

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature – First Regular Session

COMMITTEE ON ELECTIONS

Report of Regular Meeting
Monday, February 9, 2015
House Hearing Room 4 -- 10:00 a.m.

Convened 10:14 a.m.

Recessed

Reconvened

Adjourned 11:49 a.m.

Members Present

Mrs. Carter
Mr. Clark
Mr. Larkin
Mr. Weninger
Mr. Mesnard, Vice-Chairman
Mrs. Ugenti, Chairman

Members Absent

Request to Speak

Report – Attachment 1

Presentations

Name

Organization

Attachments (Handouts)

None

Committee Action

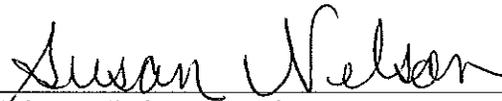
Bill

Action

Vote

**Attachments (Summaries,
Amendments, Roll Call)**

HB2109	DP	4-2-0-0	2, 3, 4
HB2265	DP	4-1-0-1	5, 6
HB2427	DP	6-0-0-0	7, 8
HB2529	DPA	6-0-0-0	9, 10, 11
HB2536	DP	6-0-0-0	12, 13



Susan Nelson, Chairman Assistant
February 10, 2015

(Original attachments on file in the Office of the Chief Clerk; video archives available at <http://www.azleg.gov>)

Information Registered on the Request to Speak System

House Elections (2/9/2015)

HB2427, precinct lists; early ballot reports

Testified as opposed:

Jen Marson, AZ ASSOCIATION OF COUNTIES

Oppose:

Megan Kintner, Arizona Association Of Counties

HB2529, officeholder accounts; creation; contributions

Oppose:

Sam Wercinski, Arizona Advocacy Network; Jonathan Alanis, representing self

All Comments:

Sam Wercinski, Arizona Advocacy Network: Senator Kavanagh's bill, SB1266 is a much better bill, freeing officials from needing lobbyists to fund these accounts. HB2529 removes a common sense rule to reduce the Pay 2 Play system that exists in our government today.; Jonathan Alanis, Self: Please vote NO. It removes a wise restriction prohibiting lobbyists from contributing to elected officials officeholder accounts during the legislative session.

HB2109, ballot; form; secondary property taxes

Testified in support:

Sean McCarthy, AZ TAX RESEARCH ASSN

Testified as opposed:

Jennifer Loreda, Arizona Education Association

Support:

Gretchen Kitchel, SALT RIVER PROJECT (SRP); Farrell Quinlan, State Director, NATIONAL FEDERATION OF INDEPENDENT BUSINESS; Scot Mussi, Arizona Free Enterprise Club; Helen Heiden, Arizona Chamber Of Commerce And Industry; Michael Hunter, BARRY GOLDWATER INSTITUTE FOR PUBLIC POLICY RESEARCH; Michael DiMaria, CENTURYLINK, INC; Manny Tarango, SALT RIVER PROJECT (SRP)

Oppose:

Janice Palmer, AZ School Boards Assn; Johnathan Roes, ELECTION OFFICIALS OF ARIZONA; Geoff Esposito, Arizona School Boards Association; Sarah Ells, representing self

All Comments:

Johnathan Roes, ELECTION OFFICIALS OF ARIZONA: Opposed to the portion of the bill which would add additional language to the official ballot.; Jennifer Loredo, Arizona Education Association: AEA is concerned this will hinder bonds from passing.

HB2536, ballot contents disclosure; prohibition.**Support:**

Johnathan Roes, ELECTION OFFICIALS OF ARIZONA; Jen Marson, AZ ASSOCIATION OF COUNTIES

Neutral:

Eric Spencer, AZ SECRETARY OF STATE

All Comments:

Johnathan Roes, ELECTION OFFICIALS OF ARIZONA: Supportive of this bill if an amendment is offered to change the bill to mirror SB1287.

HB2265, lieutenant governor; duties; ballot**Neutral:**

Jen Marson, AZ ASSOCIATION OF COUNTIES

Oppose:

Thomas Woodrow, representing self



HOUSE OF REPRESENTATIVES

HB 2109

ballot; form; secondary property taxes
Sponsors: Representatives Mitchell; Fann

- X Committee on Elections
- Caucus and COW
- House Engrossed

OVERVIEW

HB 2109 prescribes language for the ballot if bonds are proposed to be repaid with secondary property taxes.

HISTORY

At least 35 days before a bond election, the governing body or board of a political subdivision must mail a copy of an informational pamphlet to every household within the political subdivision that contains a registered voter. Statute outlines what must be included in the pamphlet including the amount of the bond authorization, maximum interest rate of the bond, estimated debt retirement schedule for outstanding and the proposed bond, and estimated issuance costs (Arizona Revised Statutes [A.R.S.] § 35-454).

For any proposed general obligation bond authorization where the principal and interest will be paid by a levy of property taxes, the ballot must contain the phrase “the issuance of these bonds will result in a property tax increase sufficient to pay the annual debt service on bonds”. Any written information provided by the political subdivision pertaining to the bond election must include financial information showing the estimated average tax rate for the proposed bond authorization (A.R.S. § 35-454).

The property tax in Arizona is divided into two categories: primary and secondary. Primary property taxes are levied to pay for the maintenance and operation of the taxing jurisdiction. Secondary property taxes are levied to pay for bond indebtedness, voter-approved budget overrides and special districts.

PROVISIONS

1. Requires the ballot for bond elections to contain the words “bond approval, yes” and “bond approval, no” if the bonds are to be repaid with secondary property taxes.
 - a. Directs the voter to signify their desired choice.
2. Prescribes additional language for the ballot explaining what a vote of “yes” and what a vote of “no” would signify.
3. Makes technical changes.

Attachment 2

1 Any written information provided by the political subdivision pertaining to
2 the bond election shall include financial information showing the estimated
3 average tax rate for the proposed bond authorization. IF THE BONDS ARE TO BE
4 REPAYED WITH SECONDARY PROPERTY TAXES, THE BALLOT SHALL CONTAIN THE WORDS
5 "BOND APPROVAL, YES" AND "BOND APPROVAL, NO", AND THE VOTER SHALL SIGNIFY THE
6 VOTER'S DESIRED CHOICE. THE BALLOT SHALL ALSO CONTAIN THE FOLLOWING
7 STATEMENT:

8 A "YES" VOTE SHALL AUTHORIZE THE _____ GOVERNING BODY TO
9 ISSUE AND SELL \$ _____ OF _____ BONDS OF THE DISTRICT TO BE
10 REPAYED WITH SECONDARY PROPERTY TAXES.

11 A "NO" VOTE SHALL NOT AUTHORIZE THE _____ GOVERNING BODY
12 TO ISSUE AND SELL SUCH BONDS OF THE DISTRICT.

13 D. If the governing body intends to use revenues other than property
14 taxes to pay the debt on proposed general obligation bonds, the ballot shall
15 contain the phrase "the issuance of these bonds will result in a property tax
16 increase sufficient to pay the annual debt service on bonds, unless the
17 governing body provides for payment from other sources".

18 E. The board of supervisors, governing body or governing board shall
19 hold a special meeting within twenty days after the election to canvass the
20 votes cast and certify the result. The certificate of the result shall be
21 prima facie evidence of full performance of all conditions and requirements
22 precedent to holding the election.

23 F. The governing board or body shall file and record in the office of
24 the county recorder a certificate disclosing the purpose of the election, the
25 total number of votes cast and the total number of votes for and against
26 creating the indebtedness, and stating whether or not the indebtedness is
27 ordered. Upon filing and recording the certificate, the governing board or
28 body shall carry out the purpose of the election.

29 G. Variations between the estimates required by subsection A of this
30 section and the actual debt retirement schedules, issuance costs, annual and
31 total costs and tax rates shall not invalidate either the election or the
32 bonds.

**BALLOT FORMAT / SAMPLE BALLOT
MADISON ELEMENTARY SCHOOL DISTRICT NO. 38
SPECIAL ELECTION
NOVEMBER 4, 2014
COUNTY OF MARICOPA
STATE OF ARIZONA**

QUESTION

A "yes" vote shall authorize the Madison Elementary School District Governing Board to issue and sell \$95,000,000 of school improvement bonds of the District.

A "no" vote shall not authorize the Madison Elementary School District Governing Board to issue and sell such school improvement bonds of the District.

SAMPLE

BOND APPROVAL, YES



BOND APPROVAL, NO



ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature - First Regular Session

ROLL CALL VOTE

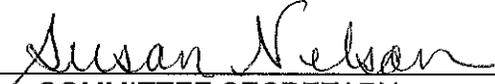
COMMITTEE ON _____ ELECTIONS _____ BILL NO. HB 2109

DATE February 9, 2015 MOTION: dp

	PASS	AYE	NAY	PRESENT	ABSENT
Mrs. Carter		✓			
Mr. Clark			✓		
Mr. Larkin			✓		
Mr. Weninger		✓			
Mr. Mesnard, Vice-Chairman		✓			
Mrs. Ugenti, Chairman		✓			
		4	2	0	0

APPROVED: 

 MICHELLE R. UGENTI, Chairman
 JAVAN D. MESNARD, Vice-Chairman



 COMMITTEE SECRETARY

ATTACHMENT 4



HOUSE OF REPRESENTATIVES

HB 2265

lieutenant governor; duties; ballot
Sponsor: Representative Mesnard

-
- X Committee on Elections
Committee on Government and Higher Education
Caucus and COW
House Engrossed
-

OVERVIEW

HB 2265 creates the office of Lieutenant Governor and appoints that person to be director of the Arizona Department of Administration (ADOA).

HISTORY

The Arizona Constitution Article 5, Section 6 designates the Secretary of State (SOS) as the successor of the Governor in event of death, resignation, removal from office or permanent disability. If the SOS fails to qualify as Governor, the Attorney General, State Treasurer or the Superintendent of Public Instruction, in the order named, succeed to the office of Governor.

According to the National Lieutenant Governors Association, 45 states have a lieutenant governor. Of these, 30 states require a joint election of the Governor and Lieutenant Governor. Arizona is one of five states that do not have a position of Lieutenant Governor. Of the other four states, two designate the SOS and two designate the President of the Senate to succeed the Governor.

In 2010, the Legislature referred Proposition 111 to the ballot. Proposition 111 would have constitutionally renamed the SOS as the Lieutenant Governor. The Lieutenant Governor would have run separately from the Governor in the primary election; each winner of their respective primaries from the same political party would then have run jointly on the ticket for Governor. Proposition 111 was not passed by the voters.

PROVISIONS

1. Directs a candidate for Governor to submit to the SOS at least 60 days before the general election the name of the person who will run with them as a candidate for Lieutenant Governor.
 - a. Specifies that the candidate for Lieutenant Governor's name will appear on the general election ballot along with the candidate for Governor's name.
2. Makes the Lieutenant Governor the director of ADOA.
3. Directs Legislative Council to prepare conforming legislation.
4. Contains a conditional enactment upon voter approval and passage of an accompanying House Concurrent Resolution.
5. Makes technical and conforming changes.

Attachment 5

**ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature - First Regular Session**

ROLL CALL VOTE

COMMITTEE ON _____ ELECTIONS _____ BILL NO. HB 2265

DATE February 9, 2015 MOTION: dp

	PASS	AYE	NAY	PRESENT	ABSENT
Mrs. Carter					✓
Mr. Clark		✓			
Mr. Larkin		✓			
Mr. Weninger		✓			
Mr. Mesnard, Vice-Chairman		✓			
Mrs. Ugenti, Chairman			✓		
		4	1	0	1

APPROVED: 

 MICHELLE R. UGENTI, Chairman
 JAVAN D. MESNARD, Vice-Chairman



 COMMITTEE SECRETARY

ATTACHMENT 6



HOUSE OF REPRESENTATIVES

HB 2427

precinct lists; early ballot reports

Sponsor: Representative Barton

X Committee on Elections

Caucus and COW

House Engrossed

OVERVIEW

HB 2427 requires all county recorders, instead of only Maricopa and Pima Counties, to provide a daily listing of voters who have returned their early ballots upon request of the county or state chairman.

HISTORY

Arizona Revised Statutes (A.R.S.) § 16-541 requires all elections in Arizona to provide for early voting. All qualified electors may vote by early ballot if they make a request to the county recorder or other officer in charge of elections of the political subdivision in which the voter is registered to early vote within 93 days of the election in which they wish to vote. Early voters must sign an affidavit of registration declaring that the ballots they submit are marked by them or by those who assisted them in marking their selections. After sealing their ballot and affidavits in an envelope, early voters or their agents may mail the envelopes to the county recorder or other officer in charge of elections of the political subdivision in which the voter is registered or deposit it at any polling place in the county (A.R.S. §§ 16-541, 16-542, 16-547, 16-548).

Laws 2006, Chapter 144 required county recorders to provide precinct lists in their entirety to each county and state party chairman within 10 business days of each date for counting registered voters. County recorders must provide, at no cost, weekly lists of those who have returned their early ballots to requesting county or state party chairman during the 33 days immediately preceding an election.

Laws 2009, Chapter 114 required county recorders of counties with populations of more than 800,000 to provide daily lists of voters who have returned their early ballots to requesting county or state party chairmen, from the first Monday after early voting begins and ending the Monday before the election.

PROVISIONS

1. Requires all county recorders to provide at no cost a daily listing of voters who have returned their early ballots, upon request of the county or state party chairman.
2. Makes technical changes.

**ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature - First Regular Session**

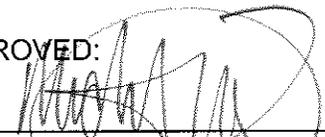
ROLL CALL VOTE

COMMITTEE ON _____ ELECTIONS _____ BILL NO. HB 2427

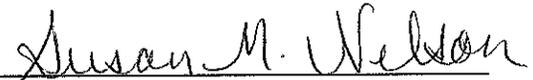
DATE February 9, 2015 MOTION: DP

	PASS	AYE	NAY	PRESENT	ABSENT
Mrs. Carter		✓			
Mr. Clark		✓			
Mr. Larkin		✓			
Mr. Weninger		✓			
Mr. Mesnard, Vice-Chairman		✓			
Mrs. Ugenti, Chairman		✓		<i>en</i>	<i>en</i>
		<i>6</i>	<i>0</i>	<i>0</i>	<i>0</i>

APPROVED:



 MICHELLE R. UGENTI, Chairman
 JAVAN D. MESNARD, Vice-Chairman



 COMMITTEE SECRETARY

ATTACHMENT 8

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2529

(Reference to printed bill)

1 Page 2, strike lines 27 and 28, insert:

2 "G. Section 41-1234.01 applies to contributions to an officeholder
3 account for legislators."

4 Reletter to conform

5 Strike page 3

6 Amend title to conform

MICHELLE R. UGENTI

2529MU
02/05/2015
9:18 AM
C: MYR

Attachment 9

Adopted # of Verbals _____
Failed _____ Withdrawn _____
Not Offered _____ Analysts Initials _____



HOUSE OF REPRESENTATIVES

HB 2529

officeholder accounts; creation; contributions

Sponsor: Representative Thorpe

X Committee on Elections

Caucus and COW

House Engrossed

OVERVIEW

HB 2529 modifies the starting point officeholders may receive or spend monies from their officeholder expense accounts (Account). Allows lobbyists to contribute to the Account during session.

HISTORY

Arizona Revised Statutes § 41-133 allows statewide and legislative officeholders to establish an Account to receive or spend monies to defray the costs of performing officeholder duties. An officeholder may receive a maximum contribution of no more than \$150 from an individual and may personally contribute up to 30% of the statutory limits to the Account. The total amount an officeholder may receive or spend during an election cycle is as follows:

- \$98,360 for the Governor.
- \$51,600 for the Secretary of State and the Attorney General.
- \$9,800 for a Legislator.
- \$25,840 for all other statewide officeholders.

Monies in the Account are statutorily prohibited from being used for campaign purposes. Permissible uses for Account monies include office equipment and supplies, travel related to officeholder's duties, meeting or communicating with constituents, and expenses for informational and educational purposes.

Registered principals, public bodies, lobbyists, designated public lobbyists or authorized public lobbyists are prohibited from making or promising to make campaign contributions to, solicit, or promise to solicit campaign contributions for members of the Legislature when it is in regular session, including contributions to an Account (A.R.S. §§ 41-133, 41-1234.01).

PROVISIONS

1. Allows statewide and legislative officeholders to receive and spend monies from their Account beginning when they receive their certificate of election, instead of the date they take office.
2. Removes the prohibition for lobbyists to contribute to the Account during session.
3. Modifies the definition of *officeholder*.
4. Makes technical and conforming changes.

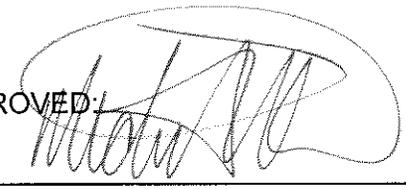
**ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature - First Regular Session**

ROLL CALL VOTE

COMMITTEE ON _____ ELECTIONS _____ BILL NO. HB 2529

DATE February 9, 2015 MOTION: bpa

	PASS	AYE	NAY	PRESENT	ABSENT
Mrs. Carter		✓			
Mr. Clark		✓			
Mr. Larkin		✓			
Mr. Weninger		✓			
Mr. Mesnard, Vice-Chairman		✓			
Mrs. Ugenti, Chairman		✓			
		6	0	0	0

APPROVED: 

 MICHELLE R. UGENTI, Chairman
 JAVAN D. MESNARD, Vice-Chairman



 COMMITTEE SECRETARY

ATTACHMENT 11



HOUSE OF REPRESENTATIVES

HB 2536

ballot contents disclosure; prohibition

Sponsor: Representative Boyer

X Committee on Elections

Caucus and COW

House Engrossed

OVERVIEW

HB 2536 clarifies that showing and revealing *another* voter's ballot or voting machine to anyone, other than an authorized person lawfully assisting the voter, is a Class 2 misdemeanor.

HISTORY

Arizona Revised Statutes § 16-1018 prescribes a Class 2 misdemeanor for knowingly or intentionally:

- Electioneering in a polling place or within 75 feet of the main entrances of a polling place or on-site early voting location;
- Disabling or removing a voting machine or voting record from a polling place, on-site early voting location or custody of an election official;
- Removing an official ballot from a polling place before closing the polls;
- Soliciting a voter to show the voter's ballot or receiving from the voter the voter's ballot unless authorized by law;
- Receiving an official ballot from those who do not have charge of the ballots;
- Delivering an official ballot to a voter who is not an election official;
- Marking a ballot so that it can be identified as the one voted by the voter unless transmitted by an elector by fax or other electronic format pursuant to the procedures manual of the Secretary of State; or
- Failing to return a ballot to an election official before leaving a polling place or on-site early voting location after having received a ballot as a voter.

Currently, showing *the* voter's ballot or the machine on which *the* voter has voted in such a way as to reveal the contents, except to an authorized person lawfully assisting the voter, is a Class 2 misdemeanor.

PROVISIONS

1. Clarifies that showing and revealing *another* voter's ballot or voting machine to anyone after it has been prepared for voting is a Class 2 misdemeanor.

**ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature - First Regular Session**

ROLL CALL VOTE

COMMITTEE ON _____ ELECTIONS _____ BILL NO. HB 2536

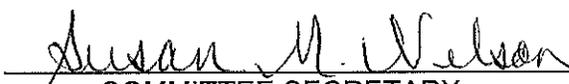
DATE February 9, 2015 MOTION: DP

	PASS	AYE	NAY	PRESENT	ABSENT
Mrs. Carter		✓			
Mr. Clark		✓			
Mr. Larkin		✓			
Mr. Weninger		✓			
Mr. Mesnard, Vice-Chairman		✓			
Mrs. Ugenti, Chairman		✓			
		6	0	0	0

APPROVED:



MICHELLE R. UGENTI, Chairman
JAVAN D. MESNARD, Vice-Chairman



COMMITTEE SECRETARY

ATTACHMENT 13