PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1158
(Reference to Senate engrossed bill)

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 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 nor more than ten 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 but not more than ten 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 but not more than ten 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 such representative shall be elected."
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 percent
but not more than ten 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 \textpercenterpoint 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 \textpercenterpoint of the vote in the city, whichever is less, but not more than ten \textpercenterpoint 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 \textpercenterpoint 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 \textpercenterpoint of the vote in the district, whichever is less, but not more than ten \textpercenterpoint 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 \textpercenterpoint 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 \textpercenterpoint of the vote in the town, whichever is less but not more than ten \textpercenterpoint 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 \textpercenterpoint 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 \textpercenterpoint 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 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 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
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 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.

Sec. 4. Section 16-912.01, Arizona Revised Statutes, is amended to read:

16-912.01. Ballot measure committees; campaign literature and advertising funding; identification; disclosure; civil penalty; definition

A. A political committee that makes an expenditure in connection with any literature or advertisement to support or oppose a ballot proposition shall disclose and, after November 2, 2010, shall include on the literature or advertisement the words "paid for by", followed by the name of the committee that appears on its statement of organization or five hundred dollar threshold exemption statement, and shall also include in such literature or advertisement the four largest of its major funding sources as of the time the literature or advertisement is printed, recorded or otherwise produced for dissemination. If a political committee has fewer than four major funding sources, the committee shall disclose all major funding sources.

B. For the purposes of this section, a major funding source of a political committee is any contributor that is not an individual person and that has made cumulative contributions of either:
1. Ten thousand dollars or more for an expenditure in support of or opposition to a statewide ballot proposition or a ballot proposition of a political subdivision with a population of one hundred thousand persons or more.

2. Five thousand dollars or more for an expenditure in support of or opposition to a ballot proposition of a political subdivision with a population of less than one hundred thousand persons.

C. If an out-of-state contributor or group of out-of-state contributors is a major funding source to a political committee disclosed pursuant to subsection A of this section, the political committee shall state the contributor is an out-of-state contributor on its literature or advertisement in support of or in opposition to a ballot proposition.

D. Contributors that make contributions to more than one political committee that supports or opposes the same ballot proposition shall notify each political committee of the cumulative total of these contributions. Cumulative totals must be disclosed by each political committee that received contributions from the same contributor if the cumulative totals qualify as a major funding source to be disclosed pursuant to subsection A of this section.

E. IN ADDITION TO THE DISCLOSURE REQUIRED PURSUANT TO SUBSECTION A OF THIS SECTION, FOR ANY STATUTORY MEASURE, THE LITERATURE OR ADVERTISEMENT SHALL ALSO INCLUDE THE FOLLOWING STATEMENT: "NOTICE: PURSUANT TO PROPOSITION 105 (1998), THIS MEASURE CANNOT BE CHANGED IN THE FUTURE IF APPROVED ON THE BALLOT EXCEPT BY A THREE-FOURTHS VOTE OF THE LEGISLATURE AND IF THE CHANGE FURThERS THE PURPOSE OF THE ORIGINAL BALLOT MEASURE, OR BY REFERRING THE CHANGE TO THE BALLOT."

F. Any disclosure statement required by this section shall be printed clearly and legibly in a conspicuous manner. For printed material that is delivered or provided by hand or by mail, the disclosure shall be printed in a clearly legible manner. The disclosure statement shall include the words "paid for by" followed by the name of the entity making the expenditure. Disclosure statements shall also comply with the following:

1. If the communication is broadcast on radio, the disclosure shall be spoken at the end of the communication.

2. If the communication is broadcast on a telecommunications system, the following apply:

   (a) The disclosure shall be both written and spoken at the end of the communication, except that if the written disclosure statement is displayed
for at least five seconds of a thirty second communications broadcast or ten
seconds of a sixty second communications broadcast, a spoken disclosure
statement is not required.

(b) The written disclosure statement shall be printed in letters that
are displayed in a height equal to or greater than four \text{ percent} of
the vertical picture height.

G. Subsections A, and E AND F of this section do not apply to
bumper stickers, pins, buttons, pens and similar small items on which the
statements required in subsections A, and E AND F of this section cannot be
conveniently printed or to a communication by an organization solely to its
members.

H. A committee shall change future literature and advertisements
to reflect any change in funding sources that must be disclosed pursuant to
subsection A of this section.

I. This section only applies to advertisements the contents of
which are more than fifty \text{ percent} devoted to one or more ballot
propositions or proposed measures on the same subject.

J. Any committee that violates this section is liable in a civil
action brought by the attorney general, county attorney or city or town
attorney, as appropriate, or by any other person for a civil penalty of three
times the total cost of the advertisement. A donor who does not accurately
disclose its contributions is liable for a civil penalty of three times the
amount donated.

K. For the purposes of this section, "advertisement" means general
public advertising through the print and electronic media, signs, billboards
and direct mail.

Sec. 5. Section 16-1019, Arizona Revised Statutes, is amended to read:

16-1019. Political signs; printed materials; tampering;
violation; classification

A. It is a class 2 misdemeanor for any person to knowingly remove,
alter, deface or cover any political sign of any candidate for public office
or knowingly remove, alter or deface any political mailers, handouts, flyers
or other printed materials of a candidate that are delivered by hand to a
residence for the period commencing forty-five SIXTY days before a THE FIRST
DAY ON WHICH EARLY BALLOTS ARE DISTRIBUTED FOR THE primary election AS
PRESCRIBED BY SECTION 16-542, SUBSECTION C and ending seven days after the
general election DATE PRESCRIBED BY SECTION 16-211.
B. This section does not apply to the removal, alteration, defacing or covering of a political sign or other printed materials by the candidate or the authorized agent of the candidate in support of whose election the sign or materials were placed, by the owner or authorized agent of the owner of private property on which such signs or printed materials are placed with or without permission of the owner or placed in violation of state law or county, city or town ordinance or regulation.

C. Notwithstanding any other statute, ordinance or regulation, a city, town or county of this state shall not remove, alter, deface or cover any political sign if the following conditions are met:
   1. The sign is placed in a public right-of-way that is owned or controlled by that jurisdiction.
   2. The sign supports or opposes a candidate for public office or it supports or opposes a ballot measure.
   3. The sign is not placed in a location that is hazardous to public safety, obstructs clear vision in the area or interferes with the requirements of the Americans with disabilities act (42 United States Code sections 12101 through 12213 and 47 United States Code sections 225 and 611).
   4. The sign has a maximum area of sixteen square feet, if the sign is located in an area zoned for residential use, or a maximum area of thirty-two square feet if the sign is located in any other area.
   5. The sign contains the name and telephone number or website address of the candidate or campaign committee contact person.

D. If the city, town or county deems that the placement of a political sign constitutes an emergency, the jurisdiction may immediately relocate the sign. The jurisdiction shall notify the candidate or campaign committee that placed the sign within twenty-four hours after the relocation. If a sign is placed in violation of subsection C OF THIS SECTION and the placement is not deemed to constitute an emergency, the city, town or county may notify the candidate or campaign committee that placed the sign of the violation. If the sign remains in violation at least twenty-four hours after the jurisdiction notified the candidate or campaign committee, the jurisdiction may remove the sign. The jurisdiction shall contact the candidate or campaign committee contact and shall retain the sign for at least ten business days to allow the candidate or campaign committee to retrieve the sign without penalty.

E. A city, town or county employee acting within the scope of the employee's employment is not liable for an injury caused by the failure to
remove a sign pursuant to subsection D OF THIS SECTION unless the employee intended to cause injury or was grossly negligent.

F. Subsection C OF THIS SECTION does not apply to commercial tourism, commercial resort and hotel sign free zones as those zones are designated by municipalities. The total area of those zones shall not be larger than three square miles, and each zone shall be identified as a specific contiguous area where, by resolution of the municipal governing body, the municipality has determined that based on a predominance of commercial tourism, resort and hotel uses within the zone the placement of political signs within the rights-of-way in the zone will detract from the scenic and aesthetic appeal of the area within the zone and deter its appeal to tourists. Not more than two zones may be identified within a municipality.

G. A city, town or county may prohibit the installation of a sign on any structure owned by the jurisdiction.

H. Subsection C OF THIS SECTION applies only during the period commencing sixty days before the first day on which early ballots are distributed for the primary election as prescribed by Section 16-542, subsection C and ending fifteen days after the general election date prescribed by Section 16-211, except that for a sign for a candidate in a primary election who does not advance to the general election, the period ends fifteen days after the primary election date prescribed by Section 16-201.

I. This section does not apply to state highways or routes, or overpasses over those state highways or routes.

Sec. 6. Section 19-123, Arizona Revised Statutes, is amended to read:

19-123. Publicity pamphlet; printing; distribution; public hearings

A. When the secretary of state is ordered by the legislature, or by petition under the initiative and referendum provisions of the constitution, to submit to the people a measure or proposed amendment to the constitution, the secretary of state shall cause to be printed PRINT, at the expense of the state, except as otherwise provided in this article, a publicity pamphlet, which shall contain:

1. A true copy of the title and text of the measure or proposed amendment. Such text shall indicate material deleted, if any, by printing such material with a line drawn through the center of the letters of such material and shall indicate material added or new material by printing the letters of such material in capital letters.
2. The form in which the measure or proposed amendment will appear on
the ballot, the official title, the descriptive title prepared by the
secretary of state and the number by which it will be designated.
3. The arguments for and against the measure or amendment.
4. For any measure or proposed amendment, a legislative council
analysis of the ballot proposal as prescribed by section 19-124.
5. The report of the commission on judicial performance review for any
justices of the supreme court, judges of the court of appeals and judges of
the superior court who are subject to retention.
6. The summary of a fiscal impact statement prepared by the joint
legislative budget committee staff pursuant to subsection D of this section.
7. IMMEDIATELY BELOW THE LEGISLATIVE COUNCIL ANALYSIS, FOR ANY
STATUTORY MEASURE, THE FOLLOWING STATEMENT IN BOLD-FACED TYPE: "NOTICE:
PURSUANT TO PROPOSITION 105 (1998), THIS MEASURE CANNOT BE CHANGED IN THE
FUTURE IF APPROVED ON THE BALLOT EXCEPT BY A THREE-FOURTHS VOTE OF THE
LEGISLATURE AND IF THE CHANGE FURTHERS THE PURPOSE OF THE ORIGINAL BALLOT
MEASURE, OR BY REFERRING THE CHANGE TO THE BALLOT."
B. The secretary of state shall mail one copy of the publicity
pamphlet to every household that contains a registered voter. The mailings
may be made over a period of days but shall be mailed in order to be
delivered to households before the earliest date for receipt by registered
voters of any requested early ballots for the general election.
C. Sample ballots for both the primary and general elections shall
include a statement that information on how to obtain a publicity pamphlet
for the general election ballot propositions is available by calling the
secretary of state. The statement shall include a telephone number and
mailing address of the secretary of state.
D. On certification of an initiative measure as qualified for the
ballot, the secretary of state shall hold or cause to be held at least three
public meetings on the ballot measure. Hearings shall be held in at least
three different counties and shall be held before the date of the election on
the measure. The hearings shall provide an opportunity for proponents,
opponents and the general public to provide testimony and request
information. Hearings may be scheduled to include more than one qualified
ballot measure and shall include a fiscal impact presentation on the measure
by the joint legislative budget committee staff. The joint legislative
budget committee staff shall prepare a summary of the fiscal impact for each
ballot measure, not to exceed three hundred words, for publication in the
publicity pamphlet.

Sec. 7. **Severability**

If a provision of this act or its application to any person or
circumstance is held invalid, the invalidity does not affect other provisions
or applications of the act that can be given effect without the invalid
provision or application, and to this end the provisions of this act are
severable."

Amend title to conform

MICHÈLLE R. UGENTI

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