

REFERENCE TITLE: **judicial elections; term; requirements**

State of Arizona  
Senate  
Fifty-second Legislature  
Second Regular Session  
2016

## **SB 1453**

Introduced by  
Senator Shooter

AN ACT

AMENDING SECTIONS 12-101, 12-102, 12-120.01, 12-120.02 AND 12-120.07, ARIZONA REVISED STATUTES; REPEALING SECTION 12-131, ARIZONA REVISED STATUTES; REPEALING TITLE 12, CHAPTER 23, ARIZONA REVISED STATUTES; AMENDING SECTIONS 16-502, 16-901, 16-913, 16-916, 16-918, 19-123, 19-201, 38-431.08 AND 41-1232.04, ARIZONA REVISED STATUTES; RELATING TO THE ELECTION OF JUDGES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 12-101, Arizona Revised Statutes, is amended to  
3 read:

4 12-101. Justices; number; term; election

5 The supreme court shall consist of five ~~judges~~ JUSTICES. The term of  
6 office of each ~~judge~~ JUSTICE shall be ~~six~~ TWO years and shall take effect on  
7 the first Monday in January of the year in which it begins. ~~Judges~~ JUSTICES  
8 shall be elected at the general election next preceding the expiration of a  
9 term of office.

10 Sec. 2. Section 12-102, Arizona Revised Statutes, is amended to read:

11 12-102. Jurisdiction and duties; court appointments; contract  
12 and volunteer service providers; background  
13 investigations; fingerprinting

14 A. The supreme court shall discharge the duties imposed and exercise  
15 the jurisdiction conferred by the constitution and by law.

16 B. As a condition of appointment to any paid position in the judicial  
17 department that is defined as a noncriminal justice agency under federal law,  
18 ~~including nomination for judicial office by the commissions on appellate and~~  
19 ~~trial court appointments pursuant to article VI, sections 37 and 41,~~  
20 ~~Constitution of Arizona,~~ the court shall require each applicant to furnish a  
21 full set of fingerprints to enable the court to conduct a criminal background  
22 investigation to determine the suitability of the applicant. The court shall  
23 submit the completed applicant fingerprint card to the department of public  
24 safety. The applicant shall bear the cost of obtaining the applicant's  
25 criminal history record information. The cost shall not exceed the actual  
26 cost of obtaining the applicant's criminal history record  
27 information. Applicant criminal history records checks shall be conducted  
28 pursuant to section 41-1750 and Public Law 92-544. The department of public  
29 safety is authorized to exchange the submitted applicant fingerprint card  
30 information with the federal bureau of investigation for a national criminal  
31 history records check.

32 C. The court may require each person who provides contract or  
33 volunteer services in the judicial department that is defined as a  
34 noncriminal justice agency under federal law to furnish a full set of  
35 fingerprints to enable the court to conduct a criminal background  
36 investigation. The court shall submit the person's completed fingerprint  
37 card to the department of public safety. The person shall bear the cost of  
38 obtaining the person's criminal history record information. The cost shall  
39 not exceed the actual cost of obtaining the person's criminal history record  
40 information. Criminal history records checks shall be conducted pursuant to  
41 section 41-1750 and Public Law 92-544. The department of public safety is  
42 authorized to exchange the person's submitted fingerprint card information  
43 with the federal bureau of investigation for a national criminal history  
44 records check.

1           Sec. 3. Section 12-120.01, Arizona Revised Statutes, is amended to  
2 read:

3           12-120.01. Qualifications of judges; terms; ballots; vacancies

4           A. A judge of the court of appeals shall be:

5           1. Not less than thirty years of age.

6           2. Of good moral character.

7           3. A qualified elector of the county of his residence, and a resident  
8 of such county for not less than three years next preceding taking office.

9           4. A resident of the division in which he is elected.

10          5. Admitted to the practice of law in the state of Arizona for not  
11 less than five years next preceding taking office.

12          6. A resident of Arizona for not less than five years next preceding  
13 taking office.

14          B. Except for the initial term, each judge shall hold office for a  
15 term of ~~six~~ TWO years to commence on the first Monday in January following  
16 ~~his retention~~ THE JUDGE'S election and until ~~his~~ THE JUDGE'S successor is  
17 ~~appointed and qualified~~ ELECTED. ~~Each judge shall be appointed by the~~  
18 ~~governor and serve an initial term pursuant to article VI, section 37,~~  
19 ~~Constitution of Arizona.~~ THE NAMES OF ALL CANDIDATES FOR JUDGE OF THE COURT  
20 OF APPEALS SHALL BE PLACED ON THE REGULAR BALLOT WITH PARTISAN OR OTHER  
21 DESIGNATION AND THE COURT AND THE TITLE OF THE OFFICE.

22          C. THE GOVERNOR SHALL FILL ANY VACANCY IN OFFICE BY APPOINTING A  
23 PERSON OF THE SAME POLITICAL PARTY AS THE PERSON VACATING THE OFFICE TO SERVE  
24 UNTIL THE ELECTION AND QUALIFICATION OF A SUCCESSOR AT THE NEXT SUCCEEDING  
25 GENERAL ELECTION.

26           Sec. 4. Section 12-120.02, Arizona Revised Statutes, is amended to  
27 read:

28           12-120.02. Election of judges

29           A. In division 1, of the fifteen judges who are on the bench on July  
30 1, 1995, ten of the judges shall be residents of and elected ~~for retention~~  
31 from Maricopa county and five of the judges shall be residents of the  
32 remaining counties in the division and shall be elected ~~for retention~~ by the  
33 voters of the counties in division 1, excluding Maricopa county. If the  
34 sixteenth judge is a resident of Maricopa county, the judge shall be elected  
35 ~~for retention~~ by the voters of Maricopa county. If the sixteenth judge is  
36 not a resident of Maricopa county, the judge shall be elected ~~for retention~~  
37 by the voters of the counties in division 1, excluding Maricopa county.

38           B. In division 2, four of the judges shall be residents of and elected  
39 from Pima county and two of the judges shall be residents of the remaining  
40 counties in the division and shall be elected by the voters of the counties  
41 in division 2, excluding Pima county.

1           Sec. 5. Section 12-120.07, Arizona Revised Statutes, is amended to  
2 read:

3           12-120.07. Opinions; publication

4           A. The chief judge shall assign three of the judges to each  
5 department, and such assignment may be changed by ~~him~~ THE CHIEF JUDGE from  
6 time to time. Each of the departments shall have the power to hear and  
7 determine causes and all questions arising therein. The presence of three  
8 judges shall be necessary to transact any business in either of the  
9 departments, ~~;~~ except such as may be done in chambers and except as may be  
10 otherwise permitted by law. The opinions of a division or of a department of  
11 the court of appeals shall be in writing, the grounds stated, and shall be  
12 concurred in by a majority of a department if heard by a department or of the  
13 division if heard by the division. An opinion of a division or a department  
14 of a division shall be the opinion of the court of appeals.

15           B. The opinions of the court of appeals shall be published and  
16 distributed in the same manner as provided for the publication and  
17 distribution of opinions of the supreme court.

18           C. Not later than sixty days preceding the regular primary election  
19 ~~for the retention~~ of an appellate court judge, the commission on judicial  
20 performance review shall prepare and publish on its website a list of the  
21 decisions of that appellate court judge including the decision's official  
22 citation and an electronic copy of the entire text of the decision.

23           Sec. 6. Repeal

24           A. Section 12-131, Arizona Revised Statutes, is repealed.

25           B. Title 12, chapter 23, Arizona Revised Statutes, is repealed.

26           Sec. 7. Section 16-502, Arizona Revised Statutes, is amended to read:

27           16-502. Form and contents of ballot

28           A. Ballots shall be printed with black ink on white paper of  
29 sufficient thickness to prevent the printing thereon from being discernible  
30 from the back, and the same type shall be used for the names of all  
31 candidates. The ballots shall be headed "official ballot" in bold-faced  
32 plain letters, with a heavy rule above and below the heading. Immediately  
33 below shall be placed the words "type of election, (date of election)" and  
34 the name of the county and state in which the election is held. The name or  
35 number of the precinct in which the election is held shall be placed on the  
36 ballot in a uniform location for all ballots. No other matter shall be  
37 placed or printed at the head of any ballot, except above the heading there  
38 may be a stub that contains the words "stub no. \_\_\_\_\_, register no. \_\_\_\_\_, to  
39 be torn off by inspector." The stub shall be separated from the ballot by a  
40 perforated line, so that it may be easily detached from the ballot.  
41 Instructions to the voter on marking the ballot may be printed below the  
42 heading. The official ballots shall be bound together in blocks of not less  
43 than five nor more than one hundred.

1 B. Immediately below the ballot heading shall be placed the following:

2 ~~Section One~~  
3 Partisan Ballot

4 1. Put a mark according to the instructions next to the  
5 name of each candidate for each partisan office for whom you  
6 wish to vote.

7 2. If you wish to vote for a person whose name is not  
8 printed on the ballot, write such name in the blank space  
9 provided on the ballot or write-in envelope and put a mark  
10 according to the instructions next to the name so written. ~~Section One~~

11 C. Immediately below the instructions for voting in section one there  
12 shall be placed in columns the names of the candidates of the several  
13 political parties. Next to each candidate's name there shall be printed in  
14 bold-faced letters the name of the political party. At the head of each  
15 column shall be printed the names of the offices to be filled with the name  
16 of each office being of uniform type size. At the head of each column shall  
17 be printed in the following order the names of candidates for:

18 1. Presidential electors, which shall be enclosed in a bracketed list  
19 and next to the bracketed list shall be printed in bold type the surname of  
20 the presidential candidate, and the surname of the vice-presidential  
21 candidate who is seeking election jointly with the presidential candidate  
22 shall be listed directly below the name of the presidential candidate. The  
23 indicator for the selection of the presidential and vice-presidential  
24 candidates shall be directly next to the surname of the presidential  
25 candidate, and one mark directly next to a presidential candidate's surname  
26 shall be counted as a vote for each elector in the bracketed list next to the  
27 presidential and vice-presidential candidates.

28 2. United States senator.

29 3. Representatives in Congress.

30 4. The several state offices.

31 5. The several county and precinct offices.

32 6. JUSTICES OF THE SUPREME COURT STANDING FOR ELECTION PURSUANT TO  
33 ARTICLE VI, SECTION 4, CONSTITUTION OF ARIZONA.

34 7. JUDGES OF THE COURT OF APPEALS STANDING FOR ELECTION PURSUANT TO  
35 SECTION 12-120.01.

36 8. JUDGES OF THE SUPERIOR COURT STANDING FOR ELECTION PURSUANT TO  
37 ARTICLE VI, SECTION 12, CONSTITUTION OF ARIZONA.

38 D. The names of candidates for the offices of state senator and state  
39 representative along with the district number shall be placed within the  
40 heading of each column to the right of the office name for state offices and  
41 immediately below the candidates for the office of governor. The number of  
42 the supervisorial district of which a candidate is a nominee shall be printed  
43 within the heading of each column to the right of the name of the office.

44 E. The lists of the candidates of the several parties shall be  
45 arranged with the names of the parties in descending order according to the

1 votes cast for governor for that county in the most recent general election  
2 for the office of governor, commencing with the left-hand column. In the  
3 case of political parties which did not have candidates on the ballot in the  
4 last general election, such parties shall be listed in alphabetical order  
5 below the parties which did have candidates on the ballot in the last general  
6 election. The names of all candidates nominated under section 16-341 shall  
7 be placed in a single column below that of the recognized parties. Next to  
8 the name of each candidate, in parentheses, shall be printed a three-letter  
9 abbreviation that is taken from the three words prescribed in the candidate's  
10 certificate of nomination.

11 F. Immediately below the designation of the office to be voted for  
12 shall appear the words: "Vote for not more than \_\_\_\_\_" (insert the number  
13 to be elected).

14 G. In each column at the right of the name of each candidate and on  
15 the same line there shall be a place for the voter to put a mark. Below the  
16 name of the last named candidate for each office there shall be as many blank  
17 lines as there are offices of the same title to be filled, with a place for  
18 the voter to put a mark unless write-in envelopes are provided for that  
19 purpose. Upon the blank line the voter may write the name of any person for  
20 whom he desires to vote whose name is not printed, and next to the name so  
21 written he shall designate his choice by a mark as in the case of printed  
22 names.

23 H. When there are two or more candidates of the same political party  
24 for the same office, or more than one candidate for a judicial office, the  
25 names of all such candidates shall be so alternated on the ballots used in  
26 each election district that the name of each candidate shall appear  
27 substantially an equal number of times in each possible location. If there  
28 are fewer or the same number of candidates seeking office than the number to  
29 be elected, the rotation of names is not required and the names shall be  
30 placed in alphabetical order.

31 I. Immediately below section one of the ballot shall be placed the  
32 following:

33 ~~---~~Section Two

34 Nonpartisan Ballot

35 1. Put a mark according to the instructions next to the  
36 name of each candidate for each nonpartisan office for whom you  
37 wish to vote.

38 2. If you wish to vote for a person whose name is not  
39 printed on the ballot, write such name in the blank space  
40 provided on the ballot or write-in envelope and put a mark  
41 according to the instructions next to the name so written.

42 3. Put a mark according to the instructions next to the  
43 word 'yes' (or for) for each proposition or question you wish to  
44 be adopted. Put a mark according to the instructions next to

1 the word 'no' (or against) for each proposition or question you  
 2 wish not to be adopted."

3 J. Immediately below the instructions for voting in section two shall  
 4 be placed the names of the candidates for ~~judges of the superior court~~  
 5 ~~standing for election pursuant to article VI, section 12, Constitution of~~  
 6 ~~Arizona,~~ school district officials, ~~justices of the supreme court, judges of~~  
 7 ~~the court of appeals, judges of the superior court standing for retention or~~  
 8 ~~rejection pursuant to article VI, section 38, Constitution of Arizona,~~ and  
 9 other nonpartisan officials in a column or in columns without partisan or  
 10 other designation except the title of office in an order determined by the  
 11 officer in charge of the election.

12 K. Immediately below the offices listed in subsection J of this  
 13 section, the ballot shall contain a separate heading of any nonpartisan  
 14 office for a vacant unexpired term and shall include the expiration date of  
 15 the term of the vacated office.

16 L. All proposed constitutional amendments and other propositions or  
 17 questions to be submitted to the voters shall be printed immediately below  
 18 the names of candidates for nonpartisan positions in such order as the  
 19 secretary of state, or if a city or town election, the city or town clerk,  
 20 designates. Placement of county and local charter amendments, propositions  
 21 or questions shall be determined by the officer in charge of the election.  
 22 Except as provided by section 19-125, each proposition or question shall be  
 23 followed by the words "yes" and "no" or "for \_\_\_\_\_" and "against \_\_\_\_\_" as  
 24 the nature of the proposition or question requires, and at the right of and  
 25 next to each of such words shall be a place for the voter to put a mark  
 26 according to the instructions that is similar in size to those places  
 27 appearing opposite the names of the candidates, in which the voter may  
 28 indicate his vote for or against such proposition or question by a mark as  
 29 defined in section 16-400.

30 M. Instead of printing the official and descriptive titles or the full  
 31 text of each measure or question on the official ballot, the officer in  
 32 charge of elections may print phrases on the official ballot that contain all  
 33 of the following:

34 1. The number of the measure in reverse type and at least twelve point  
 35 type.

36 2. The designation of the measure as prescribed by section 19-125,  
 37 subsection C or as a question, proposition or charter amendment, followed by  
 38 the words "relating to..." and inserting the subject.

39 3. Either the statement prescribed by section 19-125, subsection D  
 40 that describes the effects of a "yes" vote and a "no" vote or, for other  
 41 measures, the text of the question or proposition.

42 4. The words "yes" and "no" or "for" and "against", as may be  
 43 appropriate and a place for the voter to put a mark.

44 N. For any ballot printed pursuant to subsection M of this section,  
 45 the instructions on the official ballot shall direct the voter to the full

1 text of the official and descriptive titles and the questions and  
2 propositions as printed on the sample ballot and posted in the polling place.

3 Sec. 8. Section 16-901, Arizona Revised Statutes, is amended to read:

4 16-901. Definitions

5 In this chapter, unless the context otherwise requires:

6 1. "Agent" means, with respect to any person other than a candidate,  
7 any person who has oral or written authority, either express or implied, to  
8 make or authorize the making of expenditures as defined in this section on  
9 behalf of a candidate, any person who has been authorized by the treasurer of  
10 a political committee to make or authorize the making of expenditures or a  
11 political consultant for a candidate or political committee.

12 2. "Candidate" means an individual who receives or gives consent for  
13 receipt of a contribution for his nomination for or election to any office in  
14 this state other than a federal office.

15 3. "Candidate's campaign committee" means a political committee  
16 designated and authorized by a candidate.

17 4. "Clearly identified candidate" means that the name, a photograph or  
18 a drawing of the candidate appears or the identity of the candidate is  
19 otherwise apparent by unambiguous reference.

20 5. "Contribution" means any gift, subscription, loan, advance or  
21 deposit of money or anything of value made for the purpose of influencing an  
22 election including supporting or opposing the recall of a public officer or  
23 supporting or opposing the circulation of a petition for a ballot measure,  
24 question or proposition or the recall of a public officer and:

25 (a) Includes all of the following:

26 (i) A contribution made to retire campaign debt.

27 (ii) Money or the fair market value of anything directly or indirectly  
28 given or loaned to an elected official for the purpose of defraying the  
29 expense of communications with constituents, regardless of whether the  
30 elected official has declared his candidacy.

31 (iii) The entire amount paid to a political committee to attend a  
32 fund-raising or other political event and the entire amount paid to a  
33 political committee as the purchase price for a fund-raising meal or item,  
34 except that no contribution results if the actual cost of the meal or  
35 fund-raising item, based on the amount charged to the committee by the  
36 vendor, constitutes the entire amount paid by the purchaser for the meal or  
37 item, the meal or item is for the purchaser's personal use and not for resale  
38 and the actual cost is the entire amount paid by the purchaser in connection  
39 with the event. This exception does not apply to auction items.

40 (iv) Unless specifically exempted, the provision of goods or services  
41 without charge or at a charge that is less than the usual and normal charge  
42 for such goods and services. The acquisition or use of campaign assets by a  
43 committee that are paid for with the candidate's personal monies, including  
44 campaign signs and other similar promotional materials, is a contribution and



1 is reportable by the candidate's campaign committee as a contribution to the  
2 campaign.

3 (b) Does not include any of the following:

4 (i) The value of services provided without compensation by any  
5 individual who volunteers on behalf of a candidate, a candidate's campaign  
6 committee or any other political committee.

7 (ii) Money or the value of anything directly or indirectly provided to  
8 defray the expense of an elected official meeting with constituents if the  
9 elected official is engaged in the performance of the duties of his office or  
10 provided by the state or a political subdivision to an elected official for  
11 communication with constituents if the elected official is engaged in the  
12 performance of the duties of his office.

13 (iii) The use of real or personal property, including a church or  
14 community room used on a regular basis by members of a community for  
15 noncommercial purposes, that is obtained by an individual in the course of  
16 volunteering personal services to any candidate, candidate's committee or  
17 political party, and the cost of invitations, food and beverages voluntarily  
18 provided by an individual to any candidate, candidate's campaign committee or  
19 political party in rendering voluntary personal services on the individual's  
20 residential premises or in the church or community room for candidate-related  
21 or political party-related activities, to the extent that the cumulative  
22 value of the invitations, food and beverages provided by the individual on  
23 behalf of any single candidate does not exceed one hundred dollars with  
24 respect to any single election.

25 (iv) Any unreimbursed payment for personal travel expenses made by an  
26 individual who on his own behalf volunteers his personal services to a  
27 candidate.

28 (v) The payment by a political party for party operating expenses,  
29 party staff and personnel, party newsletters and reports, voter registration  
30 and efforts to increase voter turnout, party organization building and  
31 maintenance and printing and postage expenses for slate cards, sample  
32 ballots, other written materials that substantially promote three or more  
33 nominees of the party for public office and other election activities not  
34 related to a specific candidate, except that this item does not apply to  
35 costs incurred with respect to a display of the listing of candidates made on  
36 telecommunications systems or in newspapers, magazines or similar types of  
37 general circulation advertising.

38 (vi) Independent expenditures.

39 (vii) Monies loaned by a state bank, a federally chartered depository  
40 institution or a depository institution the deposits or accounts of which are  
41 insured by the federal deposit insurance corporation or the national credit  
42 union administration, other than an overdraft made with respect to a checking  
43 or savings account, that is made in accordance with applicable law and in the  
44 ordinary course of business. In order for this exemption to apply, this loan  
45 shall be deemed a loan by each endorser or guarantor, in that proportion of

1 the unpaid balance that each endorser or guarantor bears to the total number  
2 of endorsers or guarantors, the loan shall be made on a basis that assures  
3 repayment, evidenced by a written instrument, shall be subject to a due date  
4 or amortization schedule and shall bear the usual and customary interest rate  
5 of the lending institution.

6 (viii) A gift, subscription, loan, advance or deposit of money or  
7 anything of value to a national or a state committee of a political party  
8 specifically designated to defray any cost for the construction or purchase  
9 of an office facility not acquired for the purpose of influencing the  
10 election of a candidate in any particular election.

11 (ix) Legal or accounting services rendered to or on behalf of a  
12 political committee or a candidate, if the only person paying for the  
13 services is the regular employer of the individual rendering the services and  
14 if the services are solely for the purpose of compliance with this title.

15 (x) The payment by a political party of the costs of campaign  
16 materials, including pins, bumper stickers, handbills, brochures, posters,  
17 party tabloids and yard signs, used by the party in connection with volunteer  
18 activities on behalf of any nominee of the party or the payment by a state or  
19 local committee of a political party of the costs of voter registration and  
20 get-out-the-vote activities conducted by the committee if the payments are  
21 not for the costs of campaign materials or activities used in connection with  
22 any telecommunication, newspaper, magazine, billboard, direct mail or similar  
23 type of general public communication or political advertising.

24 (xi) Transfers between political committees to distribute monies  
25 raised through a joint fund-raising effort in the same proportion to each  
26 committee's share of the fund-raising expenses and payments from one  
27 political committee to another in reimbursement of a committee's  
28 proportionate share of its expenses in connection with a joint fund-raising  
29 effort.

30 (xii) An extension of credit for goods and services made in the  
31 ordinary course of the creditor's business if the terms are substantially  
32 similar to extensions of credit to nonpolitical debtors that are of similar  
33 risk and size of obligation and if the creditor makes a commercially  
34 reasonable attempt to collect the debt, except that any extension of credit  
35 under this item made for the purpose of influencing an election that remains  
36 unsatisfied by the candidate after six months, notwithstanding good faith  
37 collection efforts by the creditor, shall be deemed receipt of a contribution  
38 by the candidate but not a contribution by the creditor.

39 (xiii) Interest or dividends earned by a political committee on any  
40 bank accounts, deposits or other investments of the political committee.

41 6. "Earmarked" means a designation, instruction or encumbrance that  
42 results in all or any part of a contribution or expenditure being made to, or  
43 expended on behalf of, a clearly identified candidate or a candidate's  
44 campaign committee.

1           7. "Election" means any election for any initiative, referendum or  
2 other ballot measure, question or proposition or a primary, general, recall,  
3 special or runoff election for any office in this state other than the office  
4 of precinct committeeman and other than a federal office. For the purposes  
5 of sections 16-903 and 16-905, the general election includes the primary  
6 election.

7           8. "Election cycle" means the period beginning twenty-one days after a  
8 general election and ending twenty days after the next successive general  
9 election for a particular elected office for the purposes of sections 16-903  
10 and 16-905.

11           9. "Expenditures" includes any purchase, payment, distribution, loan,  
12 advance, deposit or gift of money or anything of value made by a person for  
13 the purpose of influencing an election in this state including supporting or  
14 opposing the recall of a public officer or supporting or opposing the  
15 circulation of a petition for a ballot measure, question or proposition or  
16 the recall of a public officer and a contract, promise or agreement to make  
17 an expenditure resulting in an extension of credit and the value of any  
18 in-kind contribution received. Expenditure does not include any of the  
19 following:

20           (a) A news story, commentary or editorial distributed through the  
21 facilities of any telecommunications system, newspaper, magazine or other  
22 periodical publication, unless the facilities are owned or controlled by a  
23 political committee, political party or candidate.

24           (b) Nonpartisan activity designed to encourage individuals to vote or  
25 to register to vote.

26           (c) The payment by a political party of the costs of preparation,  
27 display, mailing or other distribution incurred by the party with respect to  
28 any printed slate card, sample ballot or other printed listing of three or  
29 more candidates for any public office for which an election is held, except  
30 that this subdivision does not apply to costs incurred by the party with  
31 respect to a display of any listing of candidates made on any  
32 telecommunications system or in newspapers, magazines or similar types of  
33 general public political advertising.

34           (d) The payment by a political party of the costs of campaign  
35 materials, including pins, bumper stickers, handbills, brochures, posters,  
36 party tabloids and yard signs, used by the party in connection with volunteer  
37 activities on behalf of any nominee of the party or the payment by a state or  
38 local committee of a political party of the costs of voter registration and  
39 get-out-the-vote activities conducted by the committee if the payments are  
40 not for the costs of campaign materials or activities used in connection with  
41 any telecommunications system, newspaper, magazine, billboard, direct mail or  
42 similar type of general public communication or political advertising.

43           (e) Any deposit or other payment filed with the secretary of state or  
44 any other similar officer to pay any portion of the cost of printing an  
45 argument in a publicity pamphlet advocating or opposing a ballot measure.

1           10. "Exploratory committee" means a political committee that is formed  
2 for the purpose of determining whether an individual will become a candidate  
3 and that receives contributions or makes expenditures of more than five  
4 hundred dollars in connection with that purpose.

5           11. "Family contribution" means any contribution that is provided to a  
6 candidate's campaign committee by a parent, grandparent, spouse, child or  
7 sibling of the candidate or a parent or spouse of any of those persons.

8           12. "Filing officer" means the office that is designated by section  
9 16-916 to conduct the duties prescribed by this chapter.

10          13. "Identification" means:

11           (a) For an individual, his name and mailing address, his occupation  
12 and the name of his employer.

13           (b) For any other person, including a political committee, the full  
14 name and mailing address of the person. For a political committee,  
15 identification includes the identification number issued on the filing of a  
16 statement of organization pursuant to section 16-902.01.

17          14. "Incomplete contribution" means any contribution received by a  
18 political committee for which the contributor's mailing address, occupation,  
19 employer or identification number has not been obtained and is not in the  
20 possession of the political committee.

21          15. "Independent expenditure" means an expenditure by a person or  
22 political committee, other than a candidate's campaign committee, that  
23 expressly advocates the election or defeat of a clearly identified candidate,  
24 that is made without cooperation or consultation with any candidate or  
25 committee or agent of the candidate and that is not made in concert with or  
26 at the request or suggestion of a candidate, or any committee or agent of the  
27 candidate. Independent expenditure includes an expenditure that is subject  
28 to the requirements of section 16-917, which requires a copy of campaign  
29 literature or advertisement to be sent to a candidate named or otherwise  
30 referred to in the literature or advertisement.

31          16. "In-kind contribution" means a contribution of goods or services  
32 or anything of value and not a monetary contribution. The use by a  
33 candidate's campaign committee of a distinctive trade name, trademark or  
34 trade dress item, including a logo, that is owned by a business or other  
35 entity that is owned by that candidate or in which the candidate has a  
36 controlling interest is deemed to be an in-kind contribution to the  
37 candidate's campaign committee and shall be reported as otherwise prescribed  
38 by law.

39          17. "Itemized" means that each contribution received or expenditure  
40 made is set forth separately.

41          18. "Literature or advertisement" means information or materials that  
42 are mailed, distributed or placed in some medium of communication for the  
43 purpose of influencing the outcome of an election.

1           19. "Personal monies" means any of the following:

2           (a) Except as prescribed in paragraph 16 of this section, assets to  
3 which the candidate has a legal right of access or control at the time he  
4 becomes a candidate and with respect to which the candidate has either legal  
5 title or an equitable interest.

6           (b) Salary and other earned income from bona fide employment of the  
7 candidate, dividends and proceeds from the sale of the stocks or investments  
8 of the candidate, bequests to the candidate, income to the candidate from  
9 trusts established before candidacy, income to the candidate from trusts  
10 established by bequest after candidacy of which the candidate is a  
11 beneficiary, gifts to the candidate of a personal nature that have been  
12 customarily received before the candidacy and proceeds received by the  
13 candidate from lotteries and other legal games of chance.

14           (c) The proceeds of loans obtained by the candidate that are not  
15 contributions and for which the collateral or security is covered by  
16 subdivision (a) or (b) of this paragraph.

17           (d) Family contributions.

18           20. "Political committee" means any of the following:

19           (a) A candidate or a candidate's campaign committee.

20           (b) A separate, segregated fund established pursuant to section  
21 16-920, subsection A, paragraph 3.

22           (c) An association or combination of persons that circulates petitions  
23 in support of the qualification of a ballot measure, question or proposition.

24           (d) An association or combination of persons that circulates a  
25 petition to recall a public officer.

26           (e) A political party.

27           (f) An association or combination of persons that meets both of the  
28 following requirements:

29           (i) Is organized, conducted or combined for the primary purpose of  
30 influencing the result of any election in this state or in any county, city,  
31 town or other political subdivision in this state, ~~including a judicial~~  
32 ~~retention election.~~

33           (ii) Knowingly receives contributions or makes expenditures of more  
34 than five hundred dollars in connection with any election during a calendar  
35 year, ~~including a judicial retention election.~~

36           (g) A political organization.

37           (h) An exploratory committee.

38           21. "Political organization" means an organization that is formally  
39 affiliated with and recognized by a political party including a district  
40 committee organized pursuant to section 16-823.

41           22. "Political party" means the state committee as prescribed by  
42 section 16-825 or the county committee as prescribed by section 16-821 of an  
43 organization that meets the requirements for recognition as a political party  
44 pursuant to section 16-801, 16-802 or 16-804.

1           23. "Sponsoring organization" means any organization that establishes,  
2 administers or contributes financial support to the administration of, or  
3 that has common or overlapping membership or officers with, a political  
4 committee other than a candidate's campaign committee.

5           24. "Standing political committee" means a political committee that  
6 satisfies all of the following:

7           (a) Is active in more than one reporting jurisdiction in this state  
8 for more than one year.

9           (b) Files a statement of organization as prescribed by section  
10 16-902.01, subsection F.

11           (c) Is any of the following as defined by paragraph 20 of this  
12 section:

13           (i) A separate, segregated fund.

14           (ii) A political party.

15           (iii) A political committee as prescribed by paragraph 20, subdivision  
16 (f) of this section and that is organized for the purpose of making  
17 independent expenditures.

18           (iv) A political organization.

19           25. "Statewide office" means the office of governor, secretary of  
20 state, state treasurer, attorney general, superintendent of public  
21 instruction, corporation commissioner or mine inspector.

22           26. "Surplus monies" means those monies of a political committee  
23 remaining after all of the committee's expenditures have been made and its  
24 debts have been extinguished.

25           Sec. 9. Section 16-913, Arizona Revised Statutes, is amended to read:

26           16-913. Campaign finance reports; reporting of receipts and  
27 disbursements; exemptions; civil penalty

28           A. Except as provided in subsection ~~K~~ J of this section, each  
29 political committee shall file campaign finance reports in the format  
30 prescribed by the filing officer setting forth the committee's receipts and  
31 disbursements according to the schedule prescribed in subsections B and C of  
32 this section.

33           B. In any calendar year during which there is a regularly scheduled  
34 election at which any candidates, measures, questions or propositions appear  
35 or may appear on the ballot, the political committee shall file each of the  
36 following campaign finance reports:

37           1. A report covering the period beginning January 1 through May 31,  
38 filed no later than June 30.

39           2. A preelection report, that shall be filed not less than four days  
40 before any election and that shall be complete through the twelfth day before  
41 the election.

42           3. A postelection report, that shall be filed not more than thirty  
43 days after any election and that shall be complete through the twentieth day  
44 after the election.

1 C. In any other calendar year, the political committee shall file a  
2 report covering the period beginning twenty-one days after the date of the  
3 election in the preceding calendar year through December 31 of the  
4 nonelection year filed no later than January 31 of the following calendar  
5 year. For a special election for which the secretary of state is the filing  
6 officer, a political committee that receives contributions or makes  
7 expenditures to influence that election shall file the following:

8 1. For an initiative, referendum or recall, a preelection report that  
9 is due within fifteen days of filing the petition with the secretary of state  
10 and THAT IS current through the date the petition was filed.

11 2. A preelection report that is due within fifteen days of the  
12 governor's proclamation calling the special election and THAT IS current  
13 through the date of the governor's proclamation.

14 3. A preelection report that is due as prescribed by subsection B,  
15 paragraph 2 of this section.

16 4. A postelection report that is due as prescribed by subsection B,  
17 paragraph 3 of this section.

18 D. In the event that a political committee receives no contributions  
19 and makes no expenditures during a period in which it is required to file a  
20 campaign finance report, the committee treasurer or if the treasurer is  
21 unavailable the candidate, in lieu of filing a report required by subsection  
22 B of this section, may sign and file a form prescribed by the secretary of  
23 state indicating no activity during the specific reporting period.

24 E. In lieu of the reports prescribed in subsections B and C of this  
25 section, a candidate's political committee that remains active after an  
26 election due to outstanding debts may file a document no later than January  
27 31 in a form prescribed by the secretary of state that states that the  
28 committee does not intend to receive any contributions or make any  
29 expenditures during the year. If a candidate's political committee does  
30 receive a contribution or make an expenditure during that year, the committee  
31 shall report as prescribed by subsection B or C of this section.

32 ~~F. A judge who has filed a declaration of the desire to be retained in  
33 office is exempt from filing any report required by this section if the  
34 judge, not later than twelve days before the general election, files a  
35 statement signed and sworn to by the judge certifying that the judge has  
36 received no contributions, has made no expenditures and has no campaign  
37 committee and that the judge does not intend to receive contributions, make  
38 expenditures or have a campaign committee for the purpose of influencing the  
39 result of the vote on the question of the judge's retention. With respect to  
40 superior court judges, a statement filed pursuant to this subsection is  
41 effective until the earlier of twelve days before the third general election  
42 following the filing of this statement or the judge receives contributions,  
43 makes expenditures or authorizes a campaign committee. Such a statement  
44 filed by a supreme court justice or a court of appeals judge is effective  
45 until the earlier of twelve days before the fourth general election following~~

1 ~~the filing of this statement or the justice or judge receives contributions,~~  
2 ~~makes expenditures or authorizes a campaign committee.~~

3 ~~G.~~ F. Reports in connection with special or recall elections shall  
4 conform to the filing deadlines set forth in subsections B and C of this  
5 section.

6 ~~H.~~ G. Except as provided in section 16-916, subsection B and  
7 subsection ~~K~~ J of this section, a political committee shall comply with the  
8 requirements of this section in each jurisdiction in this state in which the  
9 committee has filed a statement of organization until the committee  
10 terminates pursuant to section 16-914, and its statements, designations and  
11 reports shall be filed with each officer with whom it has filed a statement  
12 of organization, as appropriate.

13 ~~I.~~ H. Each report required to be filed pursuant to this section shall  
14 be signed by the committee treasurer or the candidate or the designating  
15 individual if the treasurer is unavailable and shall contain the  
16 certification of the signer under penalty of perjury that the report is true  
17 and complete.

18 ~~J.~~ I. A political committee and the candidate, in the case of a  
19 candidate's campaign committee, or the designating individual, in the case of  
20 an exploratory committee, who violate this section are subject to the penalty  
21 prescribed in section 16-918.

22 ~~K.~~ J. A standing political committee shall file reports with the  
23 secretary of state and is exempt from filing a report with any other  
24 jurisdiction in which it is active. The reports shall be in an electronic  
25 format as prescribed by the secretary of state or by use of the internet.  
26 The secretary of state shall promptly make the reports available to the  
27 public on the internet and shall make the reports available by electronic  
28 means by request. The standing committee shall file the following reports:

29 1. A preelection report that is due as prescribed by subsection B,  
30 paragraph 2 of this section shall be filed for each consolidated election  
31 date prescribed by section 16-204.

32 2. A postelection report that is due as prescribed by subsection B,  
33 paragraph 3 of this section shall be filed for each consolidated election  
34 date prescribed by section 16-204.

35 3. An annual report that is due by January 31 in the year immediately  
36 following the calendar year that is the subject of the report.

37 Sec. 10. Section 16-916, Arizona Revised Statutes, is amended to read:

38 16-916. Filing statements of contributions and expenditures;  
39 public inspection

40 A. Except as provided in subsection B of this section, the statements,  
41 designations and reports required to be filed pursuant to this article shall  
42 be filed as follows:

43 1. In the office of the secretary of state for political committees  
44 supporting or opposing the recall of a public officer elected statewide or to  
45 the legislature, supporting the circulation of petitions for ballot measures,



1 questions and propositions appearing on a state general election ballot or  
2 recall of public officials elected statewide or to the legislature or  
3 supporting or opposing candidates for state offices and members of the  
4 legislature, for justices of the supreme court, for judges of the court of  
5 appeals and for a statewide initiative or referendum or any measure or  
6 proposition appearing on a state general election ballot. The office of the  
7 secretary of state shall post to its website in a format that is viewable by  
8 the public the campaign finance information prescribed by this section.

9 2. With the county officer in charge of elections for political  
10 committees supporting or opposing the recall of public officers elected to  
11 county offices, school district governing boards, community college district  
12 governing boards or judges of the superior court, supporting the circulation  
13 of petitions for ballot measures, questions and propositions appearing on a  
14 county election ballot or for the recall of a public officer elected to  
15 county offices, school district governing boards, community college district  
16 governing boards or judges of the superior court or supporting or opposing  
17 candidates for county offices, school district governing board members or  
18 ballot questions, community college district governing board members or  
19 ballot questions, ~~judges of the superior court seeking retention,~~ special  
20 taxing districts and a county initiative or referendum or any measure or  
21 proposition appearing on a county election ballot. For any county with a  
22 population of more than one hundred thousand persons that operates a website,  
23 the county officer in charge of elections shall post to that website in a  
24 format that is viewable by the public the campaign finance information  
25 prescribed by this section, which shall include the names of candidates who  
26 have filed an exemption statement pursuant to section 16-902.01, subsection B  
27 with that filing officer.

28 3. With the city or town clerk for political committees supporting or  
29 opposing the recall of public officers elected to city or town offices,  
30 supporting the circulation of petitions for ballot measures, questions and  
31 propositions appearing on a city or town election ballot or recall of public  
32 officers elected for city or town offices or supporting or opposing  
33 candidates for city or town offices and for a city or town initiative or  
34 referendum or any measure or proposition appearing on a city or town election  
35 ballot. For any city or town with a population of more than two thousand  
36 five hundred persons that operates a website, the city or town shall post to  
37 that website in a format that is viewable by the public the campaign finance  
38 information prescribed by this section, which shall include the names of  
39 candidates who have filed an exemption statement pursuant to section  
40 16-902.01, subsection B. For a city or town without a website, the  
41 information shall be posted on the website operated by an association of  
42 cities and towns in this state.

43 B. Campaign finance reports required pursuant to section 16-913 for  
44 the office of member of the legislature and statewide offices shall be filed  
45 with the secretary of state in the manner prescribed by the secretary of

1 state. The secretary of state may provide through the procedures manual  
2 adopted pursuant to section 16-452 for an alternative method for providing  
3 public access to the reports prescribed by this section.

4 C. For all statements, designations and reports, the date of filing is  
5 the date of actual receipt by the officer with whom the document is required  
6 to be filed except as follows:

7 1. For documents filed by certified mail with a United States mail  
8 postmark, the date of mailing constitutes the date of filing.

9 2. For documents filed by commercial delivery services that provide a  
10 standardized delivery confirmation process, the date of delivery confirmation  
11 constitutes the date of filing.

12 3. For documents filed by commercial delivery services that provide  
13 for electronic tracking of specific delivery packages, the date of electronic  
14 confirmation of delivery constitutes the date of filing.

15 D. If the date for filing any statement, designation or report  
16 required by this article is a Saturday, a Sunday or another legal holiday,  
17 the filing deadline is the next day that is not a Saturday, a Sunday or  
18 another legal holiday.

19 Sec. 11. Section 16-918, Arizona Revised Statutes, is amended to read:  
20 16-918. Campaign finance reports; notice; civil penalty;  
21 prohibition on candidacy

22 A. If a political committee fails to file a report in a timely manner  
23 as required by this chapter, the filing officer shall send written notice of  
24 the delinquency of the report to the political committee and the candidate,  
25 in the case of the candidate's campaign committee, or to the designating  
26 individual, in the case of an individual's exploratory committee. The notice  
27 shall be sent by certified mail within fifteen days after the filing officer  
28 determines there may be a failure to file a campaign finance report. The  
29 notice shall provide with reasonable particularity the nature of the failure  
30 and a statement of the penalties provided in this section.

31 B. A political committee, or in the case of a candidate's campaign  
32 committee, the candidate, or in the case of an exploratory committee, the  
33 designating individual, is liable for a late penalty of ten dollars for each  
34 business day after failure to make or file a campaign finance report that is  
35 required pursuant to this chapter up to a maximum of four hundred fifty  
36 dollars. For filings for an officeholder expense account pursuant to section  
37 41-133, the late penalty is five dollars for each day after failure to make  
38 or file the campaign finance report, and the late penalty shall not accrue on  
39 days during which the office of the secretary of state is not open for  
40 business. A late penalty accrues only until the day the late report is filed  
41 and the filing officer shall not refuse a campaign finance report except if  
42 penalties imposed pursuant to section 16-924 are unpaid at the time of filing  
43 the report. Beginning on the thirty-first day after the due date, the filing  
44 officer may notify the appropriate enforcement officer under section 16-924  
45 that a violation has occurred and that late fees and civil penalties are owed

1 as prescribed in subsection C of this section and may be collected in an  
2 enforcement action pursuant to section 16-924.

3 C. A political committee, or in the case of a candidate's campaign  
4 committee, the candidate, or in the case of an exploratory committee, the  
5 designating individual, that has failed to file within fifteen days after  
6 receiving a notice of delinquency pursuant to subsection A of this section is  
7 liable for a civil penalty of twenty-five dollars for each subsequent day  
8 that the filing is late. This penalty shall be assessed pursuant to section  
9 16-924.

10 D. For the purposes of this section, there is a failure to make and  
11 file a campaign finance report by the treasurer, the designating individual,  
12 in the case of an exploratory committee, the candidate, in the case of a  
13 candidate's campaign committee, and for all other political committees, the  
14 chairman, if any of the following occurs:

15 1. The report is not filed in a timely manner as prescribed by section  
16 16-913.

17 2. The report is not signed in accordance with section 16-913.

18 3. A good faith effort is not made to substantially complete the  
19 report as prescribed by section 16-915.

20 E. It is a defense to an enforcement action brought pursuant to this  
21 section if good cause is shown by the treasurer, the designating individual,  
22 in the case of an exploratory committee, or the candidate, in the case of a  
23 candidate's campaign committee, for the failure to make and file a campaign  
24 finance report. For the purposes of this subsection, "good cause" includes  
25 an illness or absence from this state at the time the campaign finance report  
26 was due or the written notice of delinquency was delivered if the illness or  
27 absence reasonably prevented the treasurer, designating individual or  
28 candidate from filing the report or receiving the written notice.

29 F. In addition to the enforcement actions prescribed by this section,  
30 a person who was a candidate for nomination or election to any local or state  
31 office and who after written notice pursuant to this section failed to make  
32 and file a campaign finance report as required by this chapter is not  
33 eligible to be a candidate for nomination or election to any local or state  
34 office for five years after the last failure to make and file a campaign  
35 finance report occurred. This penalty shall be imposed as follows:

36 1. A candidate's failure to make and file a campaign finance report  
37 with a filing officer for a jurisdiction is grounds for that filing officer  
38 to refuse the candidate's nomination paper for any public office in that  
39 jurisdiction as described in this subsection.

40 2. A candidate's failure to make and file a campaign finance report  
41 with any filing officer is grounds for a filing officer from another  
42 jurisdiction to refuse the candidate's nomination paper for any public office  
43 on presentation of a certified copy of a final order issued pursuant to  
44 section 16-924.

1 G. For a standing political committee, in addition to any late penalty  
2 and civil penalty assessed pursuant to this section, if the standing  
3 political committee makes a late filing three or more times, the standing  
4 political committee is no longer eligible for consolidated filing status  
5 pursuant to section 16-913, subsection ~~K~~-J and shall make all of its filings  
6 in each reporting jurisdiction in which it is active.

7 H. For any political committee that has failed to file three  
8 consecutive campaign finance reports with the filing officer as prescribed by  
9 section 16-913, the filing officer shall send the committee chairman and  
10 treasurer a written notice of intent to suspend the political committee. The  
11 notice of intent to suspend shall state that failure of the political  
12 committee to fully comply with all filing requirements for that committee,  
13 including any required payments, within thirty days of the date of the notice  
14 shall result in suspension of the political committee's authority to operate  
15 in that jurisdiction. On suspension of the political committee's authority  
16 to operate, the filing officer is no longer required to provide any further  
17 notice of delinquency to the political committee. This subsection does not  
18 reduce or eliminate the political committee's continuing obligation to make  
19 campaign finance filings and pay any fines, penalties, civil penalties or  
20 other sanctions that may continue to accrue as otherwise provided by law.  
21 This subsection does not apply to reports required pursuant to article 2 of  
22 this chapter or to a candidate's campaign committee designated by that  
23 candidate pursuant to section 16-903 during that election cycle.

24 Sec. 12. Section 19-123, Arizona Revised Statutes, is amended to read:

25 19-123. Publicity pamphlet; printing; distribution; public  
26 hearings

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

33 1. A true copy of the title and text of the measure or proposed  
34 amendment. Such text shall indicate material deleted, if any, by printing  
35 such material with a line drawn through the center of the letters of such  
36 material and shall indicate material added or new material by printing the  
37 letters of such material in capital letters.

38 2. The form in which the measure or proposed amendment will appear on  
39 the ballot, the official title, the descriptive title prepared by the  
40 secretary of state and the number by which it will be designated.

41 3. The arguments for and against the measure or amendment.

42 4. For any measure or proposed amendment, a legislative council  
43 analysis of the ballot proposal as prescribed by section 19-124.

1           5. The report of the commission on judicial performance review for any  
2 justices of the supreme court, judges of the court of appeals and judges of  
3 the superior court who are ~~subject to retention~~ STANDING FOR ELECTION.

4           6. The summary of a fiscal impact statement prepared by the joint  
5 legislative budget committee staff pursuant to subsection D of this section.

6           B. The secretary of state shall mail one copy of the publicity  
7 pamphlet to every household that contains a registered voter. The mailings  
8 may be made over a period of days but shall be mailed in order to be  
9 delivered to households before the earliest date for receipt by registered  
10 voters of any requested early ballots for the general election.

11           C. Sample ballots for both the primary and general elections shall  
12 include a statement that information on how to obtain a publicity pamphlet  
13 for the general election ballot propositions is available by calling the  
14 secretary of state. The statement shall include a telephone number and  
15 mailing address of the secretary of state.

16           D. On certification of an initiative measure as qualified for the  
17 ballot, the secretary of state shall hold or cause to be held at least three  
18 public meetings on the ballot measure. Hearings shall be held in at least  
19 three different counties and shall be held before the date of the election on  
20 the measure. The hearings shall provide an opportunity for proponents,  
21 opponents and the general public to provide testimony and request  
22 information. Hearings may be scheduled to include more than one qualified  
23 ballot measure and shall include a fiscal impact presentation on the measure  
24 by the joint legislative budget committee staff. The joint legislative  
25 budget committee staff shall prepare a summary of the fiscal impact for each  
26 ballot measure, not to exceed three hundred words, for publication in the  
27 publicity pamphlet.

28           Sec. 13. Section 19-201, Arizona Revised Statutes, is amended to read:

29           19-201. Officers subject to recall; number of petitioners

30           A. Every public officer holding an elective office, either by  
31 election, ~~OR~~ appointment ~~or retention~~, is subject to recall from such office  
32 by the qualified electors of the electoral district from which candidates are  
33 elected to that office. Such electoral district may include the whole state.  
34 A number of qualified electors equaling twenty-five ~~per cent~~ PERCENT of the  
35 number of votes cast at the last preceding general election for all the  
36 candidates for the office held by the officer, even if the officer was not  
37 elected at that election, divided by the number of offices that were being  
38 filled at that election, by recall petition, may demand the officer's recall.

39           B. In the case of a public officer holding office in a newly created  
40 division or district of an elective office, either by election or  
41 appointment, a number of qualified electors equaling twenty-five ~~per cent~~  
42 PERCENT of the number of votes cast at the last preceding general election  
43 for all those who were candidates for other divisions or districts of the  
44 same office held by the officer in that county or city divided by the number

1 of offices that were being filled at that election, by recall petition, may  
2 demand the officer's recall.

3 C. If the elective officer to be recalled was appointed to the office  
4 or was deemed elected after an election was canceled due to the absence of  
5 opposing candidates as provided in section 15-424, 15-1442, 16-822, 48-802,  
6 48-1012, 48-1208, 48-1404, 48-1908, 48-2010, 48-2107 or 48-2208, the recall  
7 petition must be signed by the number of qualified electors that is equal to  
8 at least ten ~~per-cent~~ PERCENT of the number of active registered voters in  
9 the jurisdiction or district represented by that elective officer as  
10 determined on the date of the last general election.

11 Sec. 14. Section 38-431.08, Arizona Revised Statutes, is amended to  
12 read:

13 38-431.08. Exceptions; limitation

14 A. This article does not apply to:

15 1. Any judicial proceeding of any court or any political caucus of the  
16 legislature.

17 2. Any conference committee of the legislature, except that all such  
18 meetings shall be open to the public.

19 3. The ~~commissions on appellate and trial court appointments and the~~  
20 commission on judicial qualifications.

21 4. Good cause exception and central registry exception determinations  
22 and hearings conducted by the board of fingerprinting pursuant to sections  
23 41-619.55 and 41-619.57.

24 B. A hearing held within a prison facility by the board of executive  
25 clemency is subject to this article, except that the director of the state  
26 department of corrections may:

27 1. Prohibit, on written findings that are made public within five days  
28 of so finding, any person from attending a hearing whose attendance would  
29 constitute a serious threat to the life or physical safety of any person or  
30 to the safe, secure and orderly operation of the prison.

31 2. Require a person who attends a hearing to sign an attendance log.  
32 If the person is over sixteen years of age, the person shall produce  
33 photographic identification that verifies the person's signature.

34 3. Prevent and prohibit any articles from being taken into a hearing  
35 except recording devices and, if the person who attends a hearing is a member  
36 of the media, cameras.

37 4. Require that a person who attends a hearing submit to a reasonable  
38 search on entering the facility.

39 C. The exclusive remedies available to any person who is denied  
40 attendance at or removed from a hearing by the director of the state  
41 department of corrections in violation of this section shall be those  
42 remedies available in section 38-431.07, as against the director only.

43 D. Either house of the legislature may adopt a rule or procedure  
44 pursuant to article IV, part 2, section 8, Constitution of Arizona, to  
45 provide an exemption to the notice and agenda requirements of this article or

1 to allow standing or conference committees to meet through technological  
2 devices rather than only in person.

3 Sec. 15. Section 41-1232.04, Arizona Revised Statutes, is amended to  
4 read:

5 41-1232.04. Registration: exceptions

6 Sections 41-1232, 41-1232.01, 41-1232.02 and 41-1232.03 do not apply to  
7 a person if that person is acting in the following capacity:

8 1. A natural person who merely appears for himself before a committee  
9 of the legislature or before a state officer or employee or a state agency,  
10 board, commission or council to lobby in support of or in opposition to  
11 legislation or official action.

12 2. A natural person who, acting in his own behalf, sends a letter to,  
13 converses on the telephone with or has a personal conversation with a state  
14 officer or employee for the purpose of supporting or opposing any legislation  
15 or official action.

16 3. A duly elected ~~or-retained~~ public official, judge or justice, a  
17 person duly appointed to an elective public office, or an appointed member of  
18 a state, county or local board, advisory committee, commission or council  
19 acting in his official capacity on matters pertaining to his office, board,  
20 advisory committee, commission or council.

21 4. A person who answers technical questions or provides technical  
22 information at the request of a lobbyist, designated public lobbyist,  
23 authorized public lobbyist or legislator and who makes no expenditures  
24 required to be reported by this article.

25 5. A person who performs professional services in drafting bills or in  
26 advising and rendering opinions to clients as to the construction and effect  
27 of proposed or pending legislation.

28 6. An attorney who represents clients before any court or before any  
29 quasi-judicial body.

30 7. A person who contacts a state officer or state employee solely for  
31 the purpose of acquiring information.

32 8. A natural person who is a member of an association, who is not the  
33 lobbyist for compensation, designated lobbyist or authorized lobbyist for the  
34 association and who does not make any expenditures that would otherwise be  
35 required to be reported by this article if the natural person were a  
36 lobbyist, a designated public lobbyist or an authorized public lobbyist.

37 Sec. 16. Conditional enactment

38 This act does not become effective unless the Constitution of Arizona  
39 is amended by vote of the people at the next general election to repeal the  
40 merit selection of justices and judges and to provide for the election of  
41 justices and judges.