

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

HOUSE BILL 2379

AN ACT

AMENDING SECTIONS 16-168, 16-222, 16-230, 16-241, 16-242, 16-244, 16-250, 16-315, 16-321 AND 16-343, ARIZONA REVISED STATUTES; AMENDING TITLE 16, CHAPTER 3, ARTICLE 6, ARIZONA REVISED STATUTES, BY ADDING SECTION 16-351.01; AMENDING SECTIONS 16-464, 16-571, 16-580, 16-674, 16-803, 16-804, 16-901, 16-902.01, 16-913, 16-914.01, 16-915, 16-917, 16-1005, 16-1019, 41-192 AND 41-1202, ARIZONA REVISED STATUTES; RELATING TO ELECTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 16-168, Arizona Revised Statutes, is amended to
3 read:

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

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

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

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

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

1 7. Telephone number if given.

2 8. Birth year.

3 9. Occupation if given.

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

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

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

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

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

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

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

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

26 (a) January 1.

27 (b) March 1.

28 ~~(c) June 1.~~

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

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

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

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

37 (a) January 1.

38 (b) April 1.

39 (c) July 1.

40 (d) October 1.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 Sec. 8. Section 16-315, Arizona Revised Statutes, is amended to read:

2 16-315. Form of petitions; registration of circulators

3 A. The nomination petitions shall be in substantially the following
4 form:

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

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

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

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

14 (a) Signature. ~~;~~

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

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

18 (d) Date of signing.

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

21 B. The following shall appear on the petition:

22 Instructions for Circulators

23 1. All petitions shall be signed by circulator.

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

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

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

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

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

41 Sec. 9. Section 16-321, Arizona Revised Statutes, is amended to read:

42 16-321. Signing and certification of nomination petition

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

1 equal to the number of candidates to be elected to the office. A signature
2 shall not be counted on a nomination petition unless the signature is on a
3 sheet bearing the form prescribed by section 16-314.

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

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

15 D. The person before whom the signatures were written on the signature
16 sheet is not required to be a resident of this state but otherwise shall be
17 qualified to register to vote in this state pursuant to section 16-101 and,
18 if not a resident of this state, shall register as a circulator with the
19 secretary of state. A circulator shall verify that each of the names on the
20 petition was signed in his presence on the date indicated, and that in his
21 belief each signer was a qualified elector who resides at the address given
22 as the signer's residence on the date indicated and, if for a partisan
23 election, that each signer is a member of the party from which the candidate
24 is seeking nomination, or the signer is a member of a political party that is
25 not entitled to continued representation on the ballot pursuant to section
26 16-804 or the signer is registered as independent or no party preferred. The
27 way the name appears on the petition shall be the name used in determining
28 the validity of the name for any legal purpose pursuant to the election laws
29 of this state. Signature and handwriting comparisons may be made.

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

38 F. NOTWITHSTANDING ANY OTHER LAW, THE PERSON BEFORE WHOM THE
39 SIGNATURES ARE COLLECTED MAY BE A PERSON WHO IS NOT ELIGIBLE TO REGISTER TO
40 VOTE IF ALL OF THE FOLLOWING CONDITIONS ARE MET:

41 1. THE PERSON IS A MINOR WHO IS AT LEAST SIXTEEN YEARS OF AGE AT THE
42 TIME THE SIGNATURES ARE COLLECTED.

43 2. THE PERSON IS A CITIZEN OF THE UNITED STATES AND A RESIDENT OF THIS
44 STATE AT THE TIME THE SIGNATURES ARE COLLECTED.

1 3. THE PERSON IS UNDER THE GENERAL AUTHORITY AND SUPERVISION OF AN
2 ADULT WHO IS A REGISTERED VOTER.

3 4. THE PARENT OR GUARDIAN OF THE PERSON HAS PROVIDED WRITTEN
4 PERMISSION FOR THE PERSON TO COLLECT SIGNATURES.

5 5. THE PERSON IS AN UNPAID VOLUNTEER.

6 Sec. 10. Section 16-343, Arizona Revised Statutes, is amended to read:

7 16-343. Filling vacancy caused by death or incapacity or
8 withdrawal of candidate

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

13 1. In the case of a United States senator or statewide candidate, the
14 state executive committee of the candidate's political party shall nominate a
15 candidate of the party's choice and shall file a nomination paper and
16 affidavit complying with the requirements for candidates as stated in section
17 16-311 in order to fill the vacancy.

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

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

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

36 C. Any meetings for the purpose of filing a nomination paper and
37 affidavit provided for in this section shall be called by the chairman of
38 such committee or legislative district, except that in the case of
39 multicounty legislative or congressional districts the party county chairman
40 of the county having the largest geographic area within such district shall
41 call such meeting. The chairman or in his absence the vice-chairman calling
42 such meeting shall preside. The call to such meeting shall be mailed or
43 given in person to each person entitled to participate therein no later than
44 one day prior to such meeting. A majority of those present and voting shall
45 be required to fill a vacancy pursuant to this section.

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

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

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

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

30 Sec. 11. Title 16, chapter 3, article 6, Arizona Revised Statutes, is
31 amended by adding section 16-351.01, to read:

32 16-351.01. Nomination challenges; attorney fees

33 FOR ANY CHALLENGE OF A CANDIDATE'S NOMINATING PETITION FOR WHICH THE
34 COUNTY RECORDER OR OFFICER IN CHARGE OF ELECTIONS IS REQUIRED TO CONDUCT
35 SIGNATURE VERIFICATION AND TO WHICH THE COUNTY RECORDER OR OFFICER IN CHARGE
36 OF ELECTIONS IS A PARTY, THE COURT MAY AWARD TO THE COUNTY RECORDER OR
37 OFFICER IN CHARGE OF ELECTIONS THE REASONABLE EXPENSES INCURRED IN SIGNATURE
38 VERIFICATION IF THE COURT DETERMINES THAT THE CHALLENGE WAS WITHOUT
39 SUBSTANTIAL JUSTIFICATION OR WAS PRIMARILY OR SOLELY FOR DELAY OR HARASSMENT
40 OR THAT THE CANDIDATE WHO SUBMITTED THE PETITION KNOWINGLY OR RECKLESSLY
41 FILED A SUBSTANTIAL NUMBER OF INVALID SIGNATURES.

42 Sec. 12. Section 16-464, Arizona Revised Statutes, is amended to read:

43 16-464. Rotation of names on ballots

44 A. When there are two or more candidates for a nomination, except in
45 the case of precinct committeemen, the names of all candidates for the

1 nomination shall be so alternated upon the ballots used in each election
2 precinct that the name of each candidate shall appear substantially an equal
3 number of times at the top, at the bottom and in each intermediate place of
4 the list or group of candidates in which they belong. When there are fewer
5 than or the same number of candidates seeking office as the number to be
6 elected, rotation of names is not required and the names shall be placed in
7 alphabetical order.

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

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

15 D. WHEN THERE ARE TWO OR MORE PRECINCTS IN A POLITICAL SUBDIVISION
16 THAT HOLD AN ALL MAIL BALLOT ELECTION, CANDIDATE NAME ROTATION SHALL BE THE
17 PRESUMED METHOD OF BALLOT ORGANIZATION, UNLESS CANDIDATE NAME ROTATION IS
18 FOUND TO BE IMPRACTICABLE. WHEN CANDIDATE NAME ROTATION IS FOUND TO BE
19 IMPRACTICABLE, THE POSITION OF THE NAMES OF CANDIDATES SHALL BE DRAWN BY LOT
20 AT A PUBLIC MEETING.

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

23 Sec. 13. Section 16-571, Arizona Revised Statutes, is amended to read:
24 16-571. Poll lists to be kept by election clerk; posting

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

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

40 C. In precincts in which electronic poll book systems are used, at
41 least one list of persons voting shall be available by printed or electronic
42 media. The list shall be in substantially the same format as prescribed in
43 section 16-516 and on request shall be given to a representative designated
44 by each major political party. The information contained in the list also
45 may be provided electronically to a representative designated by each major

1 political party by way of a secure electronic file transmittal format as
2 prescribed by the secretary of state.

3 Sec. 14. Section 16-580, Arizona Revised Statutes, is amended to read:
4 16-580. Manner of voting; assistance for certain electors

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

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

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

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

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

36 F. After delivery of the ballot to the election board official, or if
37 the voter has asked to deposit the ballot in the ballot box, after the ballot
38 is deposited, the voter shall then proceed outside the voting area and shall
39 not again enter the voting area unless the voter is an authorized election
40 official.

41 G. Any registered voter, at the voter's option, may be accompanied by
42 a minor who is permitted in the voting booth pursuant to section 16-515,
43 subsection E, be accompanied and assisted by a person of the voter's own
44 choice or be assisted by two election officials, one from each major
45 political party, during any process relating to voting or during the actual

1 process of voting on a paper ballot, machine or electronic voting system. A
2 person who is a candidate for an office in that election ~~or who has been~~
3 ~~employed by or volunteered for a candidate, campaign, political organization~~
4 ~~or political party in that election~~ OTHER THAN THE OFFICE OF PRECINCT
5 COMMITTEEMAN is not eligible to assist any voter.

6 Sec. 15. Section 16-674, Arizona Revised Statutes, is amended to read:
7 16-674. Contest of county or other election; qualifications;
8 school superintendent

9 A. An elector of a county, city, town or a political subdivision of
10 such county, city or town, may contest the right of a person declared elected
11 to an office to be exercised therein, or declared nominated to an office at a
12 primary election, or a question, proposal, measure or proposition submitted
13 to and voted on by the electors on the same grounds and in the same manner as
14 contests of election to a state office or question, proposal, measure or
15 proposition submitted to the vote of the electors of the state.

16 B. The contest may be brought in the superior court of the county in
17 which the elector resides. If the contest involves an office voted on by the
18 electors, the summons shall be served upon the contestee, or, if the contest
19 involves a question, proposal, measure or proposition voted on, then the
20 summons shall be served upon the person upon whom summons in a civil action
21 against the county, city, town or subdivision affected is served.

22 C. NOTWITHSTANDING ANY OTHER LAW, A PERSON IS ELIGIBLE FOR NOMINATION
23 AND ELECTION AS COUNTY SCHOOL SUPERINTENDENT WITHOUT REGARD TO WHETHER THE
24 PERSON HOLDS A BASIC OR STANDARD CERTIFICATE TO TEACH IN THE SCHOOLS OF THIS
25 STATE.

26 Sec. 16. Section 16-803, Arizona Revised Statutes, is amended to read:
27 16-803. Filing petition for recognition; submission of
28 petitions to county recorder for signature
29 verification

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

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

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

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

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

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

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

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

13 ~~1-~~ (a) If the signature of the qualified elector is missing.

14 ~~2-~~ (b) If the residence address or the description of residence
15 location is missing.

16 ~~3-~~ (c) If the date on which the petitioner signed is missing.

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

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

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

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

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

39 2. If a signature line selected for the random sample is found to be
40 blank or was removed from the verification process pursuant to subsection ~~E-~~
41 B, then the next line down, even if that requires going to the next petition
42 sheet in sequence, on which an eligible signature appears shall be selected
43 as a substitute if that line has not already been selected for the random
44 sample. If the next eligible line is already being used in the random
45 sample, the secretary of state shall proceed back up the page from the

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

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

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

22 1. No residence address or description of residence location is
23 provided.

24 2. No date of signing is provided.

25 3. The signature is illegible and the signer is otherwise
26 unidentifiable.

27 4. The address provided is illegible or nonexistent.

28 5. The individual was not a qualified elector on the date of signing
29 the petition.

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

32 7. The signature was disqualified after comparison with the signature
33 on the affidavit of registration.

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

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

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

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

43 2. The total number of signatures selected for the random sample and
44 transmitted to the county recorder for verification and the total number of
45 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. 18. 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 TWO HUNDRED FIFTY 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 of the standing political committee that declares the committee's status as a
2 standing political committee. The secretary of state may charge an annual
3 fee for the filing.

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

17 Sec. 20. Section 16-913, Arizona Revised Statutes, is amended to read:
18 16-913. Campaign finance reports; reporting of receipts and
19 disbursements; exemptions; civil penalty

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

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

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

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

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

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

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

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

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

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

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

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

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

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

41 H. Except as provided in section 16-916, subsection B and subsection K
42 of this section, a political committee shall comply with the requirements of
43 this section in each jurisdiction in this state in which the committee has
44 filed a statement of organization until the committee terminates pursuant to
45 section 16-914, and its statements, designations and reports shall be filed

1 with each officer with whom it has filed a statement of organization, as
2 appropriate.

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

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

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

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

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

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

27 Sec. 21. Section 16-914.01, Arizona Revised Statutes, is amended to
28 read:

29 16-914.01. Reporting of contributions by committees acting on
30 ballot measures; civil penalty; definition

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

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

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

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

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

11 1. The committee has received contributions totaling ten thousand
12 dollars or more.

13 2. The committee has made expenditures totaling ten thousand dollars
14 or more.

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

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

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

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

30 E. For the purposes of this section, "single source" includes
31 principals of the same partnership, corporation, limited partnership, limited
32 liability company, limited liability partnership or association.

33 Sec. 22. Section 16-915, Arizona Revised Statutes, is amended to read:
34 16-915. Contents of campaign finance reports

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

37 1. The amount of cash on hand at the beginning of the reporting
38 period.

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

42 (a) Contributions from individuals.

43 (b) Contributions from political committees.

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

- 1 (d) All other loans.
2 (e) Rebates, refunds and other offsets to operating expenditures.
3 (f) Dividends, interest and other forms of receipts.
4 (g) The value of in-kind contributions.
5 3. The identification of each:
6 (a) Individual who makes any contribution during the period covered by
7 the report AND whose total contribution or contributions for that election
8 have an aggregate amount exceeding ~~twenty-five~~ FIFTY dollars together with
9 the date and amount of the contributions, except as provided in subsection E
10 of this section. Contributions of ~~twenty-five~~ FIFTY dollars or less may be
11 aggregated.
12 (b) Political committee that makes a contribution during the period
13 covered by the report together with the date and amount of the contribution.
14 (c) Person who makes a loan during the period covered by the report,
15 together with the identification of any endorser or guarantor of the loan and
16 the amount endorsed or guaranteed by each, and the date and amount of the
17 loan.
18 (d) Person who provides any rebate, refund or other offset to
19 operating expenditures during the period covered by the report together with
20 the date and amount of the receipt.
21 (e) Person who provides a dividend, interest or other receipt during
22 the period covered by the report together with the date and amount of the
23 receipt.
24 4. For the reporting period and the election, the total amount of all
25 disbursements and an itemized list of all disbursements in the following
26 categories together with the total of all disbursements in each category:
27 (a) Expenditures, other than a contract, promise or agreement to make
28 an expenditure resulting in an extension of credit, made to meet committee
29 operating expenses.
30 (b) Transfers to other political committees.
31 (c) For a candidate's campaign committee, the repayment of loans made
32 or guaranteed by the candidate.
33 (d) Repayment of all other loans.
34 (e) Refunds of contributions received and other offsets to
35 contributions.
36 (f) Loans made by the reporting political committee.
37 (g) The value of in-kind contributions received.
38 (h) Independent expenditures together with the information required
39 pursuant to subsection F.
40 (i) Any other disbursements.
41 5. The name and address of each recipient of an expenditure made
42 during the period covered by the report and, in the case of a disbursement to
43 a political committee, the identification number issued on the filing of a
44 statement of organization as prescribed by section 16-902.01, together with

1 the date, THE amount of the expenditure and a clear description of the items
2 or services purchased.

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

10 7. The total sum of all receipts, together with the total receipts
11 less offsets, and the total sum of all disbursements, together with the total
12 disbursements less offsets, for both the period covered by the report and the
13 election.

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

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

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

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

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

33 2. The identification of the individual.

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

35 F. An independent expenditure report shall contain all of the
36 following:

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

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

40 3. The purpose of the independent expenditure including a description
41 of what was purchased.

42 4. The name of each candidate whose election or defeat was advocated
43 by the expenditure and, for each such candidate, the office sought by the
44 candidate and the year of the election.

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

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

12 Sec. 23. Section 16-917, Arizona Revised Statutes, is amended to read:
13 16-917. Independent expenditures; in-kind contribution; civil
14 penalty

15 A. A political committee, CORPORATION, LIMITED LIABILITY COMPANY OR
16 LABOR ORGANIZATION that makes independent expenditures for literature or an
17 advertisement relating to any one candidate or office within sixty days
18 before the day of any election to which the expenditures relate, shall send
19 by certified mail a copy of the campaign literature or advertisement to each
20 candidate named or otherwise referred to in the literature or advertisement
21 twenty-four hours after depositing it at the post office for mailing,
22 twenty-four hours after submitting it to a telecommunications system for
23 broadcast or twenty-four hours after submitting it to a newspaper for
24 printing.

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

28 C. An expenditure by a political committee, CORPORATION, LIMITED
29 LIABILITY COMPANY, LABOR ORGANIZATION or a person that does not meet the
30 definition of an independent expenditure is an in-kind contribution to the
31 candidate and a corresponding expenditure by the candidate unless otherwise
32 exempted.

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

37 Sec. 24. Section 16-1005, Arizona Revised Statutes, is amended to
38 read:

39 16-1005. Ballot abuse; violation; classification

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

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

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

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

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

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

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

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

35 Sec. 25. Section 16-1019, Arizona Revised Statutes, is amended to
36 read:

37 16-1019. Political signs; printed materials; tampering;
38 classification

39 A. It is a class 2 misdemeanor for any person to knowingly remove,
40 alter, deface or cover any political sign of any candidate for public office
41 or knowingly remove, alter or deface any political mailers, handouts, flyers
42 or other printed materials of a candidate that are delivered by hand to a
43 residence for the period commencing forty-five days before a primary election
44 and ending seven days after the general election.

1 B. This section does not apply to the removal, alteration, defacing or
2 covering of a political sign or other printed materials by the candidate or
3 the authorized agent of the candidate in support of whose election the sign
4 ~~was~~ OR MATERIALS WERE placed, by the owner or authorized agent of the owner
5 of private property on which such signs OR PRINTED MATERIALS are placed with
6 or without permission of the owner or placed in violation of state law or
7 county, city or town ordinance or regulation.

8 C. Notwithstanding any other statute, ordinance or regulation, a city,
9 town or county of this state shall not remove, alter, deface or cover any
10 political sign if the following conditions are met:

11 1. The sign is placed in a public right-of-way that is owned or
12 controlled by that jurisdiction.

13 2. The sign supports or opposes a candidate for public office or it
14 supports or opposes a ballot measure.

15 3. The sign is not placed in a location that is hazardous to public
16 safety, obstructs clear vision in the area or interferes with the
17 requirements of the Americans with disabilities act (42 United States Code
18 sections 12101 through 12213 and 47 United States Code sections 225 and 611).

19 4. The sign has a maximum area of sixteen square feet, if the sign is
20 located in an area zoned for residential use, or a maximum area of thirty-two
21 square feet if the sign is located in any other area.

22 5. The sign contains the name and telephone number of the candidate or
23 campaign committee contact person.

24 D. If the city, town or county deems that the placement of a political
25 sign constitutes an emergency, the jurisdiction may immediately relocate the
26 sign. The jurisdiction shall notify the candidate or campaign committee that
27 placed the sign within twenty-four hours after the relocation. If a sign is
28 placed in violation of subsection C and the placement is not deemed to
29 constitute an emergency, the city, town or county may notify the candidate or
30 campaign committee that placed the sign of the violation. If the sign
31 remains in violation at least twenty-four hours after the jurisdiction
32 notified the candidate or campaign committee, the jurisdiction may remove the
33 sign. The jurisdiction shall contact the candidate or campaign committee
34 contact and shall retain the sign for at least ten business days to allow the
35 candidate or campaign committee to retrieve the sign without penalty.

36 E. A city, town or county employee acting within the scope of the
37 employee's employment is not liable for an injury caused by the failure to
38 remove a sign pursuant to subsection D unless the employee intended to cause
39 injury or was grossly negligent.

40 F. Subsection C does not apply to commercial tourism, commercial
41 resort and hotel sign free zones as those zones are designated by
42 municipalities. The total area of those zones shall not be larger than three
43 square miles, and each zone shall be identified as a specific contiguous area
44 where, by resolution of the municipal governing body, the municipality has
45 determined that based on a predominance of commercial tourism, resort and

1 hotel uses within the zone the placement of political signs within the
2 rights-of-way in the zone will detract from the scenic and aesthetic appeal
3 of the area within the zone and deter its appeal to tourists. Not more than
4 two zones may be identified within a municipality.

5 G. A city, town or county may prohibit the installation of a sign on
6 any structure owned by the jurisdiction.

7 H. Subsection C applies only during the period commencing sixty days
8 before a primary election and ending fifteen days after the general election,
9 except that for a sign for a candidate in a primary election who does not
10 advance to the general election, the period ends fifteen days after the
11 primary election.

12 I. This section does not apply to state highways or routes, or
13 overpasses over those state highways or routes.

14 J. NOTWITHSTANDING ANY OTHER STATUTE, ORDINANCE OR REGULATION, AN
15 OWNER OR OCCUPANT OF RESIDENTIAL REAL PROPERTY MAY LAWFULLY REMOVE ANY
16 POLITICAL SIGN OR PRINTED MATERIALS FROM A PUBLIC RIGHT-OF-WAY THAT IS
17 ADJACENT TO THAT PERSON'S RESIDENTIAL PROPERTY.

18 Sec. 26. Section 41-192, Arizona Revised Statutes, is amended to read:

19 41-192. Powers and duties of attorney general; restrictions on
20 state agencies as to legal counsel; exceptions

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

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

26 2. Establish administrative and operational policies and procedures
27 within his department.

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

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

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

42 6. In any action brought by the attorney general pursuant to state or
43 federal statutes pertaining to antitrust, restraint of trade, or price-fixing
44 activities or conspiracies for the recovery of damages by this state or any
45 of its political subdivisions, school districts or municipalities, in

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

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

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

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

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

32 2. Adopt rules for the orderly conduct of the business of the
33 department.

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

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

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

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

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

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

- 10 1. The director of water resources.
- 11 2. The residential utility consumer office.
- 12 3. The industrial commission.
- 13 4. The Arizona board of regents.
- 14 5. The auditor general.
- 15 6. The corporation commissioners and the corporation commission other
16 than the securities division.
- 17 7. The office of the governor.
- 18 ~~8. The constitutional defense council.~~
- 19 ~~9.~~ 8. The office of the state treasurer.
- 20 ~~10.~~ 9. The Arizona commerce authority.
- 21 10. THE OFFICE OF THE SECRETARY OF STATE.

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

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

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

1 actually expended by the department of law within legislative appropriations
2 for such legal division or legal services.

3 I. Appropriations made pursuant to subsection H of this section shall
4 not be subject to lapsing provisions otherwise provided by law. Services for
5 departments or agencies to which this subsection and subsection G of this
6 section are applicable shall be performed by special or regular assistants to
7 the attorney general.

8 J. Notwithstanding section 35-148, monies received by the attorney
9 general from charges to state agencies and political subdivisions for legal
10 services relating to interagency service agreements shall be deposited,
11 pursuant to sections 35-146 and 35-147, in an attorney general agency
12 services fund. Monies in the fund are subject to legislative appropriation
13 and are exempt from the provisions of section 35-190 relating to lapsing of
14 appropriations.

15 Sec. 27. Section 41-1202, Arizona Revised Statutes, is amended to
16 read:

17 41-1202. Vacancy in legislature; precinct committeemen;
18 appointment; definition

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

24 1. The secretary of state shall notify the state party chairman of the
25 appropriate political party of the vacancy. Within three business days after
26 notification of the vacancy by the secretary of state, the state party
27 chairman of the appropriate political party or the chairman's designee shall
28 give written notice of the meeting to fill the vacancy to all elected
29 precinct committeemen of the appropriate political party from precincts that
30 are in the legislative district and that are in the county in which the
31 vacancy occurred.

32 2. Those elected precinct committeemen shall nominate, within
33 twenty-one days after notification of the vacancy by the secretary of state
34 if the legislature is not in regular session or within five days if the
35 legislature is in regular session and by a majority vote, three qualified
36 electors to fill the vacancy who meet the requirements for service in the
37 legislature and who belong to the same political party and reside at the time
38 of nomination in the same district and county as the person elected to or
39 appointed to the office immediately before the vacancy.

40 3. The meeting to fill the vacancy is subject to title 38, chapter 3,
41 article 3.1, and the state party chairman of the appropriate political party
42 shall oversee the nominations. Fifty per cent or more of the elected
43 precinct committeemen of the district who are in the legislative district and
44 from the county in which the vacancy occurred, or their proxies, meeting

1 together constitutes a quorum for the purposes of this subsection. A
2 precinct committeeman may choose to permit the use of a proxy that:

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

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

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

9 4. The state party chairman of the appropriate political party shall
10 forward the names of the three persons named pursuant to paragraph 2 of this
11 subsection to the board of supervisors of the county of residence of the
12 person elected or appointed to the office immediately before the vacancy
13 occurred. The board of supervisors shall appoint a person from the three
14 nominees submitted.

15 5. If the elected precinct committeemen of the appropriate political
16 party fail to fill the vacancy within twenty-one days if the legislature is
17 not in regular session or within five days if the legislature is in regular
18 session, as provided in subsection A, the state party chairman shall notify
19 the board of supervisors of the appropriate county and the board of
20 supervisors shall fill the vacancy as provided in subsection B. The time
21 frame for appointing a citizens panel shall run from receipt of notification
22 from the state party chairman.

23 B. If the vacant legislative seat was represented by a political party
24 that is organized pursuant to title 16, chapter 5, article 2 and that has
25 fewer than thirty elected committeemen who are from precincts that are in the
26 legislative district and that are in the county in which the vacancy occurred
27 or if the vacant legislative seat is not represented by a political party
28 that is organized pursuant to title 16, chapter 5, article 2, the following
29 apply:

30 1. The board of supervisors of the county of residence of the person
31 elected to or appointed to the office immediately before the vacancy shall
32 appoint within three business days after a vacancy occurs a citizens panel to
33 submit to the board within seven business days the names of three qualified
34 electors who are members of the appropriate political party and who are
35 residents of the legislative district and county in which the vacancy
36 occurred to fill the vacancy. If the person elected to or appointed to the
37 office immediately before the vacancy was a registered independent, the
38 qualified electors shall be registered as independent.

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

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