

State of Arizona
House of Representatives
Fifty-first Legislature
Second Regular Session
2014

CHAPTER 260
HOUSE BILL 2218

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

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

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

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

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

43 Sec. 2. Section 48-816, Arizona Revised Statutes, is amended to read:
44 48-816. Election to reorganize district

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

1 ~~as a district administered by a district board, pursuant to section 48-803,~~
2 ~~or to reorganize a fire district administered by a district board as a~~
3 ~~district administered by an elected chief, pursuant to section 48-804, when a~~
4 ~~petition containing signatures of twenty five per cent of the qualified~~
5 ~~electors residing within the district and praying that the district be~~
6 ~~reorganized is filed with the board except the board of supervisors shall not~~
7 ~~make an order calling for a reorganization election more frequently than once~~
8 ~~every two years. The election may be held on any consolidated election date~~
9 ~~as prescribed in section 16-204. The board of supervisors shall give AS~~
10 ~~PRESCRIBED IN THIS SECTION AND SHALL GIVE~~ notice of the election in the same
11 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 for elected chief and~~
17 ~~secretary-treasurer or board members, as appropriate, in the event of~~
18 ~~reorganization.~~

19 ~~C. Within fourteen days after the election, the board of supervisors~~
20 ~~shall meet and canvass the returns and if it is determined that a majority of~~
21 ~~the votes cast at the election was in favor of reorganizing the fire~~
22 ~~district, the board shall enter that fact on its minutes, declare the~~
23 ~~district duly reorganized and announce the names of those elected to the~~
24 ~~district board or as chief and secretary-treasurer.~~

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

34 ~~E.~~ C. EXCEPT FOR A DISTRICT ORGANIZED PURSUANT TO ARTICLE 3 OF THIS
35 CHAPTER, FOR AN ELECTION CALLED TO DETERMINE WHETHER TO EXPAND THE NUMBER OF
36 DIRECTORS AS PRESCRIBED IN SUBSECTION B OF THIS SECTION, the words appearing
37 on the ballot shall be "reorganize as a fire district administered by a five
38 member board--yes", "reorganize as a fire district administered by a five
39 member board--no". The ballots shall also ~~allow each elector to indicate the~~
40 ~~elector's choices~~ PROVIDE AS A SEPARATE RACE THE NAMES OF PERSONS WHO
41 PROPERLY FILED FOR NOMINATION AS PRESCRIBED IN SECTION 48-802 AS CANDIDATES
42 for THE two additional OFFICES OF board ~~members in the event of~~ MEMBER IF THE
43 reorganization WERE TO BE APPROVED AT THAT ELECTION.

44 ~~F.~~ D. ~~Within fourteen~~ AT LEAST SIX DAYS BUT NOT MORE THAN TWENTY days
45 after the election, the board of supervisors shall meet and canvass the
46 returns, and if it is determined that a majority of the votes cast at the

1 election was in favor of reorganizing the fire district as a district with a
2 five member board, the board shall enter that fact on its minutes, declare
3 the district duly reorganized and announce the names of those elected to the
4 district board.

5 E. FOR A DISTRICT ORGANIZED PURSUANT TO ARTICLE 3 OF THIS CHAPTER, THE
6 WORDS APPEARING ON THE BALLOT SHALL BE "REORGANIZE AS A FIRE DISTRICT
7 ADMINISTERED BY A FIVE MEMBER BOARD--YES", "REORGANIZE AS A FIRE DISTRICT
8 ADMINISTERED BY A FIVE MEMBER BOARD--NO". THE BALLOTS SHALL ALSO ALLOW EACH
9 ELECTOR TO INDICATE THE ELECTOR'S CHOICES FOR TWO ADDITIONAL BOARD MEMBERS IN
10 THE EVENT OF REORGANIZATION.

11 F. WITHIN FOURTEEN DAYS AFTER THE ELECTION PRESCRIBED BY SUBSECTION E
12 OF THIS SECTION, THE BOARD OF SUPERVISORS SHALL MEET AND CANVASS THE RETURNS,
13 AND IF IT IS DETERMINED THAT A MAJORITY OF THE VOTES CAST AT THE ELECTION WAS
14 IN FAVOR OF REORGANIZING THE FIRE DISTRICT AS A DISTRICT WITH A FIVE MEMBER
15 BOARD, THE BOARD SHALL ENTER THAT FACT ON ITS MINUTES, DECLARE THE DISTRICT
16 DULY REORGANIZED AND ANNOUNCE THE NAMES OF THOSE ELECTED TO THE DISTRICT
17 BOARD.

18 Sec. 3. Section 48-820, Arizona Revised Statutes, is amended to read:
19 48-820. Election to merge fire districts; notice; hearing;
20 approval; joint meeting; merged district board

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

35 B. ~~Within fourteen~~ EXCEPT FOR A DISTRICT ORGANIZED PURSUANT TO ARTICLE
36 3 OF THIS CHAPTER, AT LEAST SIX DAYS BUT NOT MORE THAN TWENTY days after the
37 election, the board of supervisors shall meet and canvass the returns, and if
38 it is determined that a majority of the votes cast at the election in each of
39 the affected districts is in favor of merging the fire districts, the board
40 shall enter that fact on its minutes.

41 C. FOR A DISTRICT ORGANIZED PURSUANT TO ARTICLE 3 OF THIS CHAPTER,
42 WITHIN FOURTEEN DAYS AFTER THE ELECTION, THE BOARD OF SUPERVISORS SHALL MEET
43 AND CANVASS THE RETURNS, AND IF IT IS DETERMINED THAT A MAJORITY OF THE VOTES
44 CAST AT THE ELECTION IN EACH OF THE AFFECTED DISTRICTS IS IN FAVOR OF MERGING
45 THE FIRE DISTRICTS, THE BOARD SHALL ENTER THE FACT ON ITS MINUTES.

1 ~~C.~~ D. Except as prescribed in subsection ~~D.~~ E of this section, two or
2 more fire districts may merge if the governing body of each affected fire
3 district, by a majority vote of the members of each governing body, adopts a
4 resolution declaring that a merger be considered and a public hearing be held
5 to determine if a merger would be in the best interests of the district and
6 would promote public health, comfort, convenience, necessity or welfare.
7 After each district adopts such a resolution, the governing body by first
8 class mail shall send written notice of the resolution, its purpose and
9 notice of the day, hour and place of a hearing on the proposed merger to each
10 owner of taxable property within the boundaries of the district. The notice
11 shall contain the name and description of the boundaries of each district
12 proposed to be merged and a detailed, accurate map of the area to be included
13 in the merger. The notice also shall contain an estimate of the assessed
14 value of the merged district, the estimated change in property tax liability
15 for a typical resident of the proposed merged district and a list of the
16 benefits and injuries that may result from the proposed merged district. No
17 new territory may be included as a result of the merger.

18 ~~D.~~ E. A noncontiguous county island fire district formed pursuant to
19 section 48-851 shall not merge with a fire district formed pursuant to
20 section 48-261.

21 ~~E.~~ F. The clerk of the governing body shall post notice in at least
22 three conspicuous public places in the district and shall also publish notice
23 twice in a daily newspaper of general circulation in the county in which the
24 district is located, at least ten days before the public hearing. The clerk
25 of each governing body affected by the proposed merger shall also mail notice
26 and a copy of the resolution in support of considering the merger to the
27 chairman of the board of supervisors of the county or counties in which the
28 affected districts are located. The chairman of the board of supervisors
29 shall order a review of the proposed merger and shall submit written comments
30 to the governing body of each fire district located in that county within ten
31 days after receipt of the notice.

32 ~~F.~~ G. At the hearing, each governing body of the district shall
33 consider the comments of the board of supervisors, hear those persons who
34 appear for or against the proposed merger and determine whether the proposed
35 merger will promote public health, comfort, convenience, necessity or
36 welfare. If, after the public hearing each of the governing bodies of the
37 districts affected by the proposed merger adopt a resolution by a majority
38 vote that the merger will promote public health, comfort, convenience,
39 necessity or welfare, each of the governing bodies of the districts affected
40 by the proposed merger shall submit to the board of supervisors the
41 resolutions that call for an election.

42 ~~G.~~ H. Before considering any resolution of merger pursuant to this
43 section, a governing body shall obtain written consent to the merger from any
44 single taxpayer residing within each of the affected districts who owns
45 thirty per cent or more of the net assessed valuation of the total net
46 assessed valuation of the district. If written consent contemplated by this

1 subsection is not obtained, subsections A and B apply, and the merger may
2 only be accomplished by election.

3 ~~H~~ I. If the merger is approved as provided by subsection B or ~~J~~ K
4 of this section, **WITHIN THIRTY DAYS AFTER THE APPROVAL**, the governing body of
5 the affected district with the largest population ~~within thirty days~~ shall
6 call a joint meeting of the governing bodies of all of the affected
7 districts. At the joint meeting, a majority of the members of the governing
8 body of each affected district constitutes a quorum for the purpose of
9 transacting business. The members of the governing body shall appoint a
10 total of five persons from those currently serving on the governing bodies
11 who shall complete their regular terms of office, except that no more than
12 three of the persons appointed may serve terms that end in the same year. No
13 more than three members shall be appointed from the same fire district board.
14 Subsequent terms of office for district board members shall be filled by
15 election of board members who shall be qualified electors of the merged
16 district.

17 ~~I~~ J. The appointed governing body shall immediately meet and
18 organize itself and elect from its members a chairman and a clerk. The
19 appointed board by resolution shall declare the districts merged and each
20 affected district joined. The governing board by resolution shall declare
21 the name of the newly merged fire district. The resolution and the names of
22 the new board members for the newly organized district shall be sent to the
23 board of supervisors, and the districts are merged effective thirty days
24 after the adoption of the resolution.

25 ~~J~~ K. If the requirements of subsection ~~G~~ H of this section are met
26 and each of the governing body votes required by subsections ~~E~~ D and ~~F~~ G of
27 this section are unanimous, the following apply:

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

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

APPROVED BY THE GOVERNOR APRIL 30, 2014.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 30, 2014.