COMMITTEE ON JUDICIARY
SENATE AMENDMENTS TO S.B. 1158
(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

   "Section 1. Section 16-322, Arizona Revised Statutes, is amended to
read:

   16-322. Number of signatures required on nomination petitions

   A. Nomination petitions shall be signed:

   1. If for a candidate for the office of United States senator or for a
state office, excepting members of the legislature and superior court judges,
by a number of qualified electors who are qualified to vote for the candidate
whose nomination petition they are signing equal to at least one-half of one
percent PERCENT of the voter registration of the party of the candidate in
at least three counties in the state, but not less than one-half of one percent PERCENT nor more than ten percent PERCENT of the total voter
registration of the candidate's party in the state.

   2. If for a candidate for the office of representative in Congress, by
a number of qualified electors who are qualified to vote for the candidate
whose nomination petition they are signing equal to at least one percent PERCENT but not more than ten percent PERCENT of the total voter
registration of the party designated in the district from which such
representative shall be elected except that if for a candidate for a special
election to fill a vacancy in the office of representative in congress, by a
number of qualified electors who are qualified to vote for the candidate
whose nomination petition they are signing equal to at least one-half of one
percent PERCENT but not more than ten percent PERCENT of the total voter
registration of the party designated in the district from which such
representative shall be elected."
3. If for a candidate for the office of member of the legislature, by a number of qualified electors who are qualified to vote for the candidate whose nomination petition they are signing equal to at least one percent but not more than three percent of the total voter registration of the party designated in the district from which the member of the legislature may be elected.

4. If for a candidate for a county office or superior court judge, by a number of qualified electors who are qualified to vote for the candidate whose nomination petition they are signing equal to at least two percent but not more than ten percent of the total voter registration of the party designated in the county or district, provided that in counties with a population of two hundred thousand persons or more, a candidate for a county office shall have nomination petitions signed by a number of qualified electors who are qualified to vote for the candidate whose nomination petition they are signing equal to at least one-half of one percent but not more than ten percent of the total voter registration of the party designated in the county or district.

5. If for a candidate for a community college district, by a number of qualified electors who are qualified to vote for the candidate whose nomination petition they are signing equal to at least:
   (a) Through June 30, 2012, one-half of one percent but not more than ten percent of the total voter registration in the precinct as established pursuant to section 15-1441.
   (b) Beginning July 1, 2012, one-quarter of one percent but not more than ten percent of the total voter registration in the precinct as established pursuant to section 15-1441. Notwithstanding the total voter registration in the community college district, the maximum number of signatures required by this subdivision is one thousand.

6. If for a candidate for county precinct committeeman, by a number of qualified electors who are qualified to vote for the candidate whose nomination petition they are signing equal to at least two percent but not more than ten percent of the party voter registration in the precinct or ten signatures, whichever is less.
7. If for a candidate for justice of the peace or constable, by a number of qualified electors who are qualified to vote for the candidate whose nomination petition they are signing equal to at least two per cent PERCENT but not more than ten per cent PERCENT of the party voter registration in the precinct.

8. If for a candidate for mayor or other office nominated by a city at large, by a number of qualified electors who are qualified to vote for the candidate whose nomination petition they are signing equal to at least five per cent PERCENT and not more than ten per cent PERCENT of the designated party vote in the city, except that a city that chooses to hold nonpartisan elections may by ordinance provide that the minimum number of signatures required for the candidate be one thousand signatures or five per cent PERCENT of the vote in the city, whichever is less, but not more than ten per cent PERCENT of the vote in the city.

9. If for an office nominated by ward, precinct or other district of a city, by a number of qualified electors who are qualified to vote for the candidate whose nomination petition they are signing equal to at least five per cent PERCENT and not more than ten per cent PERCENT of the designated party vote in the ward, precinct or other district, except that a city that chooses to hold nonpartisan elections may provide by ordinance that the minimum number of signatures required for the candidate be two hundred fifty signatures or five per cent PERCENT of the vote in the district, whichever is less, but not more than ten per cent PERCENT of the vote in the district.

10. If for a candidate for an office nominated by a town at large, by a number of qualified electors who are qualified to vote for the candidate whose nomination petition they are signing equal to at least five per cent PERCENT and not more than ten per cent PERCENT of the vote in the town, except that a town that chooses to hold nonpartisan elections may provide by ordinance that the minimum number of signatures required for the candidate be one thousand signatures or five per cent PERCENT of the vote in the town, whichever is less but not more than ten per cent PERCENT of the vote in the town.
11. If for a candidate for a governing board of a school district or a joint technical education district, by a number of qualified electors who are qualified to vote for the candidate whose nomination petition they are signing equal to at least one-half of one percent of the total voter registration in the school district or joint technical education district if the governing board members are elected at large or one percent of the total voter registration in the single member district if governing board members or joint technical education district board members are elected from single member districts or one-half of one percent of the total voter registration in the single member district if joint technical education district board members are elected from single member districts. Notwithstanding the total voter registration in the school district, joint technical education district or single member district of the school district or joint technical education district, the maximum number of signatures required by this paragraph is four hundred.

12. If for a candidate for a governing body of a special district as described in title 48, by a number of qualified electors who are qualified to vote for the candidate whose nomination petition they are signing equal to at least one-half of one percent of the vote in the special district but not more than two hundred fifty and not fewer than five signatures.

B. The basis of percentage in each instance referred to in subsection A of this section, except in cities, towns and school districts, shall be the number of voters registered in the designated party of the candidate as reported pursuant to section 16-168, subsection G on March 1 of the year in which the general election is held. In cities, the basis of percentage shall be the vote of the party for mayor at the last preceding election at which a mayor was elected. In towns, the basis of percentage shall be the highest vote cast for an elected official of the town at the last preceding election at which an official of the town was elected. In school districts or joint technical education districts, the basis of percentage shall be the total number of voters registered in the school district or joint technical education district or single member district, whichever applies. The total number of voters registered for school districts or joint technical education
DISTRICTS shall be calculated using the periodic reports prepared by the county recorder pursuant to section 16-168, subsection G. The count that is reported on March 1 of the year in which the general election is held shall be the basis for the calculation of total voter registration for school districts OR JOINT TECHNICAL EDUCATION DISTRICTS.

C. In primary elections the signature requirement for party nominees, other than nominees of the parties entitled to continued representation pursuant to section 16-804, is at least one-tenth of one percent of the total vote for the winning candidate or candidates for governor or presidential electors at the last general election within the district. Signatures must be obtained from qualified electors who are qualified to vote for the candidate whose nomination petition they are signing.

D. If new boundaries for congressional districts, legislative districts, supervisorial districts, justice precincts or election precincts are established and effective subsequent to March 1 of the year of a general election and prior to the date for filing of nomination petitions, the basis for determining the required number of nomination petition signatures is the number of registered voters in the designated party of the candidate in the elective office, district or precinct on the day the new districts or precincts are effective.

Sec. 2. Section 16-542, Arizona Revised Statutes, is amended to read:

16-542. Request for ballot; civil penalties; violation; classification

A. Within ninety-three days before any election called pursuant to the laws of this state, an elector may make a verbal or signed request to the county recorder, or other officer in charge of elections for the applicable political subdivision of this state in whose jurisdiction the elector is registered to vote, for an official early ballot. In addition to name and address, the requesting elector shall provide the date of birth and state or country of birth or other information that if compared to the voter registration information on file would confirm the identity of the elector. If the request indicates that the elector needs a primary election ballot and a general election ballot, the county recorder or other officer in charge of
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elections shall honor the request. For any partisan primary election, if the
elector is not registered as a member of a political party that is entitled
to continued representation on the ballot pursuant to section 16-804, the
elector shall designate the ballot of only one of the political parties that
is entitled to continued representation on the ballot and the elector may
receive and vote the ballot of only that one political party. The county
recorder may establish on-site early voting locations at the recorder's
office, which shall be open and available for use beginning the same day that
a county begins to send out the early ballots. The county recorder may also
establish any other early voting locations in the county the recorder deems
necessary.

B. Notwithstanding subsection A of this section, a request for an
official early ballot from an absent uniformed services voter or overseas
voter as defined in the uniformed and overseas citizens absentee voting act
of 1986 (P.L. 99-410; 42 52 United States Code section 1973ff-6 20310) or a
voter whose information is protected pursuant to section 16-153 that is
received by the county recorder or other officer in charge of elections more
than ninety-three days before the election is valid. If requested by the
absent uniformed services or overseas voter, or a voter whose information is
protected pursuant to section 16-153, the county recorder or other officer in
charge of elections shall provide to the requesting voter early ballot
materials through the next regularly scheduled general election for federal
office immediately following receipt of the request unless a different period
of time, which does not exceed the next two regularly scheduled general
elections for federal office, is designated by the voter.

C. The county recorder or other officer in charge of elections shall
mail the early ballot and the envelope for its return postage prepaid to the
address provided by the requesting elector within five days after receipt of
the official early ballots from the officer charged by law with the duty of
preparing ballots pursuant to section 16-545, except that early ballot
distribution shall not begin more than twenty-six TWENTY-SEVEN days before
the election. If an early ballot request is received on or before the
thirtieth THIRTY-FIRST day before the election, the early ballot shall be
distributed on NO EARLIER THAN the twenty-sixth TWENTY-SEVENTH day before the
election AND NO LATER THAN THE TWENTY-FOURTH DAY BEFORE THE ELECTION.

D. Only the elector may be in possession of that elector's unvoted early ballot. If a complete and correct request is made by the elector within twenty-six TWENTY-SEVEN days before the election, the mailing must be made within forty-eight hours after receipt of the request. Saturdays, Sundays and other legal holidays are excluded from the computation of the forty-eight hour period prescribed by this subsection. If a complete and correct request is made by an absent uniformed services voter or an overseas voter before the election, the regular early ballot shall be transmitted by mail, by fax or by other electronic format approved by the secretary of state within twenty-four hours after the early ballots are delivered pursuant to section 16-545, subsection B, excluding Sundays.

E. In order to be complete and correct and to receive an early ballot by mail, an elector's request that an early ballot be mailed to the elector's residence or temporary address must include all of the information prescribed by subsection A of this section and must be received by the county recorder or other officer in charge of elections no later than 5:00 p.m. on the eleventh day preceding the election. An elector who appears personally no later than 5:00 p.m. on the Friday preceding the election at an on-site early voting location that is established by the county recorder or other officer in charge of elections shall be given a ballot and permitted to vote at the on-site location. If an elector's request to receive an early ballot is not complete and correct but complies with all other requirements of this section, the county recorder or other officer in charge of elections shall attempt to notify the elector of the deficiency of the request.

F. Unless an elector specifies that the address to which an early ballot is to be sent is a temporary address, the recorder may use the information from an early ballot request form to update voter registration records.

G. The county recorder or other officer in charge of early balloting shall provide an alphabetized list of all voters in the precinct who have requested and have been sent an early ballot to the election board of the
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precinct in which the voter is registered not later than the day prior to
BEFORE the election.

H. As a result of an emergency occurring between 5:00 p.m. on the
second Friday preceding the election and 5:00 p.m. on the Monday preceding
the election, qualified electors may request to vote early in the manner
prescribed by the county recorder of their respective county. For the
purposes of this subsection, "emergency" means any unforeseen circumstances
that would prevent the elector from voting at the polls.

I. A candidate, political committee or other organization may
distribute early ballot request forms to voters. If the early ballot request
forms include a printed address for return, the addressee shall be the
political subdivision that will conduct the election. Failure to use the
political subdivision as the return addressee is punishable by a civil
penalty of up to three times the cost of the production and distribution of
the request.

J. All original and completed early ballot request forms that are
received by a candidate, political committee OR OTHER ORGANIZATION shall
be submitted within six business days after receipt by a candidate, political committee OR OTHER ORGANIZATION or eleven days before the election
day, whichever is earlier, to the political subdivision that will conduct the
election. Any person, political committee or other organization that fails
to submit a completed early ballot request form within the prescribed time is
subject to a civil penalty of up to twenty-five dollars per day for each
completed form withheld from submittal. Any person who knowingly fails to
submit a completed early ballot request form before the submission deadline
for the election immediately following the completion of the form is guilty
of a class 6 felony.

Sec. 3. Section 16-558.01, Arizona Revised Statutes, is amended to
read:

16-558.01. Mailing of ballots

Not more than twenty-six TWENTY-SEVEN days before the election and not
fewer than fifteen days before the election, the county recorder or other
officer in charge of elections for the special district shall send by
nonforwardable mail all official ballots with printed instructions and a
return envelope bearing a printed ballot affidavit as described in section
16-547 to each qualified elector entitled to vote in the election. The
envelope in which the ballot is mailed shall be clearly marked with the
statement required by the postmaster to receive an address correction and
notification. The district governing board shall determine whether the voter
or the district governing board will pay for the postage for the return of
electors' marked ballots. An elector who votes in a special district mail
ballot election shall return the elector's marked ballot to the recorder or
other officer in charge of the election or to a designated depository site as
provided in section 16-411 no later than 7:00 p.m. on the day of the
election."

Amend title to conform

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