; exceptions

19 A. The attorney general shall have charge of and direct the department
20 of law and shall serve as chief legal officer of the state. The attorney
21 general shall:

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

24 2. Establish administrative and operational policies and procedures
25 within his department.

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

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

31 5. Represent political subdivisions, school districts and
32 municipalities in suits to enforce state or federal statutes pertaining to
33 antitrust, restraint of trade or price-fixing activities or conspiracies, if
34 the attorney general notifies in writing the political subdivisions, school
35 districts and municipalities of the attorney general's intention to bring any
36 such action on its behalf. At any time within thirty days after the
37 notification, the political subdivisions, school districts and
38 municipalities, by formal resolution of its governing body, may withdraw the
39 authority of the attorney general to bring the intended action on its behalf.

40 6. In any action brought by the attorney general pursuant to state or
41 federal statutes pertaining to antitrust, restraint of trade, or price-fixing
42 activities or conspiracies for the recovery of damages by this state or any
43 of its political subdivisions, school districts or municipalities, in
44 addition to the attorney general's other powers and authority, the attorney
45 general on behalf of this state may enter into contracts relating to the

1 investigation and prosecution of such action with any other party plaintiff
2 who has brought a similar action for the recovery of damages and with whom
3 the attorney general finds it advantageous to act jointly or to share common
4 expenses or to cooperate in any manner relative to such action. In any such
5 action, notwithstanding any other laws to the contrary, the attorney general
6 may undertake, among other things, to render legal services as special
7 counsel or to obtain the legal services of special counsel from any
8 department or agency of the United States, of this state or any other state
9 or any department or agency thereof or any county, city, public corporation
10 or public district in this state or in any other state that has brought or
11 intends to bring a similar action for the recovery of damages or their duly
12 authorized legal representatives in such action.

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

16 8. Compile, publish and distribute to all state agencies, departments,
17 boards, commissions and councils, and to other persons and government
18 entities on request, at least every ten years, the Arizona agency handbook
19 that sets forth and explains the major state laws that govern state agencies,
20 including information on the laws relating to bribery, conflicts of interest,
21 contracting with the government, disclosure of public information,
22 discrimination, nepotism, financial disclosure, gifts and extra compensation,
23 incompatible employment, political activity by employees, public access and
24 misuse of public resources for personal gain. A supplement to the handbook
25 reflecting revisions to the information contained in the handbook shall be
26 compiled and distributed by the attorney general as deemed necessary.

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

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

30 2. Adopt rules for the orderly conduct of the business of the
31 department.

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

34 4. Compromise or settle any action or claim by or against this state
35 or any department, board or agency of this state. If the compromise or
36 settlement involves a particular department, board or agency of this state,
37 the compromise or settlement shall be first approved by the department, board
38 or agency. If no department or agency is named or otherwise materially
39 involved, the approval of the governor shall be first obtained.

40 5. Charge reasonable fees for distributing official publications,
41 including attorney general legal opinions and the Arizona agency handbook.
42 The fees received shall be transmitted to the state treasurer for deposit in
43 the state general fund.

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

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

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

- 8 1. The director of water resources.
- 9 2. The residential utility consumer office.
- 10 3. The industrial commission.
- 11 4. The Arizona board of regents.
- 12 5. The auditor general.
- 13 6. The corporation commissioners and the corporation commission other
14 than the securities division.
- 15 7. The office of the governor.
- 16 8. The constitutional defense council.
- 17 9. The office of the state treasurer.
- 18 10. The Arizona commerce authority.
- 19 11. THE OFFICE OF THE SECRETARY OF STATE.

20 F. If the attorney general determines that he is disqualified from
21 providing judicial or quasi-judicial legal representation or legal services
22 on behalf of any state agency in relation to any matter, the attorney general
23 shall give written notification to the state agency affected. If the agency
24 has received written notification from the attorney general that the attorney
25 general is disqualified from providing judicial or quasi-judicial legal
26 representation or legal services in relation to any particular matter, the
27 state agency is authorized to make expenditures and incur indebtedness to
28 employ attorneys to provide the representation or services.

29 G. If the attorney general and the director of the department of
30 agriculture cannot agree on the final disposition of a pesticide complaint
31 under section 3-368, if the attorney general and the director determine that
32 a conflict of interest exists as to any matter or if the attorney general and
33 the director determine that the attorney general does not have the expertise
34 or attorneys available to handle a matter, the director is authorized to make
35 expenditures and incur indebtedness to employ attorneys to provide
36 representation or services to the department with regard to that matter.

37 H. Any department or agency of this state authorized by law to
38 maintain a legal division or incur expenses for legal services from funds
39 derived from sources other than the general revenue of the state, or from any
40 special or trust fund, shall pay from such source of revenue or special or
41 trust fund into the general fund of the state, to the extent such funds are
42 available and upon a reimbursable basis for warrants drawn, the amount
43 actually expended by the department of law within legislative appropriations
44 for such legal division or legal services.

1 I. Appropriations made pursuant to subsection H of this section shall
2 not be subject to lapsing provisions otherwise provided by law. Services for
3 departments or agencies to which this subsection and subsection G of this
4 section are applicable shall be performed by special or regular assistants to
5 the attorney general.
6 J. Notwithstanding section 35-148, monies received by the attorney
7 general from charges to state agencies and political subdivisions for legal
8 services relating to interagency service agreements shall be deposited,
9 pursuant to sections 35-146 and 35-147, in an attorney general agency
10 services fund. Monies in the fund are subject to legislative appropriation
11 and are exempt from the provisions of section 35-190 relating to lapsing of
12 appropriations.