

REFERENCE TITLE: justices and judges; elections

State of Arizona
Senate
Fiftieth Legislature
Second Regular Session
2012

SB 1371

Introduced by
Senator Shooter

AN ACT

AMENDING SECTIONS 12-102, 12-120.01, 12-120.02 AND 12-120.07, ARIZONA REVISED STATUTES; REPEALING SECTION 12-131, ARIZONA REVISED STATUTES; AMENDING SECTIONS 16-502, 16-913, 16-916, 19-123, 38-431.08 AND 41-1232.04, ARIZONA REVISED STATUTES; RELATING TO THE ELECTION OF JUDGES; PROVIDING FOR CONDITIONAL ENACTMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 12-102, Arizona Revised Statutes, is amended to
3 read:

4 12-102. Jurisdiction and duties; court appointments; contract
5 and volunteer service providers; background
6 investigations; fingerprinting

7 A. The supreme court shall discharge the duties imposed and exercise
8 the jurisdiction conferred by the constitution and by law.

9 B. As a condition of appointment to any paid position in the judicial
10 department that is defined as a noncriminal justice agency under federal law,
11 ~~including nomination for judicial office by the commissions on appellate and~~
12 ~~trial court appointments pursuant to article VI, sections 37 and 41,~~
13 ~~Constitution of Arizona,~~ the court shall require each applicant to furnish a
14 full set of fingerprints to enable the court to conduct a criminal background
15 investigation to determine the suitability of the applicant. The court shall
16 submit the completed applicant fingerprint card to the department of public
17 safety. The applicant shall bear the cost of obtaining the applicant's
18 criminal history record information. The cost shall not exceed the actual
19 cost of obtaining the applicant's criminal history record information.
20 Applicant criminal history records checks shall be conducted pursuant to
21 section 41-1750 and Public Law 92-544. The department of public safety is
22 authorized to exchange the submitted applicant fingerprint card information
23 with the federal bureau of investigation for a national criminal history
24 records check.

25 C. The court may require each person who provides contract or
26 volunteer services in the judicial department that is defined as a
27 noncriminal justice agency under federal law to furnish a full set of
28 fingerprints to enable the court to conduct a criminal background
29 investigation. The court shall submit the person's completed fingerprint
30 card to the department of public safety. The person shall bear the cost of
31 obtaining the person's criminal history record information. The cost shall
32 not exceed the actual cost of obtaining the person's criminal history record
33 information. Criminal history records checks shall be conducted pursuant to
34 section 41-1750 and Public Law 92-544. The department of public safety is
35 authorized to exchange the person's submitted fingerprint card information
36 with the federal bureau of investigation for a national criminal history
37 records check.

38 Sec. 2. Section 12-120.01, Arizona Revised Statutes, is amended to
39 read:

40 12-120.01. Qualifications of judges; terms; ballots; vacancies

41 A. A judge of the court of appeals shall be:

- 42 1. Not less than thirty years of age.
- 43 2. Of good moral character.

1 3. A qualified elector of the county of ~~his~~ THE JUDGE'S residence, and
2 a resident of ~~such~~ THE county for not less than three years next preceding
3 taking office.

4 4. A resident of the division in which ~~he~~ THE JUDGE is elected.

5 5. Admitted to the practice of law in the state of Arizona for not
6 less than five years next preceding taking office.

7 6. A resident of Arizona for not less than five years next preceding
8 taking office.

9 B. Except for the initial term, each judge shall hold office for a
10 term of six years to commence on the first Monday in January following ~~his~~
11 ~~retention~~ THE JUDGE'S election and until ~~his~~ THE JUDGE'S successor is
12 ~~appointed and qualified~~ ELECTED. ~~Each judge shall be appointed by the~~
13 ~~governor and serve an initial term pursuant to article VI, section 37,~~
14 ~~Constitution of Arizona.~~ THE NAMES OF ALL CANDIDATES FOR JUDGE OF THE COURT
15 OF APPEALS SHALL BE PLACED ON THE REGULAR BALLOT WITH PARTISAN OR OTHER
16 DESIGNATION AND THE COURT AND THE TITLE OF THE OFFICE.

17 C. THE GOVERNOR SHALL FILL ANY VACANCY IN OFFICE BY APPOINTING A
18 PERSON TO SERVE UNTIL THE ELECTION AND QUALIFICATION OF A SUCCESSOR. AT THE
19 NEXT SUCCEEDING GENERAL ELECTION FOLLOWING THE APPOINTMENT OF A PERSON TO
20 FILL A VACANCY, A JUDGE OF THE COURT OF APPEALS SHALL BE ELECTED TO SERVE FOR
21 THE REMAINDER OF THE UNEXPIRED TERM.

22 Sec. 3. Section 12-120.02, Arizona Revised Statutes, is amended to
23 read:

24 12-120.02. Election of judges

25 A. In division 1, of the fifteen judges who are on the bench on July
26 1, 1995, ten of the judges shall be residents of and elected ~~for retention~~
27 from Maricopa county and five of the judges shall be residents of the
28 remaining counties in the division and shall be elected ~~for retention~~ by the
29 voters of the counties in division 1, excluding Maricopa county. If the
30 sixteenth judge is a resident of Maricopa county, the judge shall be elected
31 ~~for retention~~ by the voters of Maricopa county. If the sixteenth judge is
32 not a resident of Maricopa county, the judge shall be elected ~~for retention~~
33 by the voters of the counties in division 1, excluding Maricopa county.

34 B. In division 2, four of the judges shall be residents of and elected
35 from Pima county and two of the judges shall be residents of the remaining
36 counties in the division and shall be elected by the voters of the counties
37 in division 2, excluding Pima county.

38 Sec. 4. Section 12-120.07, Arizona Revised Statutes, is amended to
39 read:

40 12-120.07. Opinions; publication

41 A. The chief judge shall assign three of the judges to each
42 department, and such assignment may be changed by him from time to time.
43 Each of the departments shall have the power to hear and determine causes and
44 all questions arising therein. The presence of three judges shall be
45 necessary to transact any business in either of the departments, ~~;-~~ except

1 such as may be done in chambers and except as may be otherwise permitted by
2 law. The opinions of a division or of a department of the court of appeals
3 shall be in writing, the grounds stated, and shall be concurred in by a
4 majority of a department if heard by a department or of the division if heard
5 by the division. An opinion of a division or a department of a division
6 shall be the opinion of the court of appeals.

7 B. The opinions of the court of appeals shall be published and
8 distributed in the same manner as provided for the publication and
9 distribution of opinions of the supreme court.

10 C. Not later than sixty days preceding the regular primary election
11 ~~for the retention~~ of an appellate court judge, the commission on judicial
12 performance review shall prepare and publish on its website a list of the
13 decisions of that appellate court judge including the decision's official
14 citation and an electronic copy of the entire text of the decision.

15 Sec. 5. Repeal

16 Section 12-131, Arizona Revised Statutes, is repealed.

17 Sec. 6. Section 16-502, Arizona Revised Statutes, is amended to read:

18 16-502. Form and contents of ballot

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

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

36 ~~"~~Section One

37 Partisan Ballot

38 1. Put a mark according to the instructions next to the
39 name of each candidate for each partisan office for whom you
40 wish to vote.

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

1 C. Immediately below the instructions for voting in section one there
2 shall be placed in columns the names of the candidates of the several
3 political parties. Next to each candidate's name there shall be printed in
4 bold-faced letters the name of the political party. At the head of each
5 column shall be printed the names of the offices to be filled with the name
6 of each office being of uniform type size. At the head of each column shall
7 be printed in the following order the names of candidates for:

8 1. President and vice-president. The indicator for the selection of a
9 candidate shall be next to the name of the candidate for president, and the
10 vice-presidential candidate's name shall be listed immediately below that of
11 the presidential candidate.

12 2. Presidential electors.

13 3. United States senator.

14 4. Representatives in Congress.

15 5. The several state offices.

16 6. The several county and precinct offices.

17 7. JUSTICES OF THE SUPREME COURT STANDING FOR ELECTION PURSUANT TO
18 ARTICLE VI, SECTION 4, CONSTITUTION OF ARIZONA.

19 8. JUDGES OF THE COURT OF APPEALS STANDING FOR ELECTION PURSUANT TO
20 SECTION 12-120.01.

21 9. JUDGES OF THE SUPERIOR COURT STANDING FOR ELECTION PURSUANT TO
22 ARTICLE VI, SECTION 12, CONSTITUTION OF ARIZONA.

23 D. The names of candidates for the offices of state senator and state
24 representative along with the district number shall be placed within the
25 heading of each column to the right of the office name for state offices and
26 immediately below the candidates for the office of governor. The number of
27 the supervisorial district of which a candidate is a nominee shall be printed
28 within the heading of each column to the right of the name of the office.

29 E. The lists of the candidates of the several parties shall be
30 arranged with the names of the parties in descending order according to the
31 votes cast for governor for that county in the most recent general election
32 for the office of governor, commencing with the left-hand column. In the
33 case of political parties which did not have candidates on the ballot in the
34 last general election, such parties shall be listed in alphabetical order
35 below the parties which did have candidates on the ballot in the last general
36 election. The names of all candidates nominated under section 16-341 shall
37 be placed in a single column below that of the recognized parties. Next to
38 the name of each candidate, in parentheses, shall be printed a three-letter
39 abbreviation that is taken from the three words prescribed in the candidate's
40 certificate of nomination.

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

1 G. In each column at the right of the name of each candidate and on
2 the same line there shall be a place for the voter to put a mark. Below the
3 name of the last named candidate for each office there shall be as many blank
4 lines as there are offices of the same title to be filled, with a place for
5 the voter to put a mark unless write-in envelopes are provided for that
6 purpose. Upon the blank line the voter may write the name of any person for
7 whom he desires to vote whose name is not printed, and next to the name so
8 written he shall designate his choice by a mark as in the case of printed
9 names.

10 H. When there are two or more candidates of the same political party
11 for the same office, or more than one candidate for a judicial office, the
12 names of all such candidates shall be so alternated on the ballots used in
13 each election district that the name of each candidate shall appear
14 substantially an equal number of times in each possible location. If there
15 are fewer or the same number of candidates seeking office than the number to
16 be elected, the rotation of names is not required and the names shall be
17 placed in alphabetical order.

18 I. Immediately below section one of the ballot shall be placed the
19 following:

20 ~~"~~Section Two
21 Nonpartisan Ballot

22 1. Put a mark according to the instructions next to the
23 name of each candidate for each nonpartisan office for whom you
24 wish to vote.

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

29 3. Put a mark according to the instructions next to the
30 word 'yes' (or for) for each proposition or question you wish to
31 be adopted. Put a mark according to the instructions next to
32 the word 'no' (or against) for each proposition or question you
33 wish not to be adopted."~~"~~

34 J. Immediately below the instructions for voting in section two shall
35 be placed the names of the candidates for ~~judges of the superior court~~
36 ~~standing for election pursuant to article VI, section 12, Constitution of~~
37 ~~Arizona,~~ school district officials, ~~justices of the supreme court,~~ ~~judges of~~
38 ~~the court of appeals,~~ ~~judges of the superior court standing for retention or~~
39 ~~rejection pursuant to article VI, section 38, Constitution of Arizona,~~ and
40 other nonpartisan officials in a column or in columns without partisan or
41 other designation except the title of office in an order determined by the
42 officer in charge of the election.

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

5 L. All proposed constitutional amendments and other propositions or
6 questions to be submitted to the voters shall be printed immediately below
7 the names of candidates for nonpartisan positions in such order as the
8 secretary of state, or if a city or town election, the city or town clerk,
9 designates. Placement of county and local charter amendments, propositions
10 or questions shall be determined by the officer in charge of the election.
11 Except as provided by section 19-125, each proposition or question shall be
12 followed by the words "yes" and "no" or "for _____" and "against _____" as
13 the nature of the proposition or question requires, and at the right of and
14 next to each of such words shall be a place for the voter to put a mark
15 according to the instructions that is similar in size to those places
16 appearing opposite the names of the candidates, in which the voter may
17 indicate his vote for or against such proposition or question by a mark as
18 defined in section 16-400.

19 M. Instead of printing the official and descriptive titles or the full
20 text of each measure or question on the official ballot, the officer in
21 charge of elections may print phrases on the official ballot that contain all
22 of the following:

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

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

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

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

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

37 Sec. 7. Section 16-913, Arizona Revised Statutes, is amended to read:
38 16-913. Campaign finance reports; reporting of receipts and
39 disbursements; exemptions; civil penalty

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

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

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

7 2. A preelection report, which shall be filed not less than twelve
8 days before any election and which shall be complete through the twentieth
9 day before the election.

10 3. A postelection report, which shall be filed not more than thirty
11 days after any election and which shall be complete through the twentieth day
12 after the election.

13 C. In any other calendar year, the political committee shall file a
14 report covering the period beginning twenty-one days after the date of the
15 election in the preceding calendar year through December 31 of the
16 nonelection year filed no later than January 31 of the following calendar
17 year.

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

24 E. In lieu of the reports prescribed in subsections B and C of this
25 section, a candidate's political committee that remains active after an
26 election due to outstanding debts may file a document no later than January
27 31 in a form prescribed by the secretary of state that states that the
28 committee does not intend to receive any contributions or make any
29 expenditures during the year. If a candidate's political committee does
30 receive a contribution or make an expenditure during that year, the committee
31 shall report as prescribed by subsection B or C of this section.

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

1 until the earlier of twelve days before the fourth general election following
2 the filing of this statement or the justice or judge receives contributions,
3 makes expenditures or authorizes a campaign committee.

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

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

13 I. Each report required to be filed pursuant to this section shall be
14 signed by the committee treasurer or the candidate or the designating
15 individual if the treasurer is unavailable and shall contain the
16 certification of the signer under penalty of perjury that the report is true
17 and complete.

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

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

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

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

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

37 Sec. 8. Section 16-916, Arizona Revised Statutes, is amended to read:
38 16-916. Filing statements of contributions and expenditures;
39 public inspection

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

43 1. In the office of the secretary of state for political committees
44 supporting or opposing the recall of a public officer elected statewide or to
45 the legislature, supporting the circulation of petitions for ballot measures,

1 questions and propositions appearing on a state general election ballot or
2 recall of public officials elected statewide or to the legislature or
3 supporting or opposing candidates for state offices and members of the
4 legislature, for justices of the supreme court, for judges of the court of
5 appeals and for a statewide initiative or referendum or any measure or
6 proposition appearing on a state general election ballot. The office of the
7 secretary of state shall post to its website in a format that is viewable by
8 the public the campaign finance information prescribed by this section.

9 2. With the county officer in charge of elections for political
10 committees supporting or opposing the recall of public officers elected to
11 county offices, school district governing boards, community college district
12 governing boards or judges of the superior court, supporting the circulation
13 of petitions for ballot measures, questions and propositions appearing on a
14 county election ballot or for the recall of a public officer elected to
15 county offices, school district governing boards, community college district
16 governing boards or judges of the superior court or supporting or opposing
17 candidates for county offices, school district governing board members or
18 ballot questions, community college district governing board members or
19 ballot questions, ~~judges of the superior court seeking retention~~, special
20 taxing districts and a county initiative or referendum or any measure or
21 proposition appearing on a county election ballot. For any county with a
22 population of more than one hundred thousand persons that operates a website,
23 the county officer in charge of elections shall post to that website in a
24 format that is viewable by the public the campaign finance information
25 prescribed by this section. The posting requirements of this paragraph do
26 not apply to reports where less than five hundred dollars is spent.

27 3. With the city or town clerk for political committees supporting or
28 opposing the recall of public officers elected to city or town offices,
29 supporting the circulation of petitions for ballot measures, questions and
30 propositions appearing on a city or town election ballot or recall of public
31 officers elected for city or town offices or supporting or opposing
32 candidates for city or town offices and for a city or town initiative or
33 referendum or any measure or proposition appearing on a city or town election
34 ballot. For any city or town with a population of more than two thousand
35 five hundred persons that operates a website, the city or town shall post to
36 that website in a format that is viewable by the public the campaign finance
37 information prescribed by this section. The posting requirements of this
38 paragraph do not apply to reports where less than five hundred dollars is
39 spent.

40 B. Campaign finance reports required pursuant to section 16-913 for
41 the office of member of the legislature and statewide offices shall be filed
42 with the secretary of state in the manner prescribed by the secretary of
43 state. The secretary of state may provide through the procedures manual
44 adopted pursuant to section 16-452 for an alternative method for providing
45 public access to the reports prescribed by this section.

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

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

6 2. For documents filed by commercial delivery services that provide a
7 standardized delivery confirmation process, the date of delivery confirmation
8 constitutes the date of filing.

9 3. For documents filed by commercial delivery services that provide
10 for electronic tracking of specific delivery packages, the date of electronic
11 confirmation of delivery constitutes the date of filing.

12 D. If the date for filing any statement, designation or report
13 required by this article is a Saturday, a Sunday or another legal holiday,
14 the filing deadline is the next day that is not a Saturday, a Sunday or
15 another legal holiday.

16 Sec. 9. Section 19-123, Arizona Revised Statutes, is amended to read:

17 19-123. Publicity pamphlet; printing; distribution; public
18 hearings

19 A. When the secretary of state is ordered by the legislature, or by
20 petition under the initiative and referendum provisions of the constitution,
21 to submit to the people a measure or proposed amendment to the constitution,
22 the secretary of state shall cause to be printed, at the expense of the
23 state, except as otherwise provided in this article, a publicity pamphlet,
24 which shall contain:

25 1. A true copy of the title and text of the measure or proposed
26 amendment. Such text shall indicate material deleted, if any, by printing
27 such material with a line drawn through the center of the letters of such
28 material and shall indicate material added or new material by printing the
29 letters of such material in capital letters.

30 2. The form in which the measure or proposed amendment will appear on
31 the ballot, the official title, the descriptive title prepared by the
32 secretary of state and the number by which it will be designated.

33 3. The arguments for and against the measure or amendment.

34 4. For any measure or proposed amendment, a legislative council
35 analysis of the ballot proposal as prescribed by section 19-124.

36 5. The report of the commission on judicial performance review for any
37 justices of the supreme court, judges of the court of appeals and judges of
38 the superior court who are ~~subject to retention~~ STANDING FOR ELECTION.

39 6. The summary of a fiscal impact statement prepared by the joint
40 legislative budget committee staff pursuant to subsection D of this section.

41 B. The secretary of state shall mail one copy of the publicity
42 pamphlet to every household that contains a registered voter. The mailings
43 may be made over a period of days but shall be mailed in order to be
44 delivered to households before the earliest date for receipt by registered
45 voters of any requested early ballots for the general election.

1 C. Sample ballots for both the primary and general elections shall
2 include a statement that information on how to obtain a publicity pamphlet
3 for the general election ballot propositions is available by calling the
4 secretary of state. The statement shall include a telephone number and
5 mailing address of the secretary of state.

6 D. On certification of an initiative measure as qualified for the
7 ballot, the secretary of state shall hold or cause to be held at least three
8 public meetings on the ballot measure. Hearings shall be held in at least
9 three different counties and shall be held before the date of the election on
10 the measure. The hearings shall provide an opportunity for proponents,
11 opponents and the general public to provide testimony and request
12 information. Hearings may be scheduled to include more than one qualified
13 ballot measure and shall include a fiscal impact presentation on the measure
14 by the joint legislative budget committee staff. The joint legislative
15 budget committee staff shall prepare a summary of the fiscal impact for each
16 ballot measure, not to exceed three hundred words, for publication in the
17 publicity pamphlet.

18 Sec. 10. Section 38-431.08, Arizona Revised Statutes, is amended to
19 read:

20 38-431.08. Exceptions; limitation

21 A. This article does not apply to:

22 1. Any judicial proceeding of any court or any political caucus of the
23 legislature.

24 2. Any conference committee of the legislature, except that all such
25 meetings shall be open to the public.

26 3. The ~~commissions on appellate and trial court appointments and the~~
27 commission on judicial qualifications.

28 4. Good cause exception determinations and hearings conducted by the
29 board of fingerprinting pursuant to section 41-619.55.

30 B. A hearing held within a prison facility by the board of executive
31 clemency is subject to this article, except that the director of the state
32 department of corrections may:

33 1. Prohibit, on written findings that are made public within five days
34 of so finding, any person from attending a hearing whose attendance would
35 constitute a serious threat to the life or physical safety of any person or
36 to the safe, secure and orderly operation of the prison.

37 2. Require a person who attends a hearing to sign an attendance log.
38 If the person is over sixteen years of age, the person shall produce
39 photographic identification ~~which~~ THAT verifies the person's signature.

40 3. Prevent and prohibit any articles from being taken into a hearing
41 except recording devices, ~~and,~~ if the person who attends a hearing is a
42 member of the media, cameras.

43 4. Require that a person who attends a hearing submit to a reasonable
44 search on entering the facility.

1 C. The exclusive remedies available to any person who is denied
2 attendance at or removed from a hearing by the director of the state
3 department of corrections in violation of this section shall be those
4 remedies available in section 38-431.07, as against the director only.

5 D. Either house of the legislature may adopt a rule or procedure
6 pursuant to article IV, part 2, section 8, Constitution of Arizona, to
7 provide an exemption to the notice and agenda requirements of this article or
8 to allow standing or conference committees to meet through technological
9 devices rather than only in person.

10 Sec. 11. Section 41-1232.04, Arizona Revised Statutes, is amended to
11 read:

12 41-1232.04. Registration; exceptions

13 Sections 41-1232, 41-1232.01, 41-1232.02 and 41-1232.03 do not apply to
14 a person if that person is acting in the following capacity:

15 1. A natural person who merely appears for himself before a committee
16 of the legislature or before a state officer or employee or a state agency,
17 board, commission or council to lobby in support of or in opposition to
18 legislation or official action.

19 2. A natural person who, acting in his own behalf, sends a letter to,
20 converses on the telephone with or has a personal conversation with a state
21 officer or employee for the purpose of supporting or opposing any legislation
22 or official action.

23 3. A duly elected ~~or retained~~ public official, judge or justice, a
24 person duly appointed to an elective public office, or an appointed member of
25 a state, county or local board, advisory committee, commission or council
26 acting in his official capacity on matters pertaining to his office, board,
27 advisory committee, commission or council.

28 4. A person who answers technical questions or provides technical
29 information at the request of a lobbyist, designated public lobbyist,
30 authorized public lobbyist or legislator and who makes no expenditures
31 required to be reported by this article.

32 5. A person who performs professional services in drafting bills or in
33 advising and rendering opinions to clients as to the construction and effect
34 of proposed or pending legislation.

35 6. An attorney who represents clients before any court or before any
36 quasi-judicial body.

37 7. A person who contacts a state officer or state employee solely for
38 the purpose of acquiring information.

39 8. A person who contacts a state officer, state employee, school
40 district governing board member or school district employee in connection
41 with the procurement or attempted procurement of, or the fulfillment of
42 contracts for, materials, services or construction. For the purposes of this
43 paragraph, services include bonding services.

1 9. A natural person who is a member of an association, who is not the
2 lobbyist for compensation, designated lobbyist or authorized lobbyist for the
3 association and who does not make any expenditures that would otherwise be
4 required to be reported by this article if the natural person were a
5 lobbyist, designated public lobbyist or authorized public lobbyist.
6 Sec. 12. Conditional enactment
7 This act does not become effective unless the Constitution of Arizona
8 is amended by vote of the people at the next general election to repeal the
9 merit selection of justices and judges and to provide for the election of
10 justices and judges.