

REFERENCE TITLE: fire district reorganization elections

State of Arizona  
House of Representatives  
Fifty-first Legislature  
First Regular Session  
2013

# HB 2124

Introduced by  
Representative Ugenti

AN ACT

AMENDING SECTIONS 48-802, 48-816 AND 48-820, ARIZONA REVISED STATUTES;  
RELATING TO FIRE DISTRICTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 48-802, Arizona Revised Statutes, is amended to  
3 read:

4 48-802. Election procedures

5 A. All elections held pursuant to this article shall conform to the  
6 requirements of this section.

7 B. Except as otherwise provided in this article, the manner of  
8 conducting and voting at an election, contesting an election, keeping poll  
9 lists, canvassing votes and certifying returns shall be the same, as nearly  
10 as practicable, as in elections for county officers. If the fire district is  
11 administered by a board, after consultation with the officer in charge of  
12 elections, a fire district may divide itself into precincts. To the extent  
13 practicable, the precincts shall be equal or as nearly equal in population  
14 and shall conform to the boundaries of precincts adopted by the board of  
15 supervisors of the county. The fire district shall thereafter conduct its  
16 elections using those precincts.

17 C. No person may vote at the election other than a qualified elector  
18 of this state who has registered to vote at least twenty-nine days before the  
19 election as a resident within the district boundaries, proposed district  
20 boundaries created by the merger of fire districts or the proposed district  
21 boundaries created by a consolidated district. A person offering to vote at  
22 a fire district election for which no fire district register has been  
23 supplied shall sign an affidavit stating the person's address and the fire  
24 district in which the person resides and swearing the person is qualified to  
25 vote and has not voted at the fire district election being held. A person  
26 offering to vote at a fire district election for which a fire district  
27 register has been supplied shall proceed as required for voting at any  
28 election at which precinct registers are used.

29 D. In elections for an elected chief and secretary-treasurer or  
30 district board members:

31 1. The person or persons within the district or precinct, as  
32 applicable, receiving the highest number of votes shall be declared elected.

33 2. Candidates must be, and during incumbency must remain, qualified  
34 electors of the fire district. In a fire district that is divided into  
35 precincts as prescribed by subsection B of this section, candidates shall be  
36 qualified electors of the precinct in which they are candidates and during  
37 incumbency must remain qualified electors of that precinct.

38 3. Elections, other than special elections to fill a vacancy or  
39 elections to merge or dissolve fire districts, shall be held on the first  
40 Tuesday after the first Monday in November of the first even numbered year  
41 following the year the district is declared organized by the board of  
42 supervisors and, in the case of a fire district administered by a district  
43 board, every two years thereafter on the first Tuesday after the first Monday  
44 in November. Elections shall be held every four years thereafter in  
45 districts administered by an elected chief.

1           4. Except for an election to reorganize a fire district, nominating  
2 petitions shall be filed with the board of supervisors as prescribed by title  
3 16, chapter 3. If only one person files or no person files a nominating  
4 petition for an election to fill a position on the district board or the  
5 position of elected fire chief or elected secretary-treasurer for which the  
6 term of office is to expire, the board of supervisors may cancel the election  
7 for that position and appoint the person who filed the nominating petition to  
8 fill the position. If no person files a nominating petition for an election  
9 to fill a district office, the board of supervisors may cancel the election  
10 for those offices and those offices are deemed vacant and shall be filled as  
11 otherwise provided by law. A person who is appointed pursuant to this  
12 paragraph is fully vested with the powers and duties of the office as if  
13 elected to that office.

14           5. FOR AN ELECTION TO REORGANIZE A FIRE DISTRICT, ANY PERSON SEEKING  
15 ELECTION TO THE GOVERNING BODY THAT WOULD BE FORMED OR EXPANDED IF THE  
16 REORGANIZATION IS APPROVED SHALL COMPLY WITH THE NOMINATION REQUIREMENTS FOR  
17 A CANDIDATE AS PRESCRIBED BY TITLE 16, CHAPTER 3, INCLUDING FILING A  
18 NOMINATION PAPER AND NOMINATION PETITION TO APPEAR AS A CANDIDATE ON THE  
19 REORGANIZATION ELECTION BALLOT.

20           ~~5-~~ 6. The names of all nominated persons for office within the  
21 district or precinct, as applicable, shall appear on the ballot without  
22 partisan designation.

23           E. In an election to reorganize, notice of the appropriate order of  
24 the board of supervisors or governing body of the district shall be given as  
25 prescribed by title 16, CHAPTER 2.

26           F. In an election to merge fire districts, notice of the appropriate  
27 order of the board of supervisors shall be given as prescribed by title 16,  
28 CHAPTER 2. In addition, notice of the election with an accurate map of the  
29 territory proposed to be merged shall be sent by first class mail to each  
30 owner of property that would be subject to taxation by the merged district at  
31 least sixty days before the election. An order to hold an election shall be  
32 issued not more than thirty days after the receipt of the resolution to merge  
33 fire districts pursuant to section 48-820.

34           G. In an election to consolidate fire districts, notice of the  
35 appropriate order of the board of supervisors shall be given as prescribed by  
36 title 16, CHAPTER 2. In addition, notice of the election with an accurate  
37 map of the territory proposed to be consolidated shall be sent by first class  
38 mail to each owner of property that would be subject to taxation by the  
39 consolidated district at least sixty days before the election. An order to  
40 hold an election shall be issued not more than thirty days after the receipt  
41 of the resolution to consolidate fire districts pursuant to section 48-822.

42           Sec. 2. Section 48-816, Arizona Revised Statutes, is amended to read:  
43 48-816. Election to reorganize district

44           A. The board of supervisors shall make an order calling an election to  
45 decide whether to reorganize a fire district administered by an elected chief

1 AND SECRETARY-TREASURER as a district administered by a district board,  
2 pursuant to section 48-803, or to reorganize a fire district administered by  
3 a district board as a district administered by an elected chief AND  
4 SECRETARY-TREASURER, pursuant to section 48-804, when a petition containing  
5 signatures of twenty-five per cent of the qualified electors residing within  
6 the district and praying that the district be reorganized is filed with the  
7 board except the board of supervisors shall not make an order calling for a  
8 reorganization election more frequently than once every two years. The  
9 election may be held on any consolidated election date as prescribed in  
10 section 16-204. The board of supervisors shall give notice of the election  
11 in the same manner provided for in section 48-806 for bond elections.

12 B. The words appearing on the ballot shall be "reorganize as a fire  
13 district administered by (insert elected chief or district board, as  
14 specified)--yes", "reorganize as fire district administered by (insert  
15 elected chief or district board, as specified)--no". The ballots shall also  
16 ~~allow each elector to indicate the elector's choice~~ PROVIDE AS A SEPARATE  
17 RACE THE NAMES OF PERSONS WHO PROPERLY FILED FOR NOMINATION AS PRESCRIBED IN  
18 SECTION 48-802 AS CANDIDATES for THE OFFICES OF elected chief and  
19 secretary-treasurer or board ~~members~~ MEMBER, as appropriate, ~~in the event of~~  
20 IF THE reorganization WERE TO BE APPROVED AT THAT ELECTION.

21 C. ~~Within fourteen~~ AT LEAST SIX DAYS BUT NOT MORE THAN TWENTY days  
22 after the election, the board of supervisors shall meet and canvass the  
23 returns and if it is determined that a majority of the votes cast at the  
24 election was in favor of reorganizing the fire district, the board shall  
25 enter that fact on its minutes, declare the district duly reorganized and  
26 announce the names of those elected to the district board or as ELECTED chief  
27 and secretary-treasurer.

28 D. The board of supervisors shall make an order calling an election to  
29 decide whether to reorganize a fire district that has a THREE-MEMBER board  
30 ~~consisting of three members~~ as a fire district that has a FIVE-MEMBER board  
31 ~~consisting of five members~~ when a petition containing the signatures of  
32 twenty-five per cent of the qualified electors residing within the district  
33 and praying that the district be reorganized is filed with the board except  
34 the board of supervisors shall not make an order calling for a reorganization  
35 election to expand the number of directors on the district board more  
36 frequently than once every two years.

37 E. FOR AN ELECTION CALLED TO DETERMINE WHETHER TO EXPAND THE NUMBER OF  
38 DIRECTORS AS PRESCRIBED BY SUBSECTION D OF THIS SECTION, the words appearing  
39 on the ballot shall be "reorganize as a fire district administered by a  
40 five-member board--yes", "reorganize as a fire district administered by a  
41 five-member board--no". The ballots shall also ~~allow each elector to~~  
42 ~~indicate the elector's choices~~ PROVIDE AS A SEPARATE RACE THE NAMES OF  
43 PERSONS WHO PROPERLY FILED FOR NOMINATION AS PRESCRIBED IN SECTION 48-802 AS  
44 CANDIDATES for THE two additional OFFICES OF board ~~members in the event of~~  
45 MEMBER IF THE reorganization WERE TO BE APPROVED AT THAT ELECTION.

1 F. ~~Within fourteen~~ AT LEAST SIX DAYS BUT NOT MORE THAN TWENTY days  
2 after the election, the board of supervisors shall meet and canvass the  
3 returns, and if it is determined that a majority of the votes cast at the  
4 election was in favor of reorganizing the fire district as a district with a  
5 five-member board, the board shall enter that fact on its minutes, declare  
6 the district duly reorganized and announce the names of those elected to the  
7 district board.

8 Sec. 3. Section 48-820, Arizona Revised Statutes, is amended to read:  
9 48-820. Election to merge fire districts; notice; hearing;  
10 approval; joint meeting; merged district board

11 A. Except as provided in subsection J of this section, the board of  
12 supervisors shall make an order calling for an election to decide whether to  
13 merge fire districts when a resolution for merger from each district is  
14 submitted to the board. The board of supervisors shall not make an order  
15 calling for an election to merge fire districts more frequently than once  
16 every two years. Whether or not the districts are merged, the fire districts  
17 shall reimburse the counties for the expenses of the election, including the  
18 cost of mailing any notices required pursuant to this section. If the  
19 proposed district is located in more than one county, the resolutions shall  
20 be submitted to the board of supervisors of the county in which the majority  
21 of the assessed valuation of the proposed district is located. The words  
22 appearing on the ballot shall be "(insert fire districts' names) merge as a  
23 fire district--yes" and "(insert fire districts' names) merge as fire  
24 district--no."

25 B. ~~Within fourteen~~ AT LEAST SIX DAYS BUT NOT MORE THAN TWENTY days  
26 after the election, the board of supervisors shall meet and canvass the  
27 returns, and if it is determined that a majority of the votes cast at the  
28 election in each of the affected districts is in favor of merging the fire  
29 districts, the board shall enter that fact on its minutes.

30 C. Except as prescribed in subsection D of this section, two or more  
31 fire districts may merge if the governing body of each affected fire  
32 district, by a majority vote of the members of each governing body, adopts a  
33 resolution declaring that a merger be considered and a public hearing be held  
34 to determine if a merger would be in the best interests of the district and  
35 would promote public health, comfort, convenience, necessity or welfare.  
36 After each district adopts such a resolution, the governing body by first  
37 class mail shall send written notice of the resolution, its purpose and  
38 notice of the day, hour and place of a hearing on the proposed merger to each  
39 owner of taxable property within the boundaries of the district. The notice  
40 shall contain the name and description of the boundaries of each district  
41 proposed to be merged and a detailed, accurate map of the area to be included  
42 in the merger. The notice also shall contain an estimate of the assessed  
43 value of the merged district, the estimated change in property tax liability  
44 for a typical resident of the proposed merged district and a list of the

1 benefits and injuries that may result from the proposed merged district. No  
2 new territory may be included as a result of the merger.

3 D. A noncontiguous county island fire district formed pursuant to  
4 section 48-851 shall not merge with a fire district formed pursuant to  
5 section 48-261.

6 E. The clerk of the governing body shall post notice in at least three  
7 conspicuous public places in the district and shall also publish notice twice  
8 in a daily newspaper of general circulation in the county in which the  
9 district is located, at least ten days before the public hearing. The clerk  
10 of each governing body affected by the proposed merger shall also mail notice  
11 and a copy of the resolution in support of considering the merger to the  
12 chairman of the board of supervisors of the county or counties in which the  
13 affected districts are located. The chairman of the board of supervisors  
14 shall order a review of the proposed merger and shall submit written comments  
15 to the governing body of each fire district located in that county within ten  
16 days after receipt of the notice.

17 F. At the hearing, each governing body of the district shall consider  
18 the comments of the board of supervisors, hear those persons who appear for  
19 or against the proposed merger and determine whether the proposed merger will  
20 promote public health, comfort, convenience, necessity or welfare. If, after  
21 the public hearing each of the governing bodies of the districts affected by  
22 the proposed merger adopt a resolution by a majority vote that the merger  
23 will promote public health, comfort, convenience, necessity or welfare, each  
24 of the governing bodies of the districts affected by the proposed merger  
25 shall submit to the board of supervisors the resolutions that call for an  
26 election.

27 G. Before considering any resolution of merger pursuant to this  
28 section, a governing body shall obtain written consent to the merger from any  
29 single taxpayer residing within each of the affected districts who owns  
30 thirty per cent or more of the net assessed valuation of the total net  
31 assessed valuation of the district. If written consent contemplated by this  
32 subsection is not obtained, subsections A and B apply, and the merger may  
33 only be accomplished by election.

34 H. If the merger is approved as provided by subsection B or J of this  
35 section, **WITHIN THIRTY DAYS AFTER THE APPROVAL** the governing body of the  
36 affected district with the largest population ~~within thirty days~~ shall call a  
37 joint meeting of the governing bodies of all of the affected districts. At  
38 the joint meeting, a majority of the members of the governing body of each  
39 affected district constitutes a quorum for the purpose of transacting  
40 business. The members of the governing body shall appoint a total of five  
41 persons from those currently serving on the governing bodies who shall  
42 complete their regular terms of office, except that no more than three of the  
43 persons appointed may serve terms that end in the same year. No more than  
44 three members shall be appointed from the same fire district board.  
45 Subsequent terms of office for district board members shall be filled by

1 election of board members who shall be qualified electors of the merged  
2 district.

3 I. The appointed governing body shall immediately meet and organize  
4 itself and elect from its members a chairman and a clerk. The appointed  
5 board by resolution shall declare the districts merged and each affected  
6 district joined. The governing board by resolution shall declare the name of  
7 the newly merged fire district. The resolution and the names of the new  
8 board members for the newly organized district shall be sent to the board of  
9 supervisors, and the districts are merged effective thirty days after the  
10 adoption of the resolution.

11 J. If the requirements of subsection G of this section are met and  
12 each of the governing body votes required by subsections C and F of this  
13 section are unanimous, the following apply:

14 1. The governing bodies of each district may choose to merge by  
15 unanimous resolution without an election and subsections A and B of this  
16 section do not apply.

17 2. The governing bodies of each district may choose to hold an  
18 election on the question of merger and subsections A and B of this section  
19 apply.