

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

**CHAPTER 361**  
**HOUSE BILL 2033**

AN ACT

AMENDING SECTIONS 16-168, 16-222, 16-230, 16-241, 16-242, 16-244, 16-250, 16-315 AND 16-343, ARIZONA REVISED STATUTES; AMENDING TITLE 16, CHAPTER 3, ARTICLE 6, ARIZONA REVISED STATUTES, BY ADDING SECTION 16-351.01; AMENDING SECTIONS 16-464, 16-571, 16-580, 16-803, 16-804, 16-901, 16-902.01, 16-913, 16-914.01, 16-916, 16-917 AND 16-1005, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 1, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-134; AMENDING SECTION 41-1202, ARIZONA REVISED STATUTES; RELATING TO ELECTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 16-168, Arizona Revised Statutes, is amended to  
3 read:

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

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

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

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

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

1           8. Birth year.

2           9. Occupation if given.

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

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

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

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

41           F. Any person in possession of a precinct register or list, in whole  
42 or part, or any reproduction of a precinct register or list, shall not permit  
43 the register or list to be used, bought, sold or otherwise transferred for  
44 any purpose except for uses otherwise authorized by this section. A person  
45 in possession of information derived from voter registration forms or  
46 precinct registers shall not distribute, post or otherwise provide access to

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

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

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

24 (a) January 1.

25 (b) March 1.

26 ~~(c) June 1.~~

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

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

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

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

35 (a) January 1.

36 (b) April 1.

37 (c) July 1.

38 (d) October 1.

39 H. The county recorder shall report the totals to the secretary of  
40 state as soon as is practicable following each of the dates prescribed in  
41 subsection G of this section. The report shall include completed  
42 registration forms returned in accordance with section 16-134, subsection B.  
43 The county recorder shall also provide the report in a uniform electronic  
44 computer media format that shall be agreed on between the secretary of state  
45 and all county recorders. The secretary of state shall then prepare a

1 summary report for the state and shall maintain that report as a permanent  
2 record.

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

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

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

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

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

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

17 Sec. 2. Section 16-222, Arizona Revised Statutes, is amended to read:  
18 16-222. Vacancy in the office of United States senator or  
19 representative

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

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

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

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

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

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

44 5. Beginning fifteen days before the date of the election, the county  
45 recorder or other officer in charge of elections shall mail early ballots

1 within forty-eight hours after receipt of a complete and correct early ballot  
2 request from persons qualified to vote.

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

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

19 Sec. 3. Section 16-230, Arizona Revised Statutes, is amended to read:

20 16-230. Vacancy in certain state or county offices; election

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

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

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

45 If the vacancy occurs within the first two years of the term, and before the  
46 date on which a nomination paper is required to be filed as prescribed by

1 section 16-311, a primary election shall be held as otherwise provided by law  
2 to determine candidates to fill the unexpired term. At the next regular  
3 general election, the person elected shall fill the remainder of the  
4 unexpired term of the vacant office.

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

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

12 Sec. 4. Section 16-241, Arizona Revised Statutes, is amended to read:  
13 16-241. Presidential preference election; conduct of election

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

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

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

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

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

42 Sec. 5. Section 16-242, Arizona Revised Statutes, is amended to read:  
43 16-242. Qualifications for ballot; nomination paper

44 A. A person seeking nomination as a candidate for the office of  
45 president of the United States shall sign and cause to be filed with the

1 secretary of state a nomination paper that contains the following  
2 information:

- 3 1. The name, residence address and mailing address of the candidate.
- 4 2. The name of the recognized political party from which the person  
5 seeks nomination.
- 6 3. The name and address of the chairman of the candidate's state  
7 committee.
- 8 4. The exact manner for printing the candidate's name on the  
9 presidential preference ballot pursuant to section 16-311.

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

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

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

22 D. NOMINATION PETITIONS SHALL CONFORM TO THE REQUIREMENTS OF SECTION  
23 16-314.

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

29 1. A CERTIFICATION BY THE FEDERAL ELECTION COMMISSION THAT, BY THE  
30 FILING DEADLINE, THE CANDIDATE HAS QUALIFIED FOR MATCHING FEDERAL CAMPAIGN  
31 FUNDS.

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

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

39 Sec. 6. Section 16-244, Arizona Revised Statutes, is amended to read:  
40 16-244. Representation on ballot

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

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

45 2. A new political party that has become eligible for recognition and  
46 that will be represented by an official party ballot pursuant to section

1 16-801. A petition for recognition of a new political party shall be filed  
2 with the secretary of state not less than ~~seventy five~~ ONE HUNDRED FIFTY nor  
3 more than one hundred ~~five~~ EIGHTY days ~~prior to~~ BEFORE the presidential  
4 preference election, AND IN THE SAME MANNER AS PRESCRIBED IN SECTION 16-801.  
5 ~~A petition for recognition shall be submitted for signature verification to a~~  
6 ~~county recorder no later than one hundred fifteen days prior to the~~  
7 ~~presidential preference election. The county recorder shall verify and count~~  
8 ~~all signatures of qualified electors within thirty days after submission.~~  
9 THE PETITION SHALL BE PROCESSED AND VERIFIED AS PRESCRIBED IN SECTION 16-803.

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

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

22 Sec. 7. Section 16-250, Arizona Revised Statutes, is amended to read:

23 16-250. Expenses of election

24 A. The secretary of state in consultation with the county recorders  
25 and the county officers in charge of elections shall include in the budget  
26 request for the department of state sufficient monies from the state general  
27 fund to conduct the presidential preference election prescribed by this  
28 article.

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

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

39 16-315. Form of petitions; registration of circulators

40 A. The nomination petitions shall be in substantially the following  
41 form:

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

44 2. Petitions shall be headed by a caption stating the purpose of the  
45 petition, followed by the body of the petition stating the intent of the  
46 petitioners.

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

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

5           (a) Signature. ~~;~~

6           (b) Printed name. ~~;~~

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

9           (d) Date of signing.

10          5. A photograph of the candidate may appear on the nomination  
11 petition.

12          B. The following shall appear on the petition:

13                                   Instructions for Circulators

14           1. All petitions shall be signed by circulator.

15           2. Circulator is not required to be a resident of this state but  
16 otherwise must be qualified to register to vote in this state and, if not a  
17 resident of this state, shall register as a circulator with the secretary of  
18 state.

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

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

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

25          D. Circulators who are not residents of this state must be registered  
26 as circulators with the secretary of state before circulating petitions. The  
27 secretary of state shall provide for a method of receiving service of process  
28 for those petition circulators who register pursuant to this subsection. The  
29 secretary of state shall establish in the instructions and procedures manual  
30 issued pursuant to section 16-452 a procedure for registering circulators and  
31 receiving service of process.

32          Sec. 9. Section 16-343, Arizona Revised Statutes, is amended to read:

33           16-343. Filling vacancy caused by death or incapacity or  
34                                   withdrawal of candidate

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

39           1. In the case of a United States senator or statewide candidate, the  
40 state executive committee of the candidate's political party shall nominate a  
41 candidate of the party's choice and shall file a nomination paper and  
42 affidavit complying with the requirements for candidates as stated in section  
43 16-311 in order to fill the vacancy.

44           2. In the case of a vacancy for the office of United States  
45 representative or the legislature, the party precinct committeemen of that  
46 congressional or legislative district shall nominate a candidate of the

1 party's choice and shall file a nomination paper and affidavit complying with  
2 the requirements of section 16-311.

3 3. In the case of a vacancy for a county or precinct office, the party  
4 county committee of counties with a population of less than two hundred fifty  
5 thousand persons according to the most recent United States decennial census  
6 and, in counties with a population of two hundred fifty thousand persons or  
7 more according to the most recent United States decennial census the county  
8 officers of the party together with the chairman of the party precinct  
9 committeemen in each legislative district of the county, shall nominate a  
10 candidate of the party's choice and shall file a nomination paper and  
11 affidavit complying with the requirements of section 16-311 to fill such  
12 vacancy.

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

16 C. Any meetings for the purpose of filing a nomination paper and  
17 affidavit provided for in this section shall be called by the chairman of  
18 such committee or legislative district, except that in the case of  
19 multicounty legislative or congressional districts the party county chairman  
20 of the county having the largest geographic area within such district shall  
21 call such meeting. The chairman or in his absence the vice-chairman calling  
22 such meeting shall preside. The call to such meeting shall be mailed or  
23 given in person to each person entitled to participate therein no later than  
24 one day prior to such meeting. A majority of those present and voting shall  
25 be required to fill a vacancy pursuant to this section.

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

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

36 F. If a vacancy occurs as described in subsection A of this section  
37 for a state office, the secretary of state shall notify the various boards of  
38 supervisors as to the vacancy. The boards of supervisors shall notify the  
39 inspectors of the various precinct election boards in the county, district or  
40 precinct where a vacancy occurs. In the case of a city or town election, the  
41 city or town clerk shall notify the appropriate inspectors. A vacancy that  
42 occurs as prescribed in subsection D of this section due to the death or  
43 incapacity of the candidate shall not be filled and the secretary of state  
44 shall notify the appropriate county board of supervisors to post a notice of  
45 the death or incapacity of the candidate in each polling place along with  
46 notice that any votes cast for that candidate will be tabulated.

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

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

11 16-351.01. Nomination challenges; attorney fees

12 FOR ANY CHALLENGE OF A CANDIDATE'S NOMINATING PETITION FOR WHICH THE  
13 COUNTY RECORDER OR OFFICER IN CHARGE OF ELECTIONS IS REQUIRED TO CONDUCT  
14 SIGNATURE VERIFICATION AND TO WHICH THE COUNTY RECORDER OR OFFICER IN CHARGE  
15 OF ELECTIONS IS A PARTY, THE COURT MAY AWARD TO THE COUNTY RECORDER OR  
16 OFFICER IN CHARGE OF ELECTIONS THE REASONABLE EXPENSES INCURRED IN SIGNATURE  
17 VERIFICATION IF THE COURT DETERMINES THAT THE CHALLENGE WAS WITHOUT  
18 SUBSTANTIAL JUSTIFICATION OR WAS PRIMARILY OR SOLELY FOR DELAY OR HARASSMENT  
19 OR THAT THE CANDIDATE WHO SUBMITTED THE PETITION KNOWINGLY OR RECKLESSLY  
20 FILED A SUBSTANTIAL NUMBER OF INVALID SIGNATURES.

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

22 16-464. Rotation of names on ballots

23 A. When there are two or more candidates for a nomination, except in  
24 the case of precinct committeemen, the names of all candidates for the  
25 nomination shall be so alternated upon the ballots used in each election  
26 precinct that the name of each candidate shall appear substantially an equal  
27 number of times at the top, at the bottom and in each intermediate place of  
28 the list or group of candidates in which they belong. When there are fewer  
29 than or the same number of candidates seeking office as the number to be  
30 elected, rotation of names is not required and the names shall be placed in  
31 alphabetical order.

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

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

39 D. WHEN THERE ARE TWO OR MORE PRECINCTS IN A POLITICAL SUBDIVISION  
40 THAT HOLD AN ALL MAIL BALLOT ELECTION, CANDIDATE NAME ROTATION SHALL BE THE  
41 PRESUMED METHOD OF BALLOT ORGANIZATION, UNLESS CANDIDATE NAME ROTATION IS  
42 FOUND TO BE IMPRACTICABLE. WHEN CANDIDATE NAME ROTATION IS FOUND TO BE  
43 IMPRACTICABLE, THE POSITION OF THE NAMES OF CANDIDATES SHALL BE DRAWN BY LOT  
44 AT A PUBLIC MEETING.

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

1           Sec. 12. Section 16-571, Arizona Revised Statutes, is amended to read:  
2           16-571. Poll lists to be kept by election clerk; posting

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

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

18          C. In precincts in which electronic poll book systems are used, at  
19          least one list of persons voting shall be available by printed or electronic  
20          media. The list shall be in substantially the same format as prescribed in  
21          section 16-516 and on request shall be given to a representative designated  
22          by each major political party. The information contained in the list also  
23          may be provided electronically to a representative designated by each major  
24          political party by way of a secure electronic file transmittal format as  
25          prescribed by the secretary of state.

26          Sec. 13. Section 16-580, Arizona Revised Statutes, is amended to read:  
27          16-580. Manner of voting; assistance for certain electors

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

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

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

44          D. Before leaving the voting booth the voter shall fold the ballot  
45          lengthwise and crosswise, or place the voter's card in the ballot envelope,  
46          but in such a way that the contents of the ballot shall be concealed and the

1 stub, if any, can be removed without exposing the contents of the ballot and  
2 shall keep the ballot folded until the voter has delivered it to the  
3 inspector, or judge acting as such.

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

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

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

28 Sec. 14. Section 16-803, Arizona Revised Statutes, is amended to read:

29 16-803. Filing petition for recognition; submission of  
30 petitions to county recorder for signature  
31 verification

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

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

42 ~~C. B. On receipt of a petition for statewide recognition, the county~~  
43 ~~officer in charge of elections from each of the counties in which the~~  
44 ~~petition was filed shall submit the petitions and signatures to the secretary~~  
45 ~~of state.~~ Within five SEVEN business days after receipt OF A PETITION FOR  
46 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  
46 signature line originally selected for the random sample to the next previous

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

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

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

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

23 2. No date of signing is provided.

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

26 4. The address provided is illegible or nonexistent.

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

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

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

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

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

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

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

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

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

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



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

5 Sec. 16. Section 16-901, Arizona Revised Statutes, is amended to read:  
6 16-901. Definitions

7 In this chapter, unless the context otherwise requires:

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

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

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

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

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

27 (a) Includes all of the following:

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

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

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

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

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

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

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

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

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

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

35 (vi) Independent expenditures.

36 (vii) Monies loaned by a state bank, a federally chartered depository  
37 institution or a depository institution the deposits or accounts of which are  
38 insured by the federal deposit insurance corporation or the national credit  
39 union administration, other than an overdraft made with respect to a checking  
40 or savings account, that is made in accordance with applicable law and in the  
41 ordinary course of business. In order for this exemption to apply, this loan  
42 shall be deemed a loan by each endorser or guarantor, in that proportion of  
43 the unpaid balance that each endorser or guarantor bears to the total number  
44 of endorsers or guarantors, the loan shall be made on a basis that assures  
45 repayment, evidenced by a written instrument, shall be subject to a due date

1 or amortization schedule and shall bear the usual and customary interest rate  
2 of the lending institution.

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

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

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

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

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

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

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

42 7. "Election" means any election for any initiative, referendum or  
43 other measure or proposition or a primary, general, recall, special or runoff  
44 election for any office in this state other than the office of precinct  
45 committeeman and other than a federal office. For purposes of sections  
46 16-903 and 16-905, the general election includes the primary election.

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

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

14           (b) Nonpartisan activity designed to encourage individuals to vote or  
15 to register to vote.

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

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

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

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

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

43           11. "Filing officer" means the office that is designated by section  
44 16-916 to conduct the duties prescribed by this chapter.

45           12. "Identification" means:

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

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

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

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

22 (a) Any officer, member, employee or agent of the political committee  
23 making the expenditure is also an officer, member, employee or agent of the  
24 committee of the candidate whose election or whose opponent's defeat is being  
25 advocated by the expenditure or an agent of the candidate whose election or  
26 whose opponent's defeat is being advocated by the expenditure.

27 (b) There is any arrangement, coordination or direction with respect  
28 to the expenditure between the candidate or the candidate's agent and the  
29 person making the expenditure, including any officer, director, employee or  
30 agent of that person.

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

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

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

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

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

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

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

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

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

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

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

19           (d) Family contributions.

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

37           (a) A candidate's campaign committee.

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

40           (c) A committee acting in support of or opposition to the  
41 qualification, passage or defeat of a ballot measure, question or  
42 proposition.

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

45           (e) A political party.

1 (f) A committee organized for the purpose of making independent  
2 expenditures.

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

5 (h) A political organization.

6 (i) An exploratory committee.

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

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

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

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

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

22 (b) Files a statement of organization as prescribed by section  
23 16-902.01, subsection E.

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

26 (i) A separate, segregated fund.

27 (ii) A political party.

28 (iii) A committee organized for the purpose of making independent  
29 expenditures.

30 (iv) A political organization.

31 24. "Statewide office" means the office of governor, secretary of  
32 state, state treasurer, attorney general, superintendent of public  
33 instruction, corporation commissioner or mine inspector.

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

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

39 **16-902.01. Registration of political committees; contents;**  
40 **amendment**

41 A. Each political committee that intends to accept contributions or  
42 make expenditures of more than five hundred dollars shall file a statement of  
43 organization with the filing officer in the format prescribed by the filing  
44 officer before accepting contributions, making expenditures, distributing any  
45 campaign literature or circulating petitions. Each political committee that  
46 intends to accept contributions or make expenditures of five hundred dollars

1 or less, **AND MORE THAN TWO HUNDRED FIFTY DOLLARS**, shall file a signed  
2 exemption statement in a form prescribed by the filing officer that states  
3 that intention before making any expenditures, accepting any contributions,  
4 distributing any campaign literature or circulating petitions. If a  
5 political committee that has filed a five hundred dollar threshold exemption  
6 statement receives contributions or makes expenditures of more than five  
7 hundred dollars, that political committee shall file a statement of  
8 organization with the filing officer in the format prescribed by the filing  
9 officer within five business days after exceeding the five hundred dollar  
10 limit.

11 B. The statement of organization of a political committee shall  
12 include all of the following:

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

14 2. The name, address, relationship and type of any sponsoring  
15 organization.

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

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

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

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

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

27 D. The political committee shall file an amended statement of  
28 organization reporting any change in the information prescribed in  
29 subsections B and F of this section within five business days after the  
30 change.

31 E. A standing political committee shall file a statement of  
32 organization with the secretary of state and in each jurisdiction in which  
33 the committee is active, and only the secretary of state shall issue an  
34 identification number for the committee. The statement of organization shall  
35 include a statement with the notarized signature of the chairman or treasurer  
36 of the standing political committee that declares the committee's status as a  
37 standing political committee. The secretary of state may charge an annual  
38 fee for the filing.

39 F. For a political committee that makes expenditures in an attempt to  
40 influence the results of a ballot proposition election, the statement of  
41 organization shall include in the name of the political committee the  
42 official serial number for the petition, if assigned, and a statement as to  
43 whether the political committee supports or opposes the passage of the ballot  
44 measure. On completion of the designation of statewide ballot propositions  
45 by number as prescribed in section 19-125, the secretary of state is  
46 authorized to and shall amend the name of the political committee by

1 attaching to the statement of organization the ballot proposition number as a  
2 substitute for the official serial number in the name of the political  
3 committee. The secretary of state shall promptly notify the political  
4 committee of the amended political committee name and shall make that  
5 information available to the public.

6 Sec. 18. Section 16-913, Arizona Revised Statutes, is amended to read:  
7 16-913. Campaign finance reports; reporting of receipts and  
8 disbursements; exemptions; civil penalty

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

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

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

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

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

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

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

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

38 3. **A PREELECTION REPORT THAT IS DUE AS PRESCRIBED BY SUBSECTION B,  
39 PARAGRAPH 2 OF THIS SECTION.**

40 4. **A POSTELECTION REPORT THAT IS DUE AS PRESCRIBED BY SUBSECTION B,  
41 PARAGRAPH 3 OF THIS SECTION.**

42 D. In the event that a political committee receives no contributions  
43 and makes no expenditures during a period in which it is required to file a  
44 campaign finance report, the committee treasurer or if the treasurer is  
45 unavailable the candidate, in lieu of filing a report required by subsection

1 B of this section, may sign and file a form prescribed by the secretary of  
2 state indicating no activity during the specific reporting period.

3 E. In lieu of the reports prescribed in subsections B and C of this  
4 section, a candidate's political committee that remains active after an  
5 election due to outstanding debts may file a document no later than January  
6 31 in a form prescribed by the secretary of state that states that the  
7 committee does not intend to receive any contributions or make any  
8 expenditures during the year. If a candidate's political committee does  
9 receive a contribution or make an expenditure during that year, the committee  
10 shall report as prescribed by subsection B or C of this section.

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

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

30 H. Except as provided in section 16-916, subsection B and subsection K  
31 of this section, a political committee shall comply with the requirements of  
32 this section in each jurisdiction in this state in which the committee has  
33 filed a statement of organization until the committee terminates pursuant to  
34 section 16-914, and its statements, designations and reports shall be filed  
35 with each officer with whom it has filed a statement of organization, as  
36 appropriate.

37 I. Each report required to be filed pursuant to this section shall be  
38 signed by the committee treasurer or the candidate or the designating  
39 individual if the treasurer is unavailable and shall contain the  
40 certification of the signer under penalty of perjury that the report is true  
41 and complete.

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

1 K. A standing political committee shall file reports with the  
2 secretary of state and is exempt from filing a report with any other  
3 jurisdiction in which it is active. The reports shall be in an electronic  
4 format as prescribed by the secretary of state or by use of the internet.  
5 The secretary of state shall promptly make the reports available to the  
6 public on the internet and shall make the reports available by electronic  
7 means by request. The standing committee shall file the following reports:

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

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

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

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

18 16-914.01. Reporting of contributions by committees acting on  
19 ballot measures; civil penalty; definition

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

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

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

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

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

45 1. The committee has received contributions totaling ten thousand  
46 dollars or more.



1 ballot questions, community college district governing board members or  
2 ballot questions, judges of the superior court seeking retention, special  
3 taxing districts and a county initiative or referendum or any measure or  
4 proposition appearing on a county election ballot. For any county with a  
5 population of more than one hundred thousand persons that operates a website,  
6 the county officer in charge of elections shall post to that website in a  
7 format that is viewable by the public the campaign finance information  
8 prescribed by this section, WHICH SHALL INCLUDE THE NAMES OF CANDIDATES WHO  
9 HAVE FILED AN EXEMPTION STATEMENT PURSUANT TO SECTION 16-902.01, SUBSECTION A  
10 WITH THAT FILING OFFICER. ~~The posting requirements of this paragraph do not~~  
11 ~~apply to reports where less than five hundred dollars is spent.~~

12 3. With the city or town clerk for political committees supporting or  
13 opposing the recall of public officers elected to city or town offices,  
14 supporting the circulation of petitions for ballot measures, questions and  
15 propositions appearing on a city or town election ballot or recall of public  
16 officers elected for city or town offices or supporting or opposing  
17 candidates for city or town offices and for a city or town initiative or  
18 referendum or any measure or proposition appearing on a city or town election  
19 ballot. For any city or town with a population of more than two thousand  
20 five hundred persons that operates a website, the city or town shall post to  
21 that website in a format that is viewable by the public the campaign finance  
22 information prescribed by this section, WHICH SHALL INCLUDE THE NAMES OF  
23 CANDIDATES WHO HAVE FILED AN EXEMPTION STATEMENT PURSUANT TO SECTION  
24 16-902.01, SUBSECTION A. FOR A CITY OR TOWN WITHOUT A WEBSITE, THE  
25 INFORMATION SHALL BE POSTED ON THE WEBSITE OPERATED BY AN ASSOCIATION OF  
26 CITIES AND TOWNS IN THIS STATE. ~~The posting requirements of this paragraph~~  
27 ~~do not apply to reports where less than five hundred dollars is spent.~~

28 B. Campaign finance reports required pursuant to section 16-913 for  
29 the office of member of the legislature and statewide offices shall be filed  
30 with the secretary of state in the manner prescribed by the secretary of  
31 state. The secretary of state may provide through the procedures manual  
32 adopted pursuant to section 16-452 for an alternative method for providing  
33 public access to the reports prescribed by this section.

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

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

39 2. For documents filed by commercial delivery services that provide a  
40 standardized delivery confirmation process, the date of delivery confirmation  
41 constitutes the date of filing.

42 3. For documents filed by commercial delivery services that provide  
43 for electronic tracking of specific delivery packages, the date of electronic  
44 confirmation of delivery constitutes the date of filing.

45 D. If the date for filing any statement, designation or report  
46 required by this article is a Saturday, a Sunday or another legal holiday,

1 the filing deadline is the next day that is not a Saturday, a Sunday or  
2 another legal holiday.

3 Sec. 21. Section 16-917, Arizona Revised Statutes, is amended to read:

4 16-917. Independent expenditures; in-kind contribution; civil  
5 penalty

6 A. A political committee, CORPORATION, LIMITED LIABILITY COMPANY OR  
7 LABOR ORGANIZATION that makes independent expenditures for literature or an  
8 advertisement relating to any one candidate or office within sixty days  
9 before the day of any election to which the expenditures relate, shall send  
10 by certified mail a copy of the campaign literature or advertisement to each  
11 candidate named or otherwise referred to in the literature or advertisement  
12 twenty-four hours after depositing it at the post office for mailing,  
13 twenty-four hours after submitting it to a telecommunications system for  
14 broadcast or twenty-four hours after submitting it to a newspaper for  
15 printing.

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

19 C. An expenditure by a political committee, CORPORATION, LIMITED  
20 LIABILITY COMPANY, LABOR ORGANIZATION or a person that does not meet the  
21 definition of an independent expenditure is an in-kind contribution to the  
22 candidate and a corresponding expenditure by the candidate unless otherwise  
23 exempted.

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

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

30 16-1005. Ballot abuse; violation; classification

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

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

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

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

43 E. A person or entity ~~who~~ THAT knowingly solicits the collection of  
44 voted or unvoted ballots by misrepresenting itself as an election official or  
45 as an official ballot repository or is found to be serving as a ballot drop

1 off site, other than those established and staffed by election officials, is  
2 guilty of a class 5 felony.

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

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

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

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

28 41-134. Electronic database system; procedures

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

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

35 1. APPROVAL OF THE LOCAL GOVERNING BODY.

36 2. THE LOCAL GOVERNING BODY CONFORMING THE LOCAL GOVERNING BODY'S  
37 FINANCIAL DISCLOSURE REQUIREMENT AND LOBBYING DISCLOSURE REQUIREMENTS WITH  
38 REQUIREMENTS OF THIS STATE.

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

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

44 41-1202. Vacancy in legislature; precinct committeemen;  
45 appointment; definition

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

6           1. The secretary of state shall notify the state party chairman of the  
7 appropriate political party of the vacancy. Within three business days after  
8 notification of the vacancy by the secretary of state, the state party  
9 chairman of the appropriate political party or the chairman's designee shall  
10 give written notice of the meeting to fill the vacancy to all elected  
11 precinct committeemen of the appropriate political party from precincts that  
12 are in the legislative district and that are in the county in which the  
13 vacancy occurred.

14           2. Those elected precinct committeemen shall nominate, within  
15 twenty-one days after notification of the vacancy by the secretary of state  
16 if the legislature is not in regular session or within five days if the  
17 legislature is in regular session and by a majority vote, three qualified  
18 electors to fill the vacancy who meet the requirements for service in the  
19 legislature and who belong to the same political party and reside at the time  
20 of nomination in the same district and county as the person elected to or  
21 appointed to the office immediately before the vacancy.

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

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

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

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

35           4. The state party chairman of the appropriate political party shall  
36 forward the names of the three persons named pursuant to paragraph 2 of this  
37 subsection to the board of supervisors of the county of residence of the  
38 person elected or appointed to the office immediately before the vacancy  
39 occurred. The board of supervisors shall appoint a person from the three  
40 nominees submitted.

41           5. If the elected precinct committeemen of the appropriate political  
42 party fail to fill the vacancy within twenty-one days if the legislature is  
43 not in regular session or within five days if the legislature is in regular  
44 session, as provided in subsection A, the state party chairman shall notify  
45 the board of supervisors of the appropriate county and the board of  
46 supervisors shall fill the vacancy as provided in subsection B. The time

1 frame for appointing a citizens panel shall run from receipt of notification  
2 from the state party chairman.

3 B. If the vacant legislative seat was represented by a political party  
4 that is organized pursuant to title 16, chapter 5, article 2 and that has  
5 fewer than thirty elected committeemen who are from precincts that are in the  
6 legislative district and that are in the county in which the vacancy occurred  
7 or if the vacant legislative seat is not represented by a political party  
8 that is organized pursuant to title 16, chapter 5, article 2, the following  
9 apply:

10 1. The board of supervisors of the county of residence of the person  
11 elected to or appointed to the office immediately before the vacancy shall  
12 appoint within three business days after a vacancy occurs a citizens panel to  
13 submit to the board within seven business days the names of three qualified  
14 electors who are members of the appropriate political party and who are  
15 residents of the legislative district and county in which the vacancy  
16 occurred to fill the vacancy. If the person elected to or appointed to the  
17 office immediately before the vacancy was a registered independent, the  
18 qualified electors shall be registered as independent.

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

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

30 Sec. 25. Secretary of state; independent counsel

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

34 Sec. 26. Legislative intent

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

APPROVED BY THE GOVERNOR MAY 15, 2012.

H.B. 2033

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 15, 2012.