

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. "

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:

Section Two

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.

1 the word 'no' (or against) for each proposition or question you
2 wish not to be adopted."
3

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

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

17 L. All proposed constitutional amendments and other propositions or
18 questions to be submitted to the voters shall be printed immediately below
19 the names of candidates for nonpartisan positions in such order as the
20 secretary of state, or if a city or town election, the city or town clerk,
21 designates. Placement of county and local charter amendments, propositions
22 or questions shall be determined by the officer in charge of the election.
23 Except as provided by section 19-125, each proposition or question shall be
24 followed by the words "yes" and "no" or "for ____" and "against ____" as
25 the nature of the proposition or question requires, and at the right of and
26 next to each of such words shall be a place for the voter to put a mark
27 according to the instructions that is similar in size to those places
28 appearing opposite the names of the candidates, in which the voter may
29 indicate his vote for or against such proposition or question by a mark as
 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 trusts
9 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.