

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

State of Arizona  
House of Representatives  
Fifty-third Legislature  
First Regular Session  
2017

# **HB 2534**

Introduced by  
Representative 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, 16-905, 16-928, 19-123, 19-201, 38-431.08, 41-1231 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 seven justices. The term of  
6 office of each justice shall be ~~six~~ TWO years and shall take effect on the  
7 first Monday in January of the year in which it begins. Justices shall be  
8 elected at the general election next preceding the expiration of a term of  
9 office.

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

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

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

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

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

1 submitted fingerprint card information with the federal bureau of  
2 investigation for a national criminal history records check.

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

5 12-120.01. Qualifications of judges; terms; ballots;  
6 vacancies

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

8 1. Not less than thirty years of age.

9 2. Of good moral character.

10 3. A qualified elector of the county of ~~his~~ THE JUDGE'S residence,  
11 and a resident of such county for not less than three years next preceding  
12 taking office.

13 4. A resident of the division in which ~~he~~ THE JUDGE is elected.

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

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

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

26 C. THE GOVERNOR SHALL FILL ANY VACANCY IN OFFICE BY APPOINTING A  
27 PERSON OF THE SAME POLITICAL PARTY AS THE PERSON VACATING THE OFFICE TO  
28 SERVE UNTIL THE ELECTION AND QUALIFICATION OF A SUCCESSOR AT THE NEXT  
29 SUCCEEDING GENERAL ELECTION.

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

32 12-120.02. Election of judges

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

43 B. In division 2, four of the judges shall be residents of and  
44 elected from Pima county and two of the judges shall be residents of the

1 remaining counties in the division and shall be elected by the voters of  
2 the counties in division 2, excluding Pima county.

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

5 12-120.07. Opinions; publication

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

18 B. The opinions of the court of appeals shall be published and  
19 distributed in the same manner as provided for the publication and  
20 distribution of opinions of the supreme court.

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

26 Sec. 6. Repeal

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

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

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

31 16-502. Form and contents of ballot

32 A. Ballots shall be printed with black ink on white paper of  
33 sufficient thickness to prevent the printing thereon from being  
34 discernible from the back, and the same type shall be used for the names  
35 of all candidates. The ballots shall be headed "official ballot" in  
36 bold-faced plain letters, with a heavy rule above and below the heading.  
37 Immediately below shall be placed the words "type of election, (date of  
38 election)" and the name of the county and state in which the election is  
39 held. The name or number of the precinct in which the election is held  
40 shall be placed on the ballot in a uniform location for all ballots. No  
41 other matter shall be placed or printed at the head of any ballot, except  
42 above the heading there may be a stub that contains the words "stub no.  
43 \_\_\_\_\_, register no. \_\_\_\_\_, to be torn off by inspector." The stub shall  
44 be separated from the ballot by a perforated line, so that it may be  
45 easily detached from the ballot. Instructions to the voter on marking the

1 ballot may be printed below the heading. The official ballots shall be  
2 bound together in blocks of not less than five nor more than one hundred.

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

5 ~~Section One~~  
6 Partisan Ballot

7 1. Put a mark according to the instructions next to the  
8 name of each candidate for each partisan office for whom you  
9 wish to vote.

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

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

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

33 2. United States senator.

34 3. Representatives in Congress.

35 4. The several state offices.

36 5. The several county and precinct offices.

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

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

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

43 D. The names of candidates for the offices of state senator and  
44 state representative along with the district number shall be placed within  
45 the heading of each column to the right of the office name for state

1 offices and immediately below the candidates for the office of governor.  
2 The number of the supervisorial district of which a candidate is a nominee  
3 shall be printed within the heading of each column to the right of the  
4 name of the office.

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

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

21 G. In each column at the right of the name of each candidate and on  
22 the same line there shall be a place for the voter to put a mark. Below  
23 the name of the last named candidate for each office there shall be as  
24 many blank lines as there are offices of the same title to be filled, with  
25 a place for the voter to put a mark unless write-in envelopes are provided  
26 for that purpose. ~~Upon~~ ON the blank line the voter may write the name of  
27 any person for whom ~~he~~ THE VOTER desires to vote whose name is not  
28 printed, and next to the name so written ~~he~~ THE VOTER shall designate ~~his~~  
29 THE VOTER'S choice by a mark as in the case of printed names.

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

38 I. Immediately below section one of the ballot shall be placed the  
39 following:

~~—~~Section Two

Nonpartisan Ballot

42 1. Put a mark according to the instructions next to the  
43 name of each candidate for each nonpartisan office for whom  
44 you wish to vote.

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

5           3. Put a mark according to the instructions next to the  
6 word 'yes' (or for) for each proposition or question you wish  
7 to be adopted. Put a mark according to the instructions next  
8 to the word 'no' (or against) for each proposition or question  
9 you wish not to be adopted."

10          J. Immediately below the instructions for voting in section two  
11 shall be placed the names of the candidates for ~~judges of the superior~~  
12 ~~court standing for election pursuant to article VI, section 12,~~  
13 ~~Constitution of Arizona,~~ school district officials, ~~justices of the~~  
14 ~~supreme court, judges of the court of appeals, judges of the superior~~  
15 ~~court standing for retention or rejection pursuant to article VI, section~~  
16 ~~38, Constitution of Arizona,~~ and other nonpartisan officials in a column  
17 or in columns without partisan or other designation except the title of  
18 office in an order determined by the officer in charge of the election.

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

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

37          M. Instead of printing the official and descriptive titles or the  
38 full text of each measure or question on the official ballot, the officer  
39 in charge of elections may print phrases on the official ballot that  
40 contain all of the following:

41           1. The number of the measure in reverse type and at least twelve  
42 point type.

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

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

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

6           N. For any ballot printed pursuant to subsection M of this section,  
7 the instructions on the official ballot shall direct the voter to the full  
8 text of the official and descriptive titles and the questions and  
9 propositions as printed on the sample ballot and posted in the polling  
10 place.

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

13           16-901. Definitions

14           In this chapter, unless the context otherwise requires:

15           1. "Advertisement" means information or materials, other than  
16 nonpaid social media messages, that are mailed, e-mailed, posted,  
17 distributed, published, displayed, delivered, broadcasted or placed in a  
18 communication medium and that are for the purpose of influencing an  
19 election.

20           2. "Affiliate" means any organization that controls, is controlled  
21 by or is under common control with a corporation, limited liability  
22 company or labor organization.

23           3. "Agent" means any person who has actual authority, either  
24 express or implied, to represent or make decisions on behalf of another  
25 person.

26           4. "Ballot measure expenditure" means an expenditure made by a  
27 person that expressly advocates the support or opposition of a clearly  
28 identified ballot measure.

29           5. "Best effort" means that a committee treasurer or treasurer's  
30 agent makes at least one written effort, including an attempt by e-mail,  
31 text message, private message through social media or other similar  
32 communication, or at least one oral effort that is documented in writing  
33 to identify the contributor of an incomplete contribution.

34           6. "Calendar quarter" means a period of three consecutive calendar  
35 months ending on March 31, June 30, September 30 or December 31.

36           7. "Candidate" means an individual who receives contributions or  
37 makes expenditures or who gives consent to another person to receive  
38 contributions or make expenditures on behalf of that individual in  
39 connection with the candidate's nomination; OR election ~~or retention~~ for  
40 any public office.

41           8. "Candidate committee" includes the candidate.

42           9. "Clearly identified candidate" means that the name or a  
43 description, image, photograph or drawing of the candidate appears or the  
44 identity of the candidate is otherwise apparent by unambiguous reference.



- 1           10. "Committee" means a candidate committee, a political action  
2 committee or a political party.
- 3           11. "Contribution" means any money, advance, deposit or other thing  
4 of value that is made to a person for the purpose of influencing an  
5 election. Contribution includes:
- 6           (a) A contribution that is made to retire campaign debt from a  
7 previous election cycle.
- 8           (b) Money or the fair market value of anything that is directly or  
9 indirectly provided to an elected official for the specific purpose of  
10 defraying the expense of communications with constituents.
- 11           (c) The full purchase price of any item from a committee.
- 12           (d) A loan that is made to a committee for the purpose of  
13 influencing an election, to the extent the loan remains outstanding.
- 14           12. "Control" means to possess, directly or indirectly, the power  
15 to direct or to cause the direction of the management or policies of  
16 another organization, whether through voting power, ownership, contract or  
17 otherwise.
- 18           13. "Coordinate", "coordinated" or "coordination" means the  
19 coordination of an expenditure as ~~proscribed~~ PRESCRIBED by section 16-922.
- 20           14. "Coordinated party expenditures" means expenditures that are  
21 made by a political party to directly pay for goods or services on behalf  
22 of its nominee.
- 23           15. "District office" means an elected office established or  
24 organized pursuant to title 15 or 48.
- 25           16. "Earmarked" means a designation, instruction or encumbrance  
26 between the transferor of a contribution and a transferee that requires  
27 the transferee to make a contribution to a clearly identified candidate.
- 28           17. "Election" means any election for any ballot measure in this  
29 state or any candidate election during a primary, general, recall, special  
30 or runoff election for any office in this state other than a federal  
31 office and a political party office prescribed by chapter 5, article 2 of  
32 this title.
- 33           18. "Election cycle" means the two-year period between successive  
34 statewide general elections or, for cities and towns, the two-year period  
35 between the scheduled date of the city's or town's second, runoff or  
36 general election and the scheduled date of the immediately following  
37 second, runoff or general election, however designated by the city or  
38 town. For purposes of a recall election, "election cycle" means the  
39 period between issuance of a recall petition serial number and the latest  
40 of the following:
- 41           (a) The date of the recall election that is called pursuant to  
42 section 19-209.
- 43           (b) The date that a resignation is accepted pursuant to section  
44 19-208.

1 (c) The date that the receiving officer provides notice pursuant to  
2 section 19-208.01 that the number of signatures is insufficient.

3 19. "Employee" means an individual who is entitled to compensation  
4 for labor or services performed for the individual's employer.

5 20. "Employer" means any person that pays compensation to and  
6 directs the labor or services of any individual in the course of  
7 employment.

8 21. "Enforcement officer" means the attorney general or the county,  
9 city or town attorney with authority to collect fines or issue penalties  
10 with respect to a given election pursuant to section 16-938.

11 22. "Entity" means a corporation, limited liability company, labor  
12 organization, partnership, trust, association, organization, joint  
13 venture, cooperative, unincorporated organization or association or other  
14 organized group that consists of more than one individual.

15 23. "Excess contribution" means a contribution that exceeds the  
16 applicable contribution limits for a particular election.

17 24. "Exclusive insurance contract" means an insurance producer's  
18 contract with an insurer that does either of the following:

19 (a) Prohibits the producer from soliciting insurance business for  
20 any other insurer.

21 (b) Requires a **first** right of **FIRST** refusal on all lines of  
22 insurance business written by the insurer and solicited by the producer.

23 25. "Expenditure" means any purchase, payment or other thing of  
24 value that is made by a person for the purpose of influencing an election.

25 26. "Family contribution" means any contribution that is provided  
26 to a candidate's committee by the parent, grandparent, aunt, uncle, child  
27 or sibling of the candidate or the candidate's spouse, including the  
28 spouse of any of the listed family members, regardless of whether the  
29 relation is established by marriage or adoption.

30 27. "Filing officer" means the secretary of state or the county,  
31 city or town officer in charge of elections for that jurisdiction who  
32 accepts statements and reports for those elections pursuant to section  
33 16-928.

34 28. "Firewall" means a written policy that precludes one person  
35 from sharing information with another person.

36 29. "Identification" or "identify" means:

37 (a) For an individual, the individual's first and last name,  
38 residence location or street address and occupation and the name of the  
39 individual's primary employer.

40 (b) For any other person, the person's full name and physical  
41 location or street address.

42 30. "Incomplete contribution" means any contribution that is  
43 received by a committee for which the contributor's complete  
44 identification has not been obtained.

1           31. "Independent expenditure" means an expenditure by a person,  
2 other than a candidate committee, that complies with both of the  
3 following:

4           (a) Expressly advocates the election or defeat of a clearly  
5 identified candidate.

6           (b) Is not made in cooperation or consultation with or at the  
7 request or suggestion of the candidate or the candidate's agent.

8           32. "In-kind contribution" means a contribution of goods, services  
9 or anything of value that is provided without charge or at less than the  
10 usual and normal charge.

11           33. "Insurance producer" means a person that:

12           (a) Is required to be licensed to sell, solicit or negotiate  
13 insurance.

14           (b) Has an exclusive insurance contract with an insurer.

15           34. "Itemized" means that each contribution received or expenditure  
16 made is set forth separately.

17           35. "Labor organization" means any employee representation  
18 organization that exists for the purpose of dealing with employers  
19 concerning grievances, labor disputes, wages, rates of pay, hours of  
20 employment or other conditions of employment.

21           36. "Legislative office" means the office of representative in the  
22 state house of representatives or senator in the state senate.

23           37. "Mega PAC status" means official recognition that a political  
24 action committee has received contributions from five hundred or more  
25 individuals in amounts of ten dollars or more in the four-year period  
26 immediately before application to the secretary of state.

27           38. "Nominee" means a candidate who prevails in a primary election  
28 for partisan office and includes the nominee's candidate committee.

29           39. "Person" means an individual or a candidate, nominee,  
30 committee, corporation, limited liability company, labor organization,  
31 partnership, trust, association, organization, joint venture, cooperative  
32 or unincorporated organization or association.

33           40. "Personal monies" means any of the following:

34           (a) Assets to which the individual or individual's spouse has  
35 either legal title or an equitable interest.

36           (b) Salary and other earned income from bona fide employment of the  
37 individual or individual's spouse.

38           (c) Dividends and proceeds from the sale of investments of the  
39 individual or individual's spouse.

40           (d) Bequests to the individual or individual's spouse.

41           (e) Income to the individual or individual's spouse from revocable  
42 trusts for which the individual or individual's spouse is a beneficiary.

43           (f) Gifts of a personal nature to the individual or individual's  
44 spouse that would have been given regardless of whether the individual  
45 became a candidate or accepted a contribution.

1 (g) The proceeds of loans obtained by the individual or  
2 individual's spouse that are secured by collateral or security provided by  
3 the individual or individual's spouse.

4 (h) Family contributions.

5 41. "Political action committee" means an entity that is required  
6 to register as a political action committee pursuant to section 16-905.

7 42. "Political party" means a committee that meets the requirements  
8 for recognition as a political party pursuant to chapter 5 of this title.

9 43. "Primary purpose" means an entity's predominant purpose.  
10 Notwithstanding any other law or rule, an entity is not organized for the  
11 primary purpose of influencing an election if all of the following apply  
12 at the time the contribution or expenditure is made:

13 (a) The entity has tax exempt status under section 501(a) of the  
14 internal revenue code.

15 (b) Except for a religious organization, assembly or institution,  
16 the entity has properly filed a form 1023 or form 1024 with the internal  
17 revenue service or the equivalent successor form designated by the  
18 internal revenue service.

19 (c) The entity's tax exempt status has not been denied or revoked  
20 by the internal revenue service.

21 (d) The entity remains in good standing with the corporation  
22 commission.

23 (e) The entity has properly filed a form 990 with the internal  
24 revenue service or the equivalent successor form designated by the  
25 internal revenue service in compliance with the most recent filing  
26 deadline established by internal revenue service regulations or policies.

27 ~~44. "Retention" means the election process by which a superior  
28 court judge, appellate court judge or supreme court justice is retained in  
29 office as prescribed by article VI, section 38 or 40, Constitution of  
30 Arizona.~~

31 ~~45.~~ 44. "Separate segregated fund" means a fund established by a  
32 corporation, limited liability company, labor organization or partnership  
33 that is required to register as a political action committee.

34 ~~46.~~ 45. "Social media messages" means forms of communication,  
35 including internet sites for social networking or blogging, through which  
36 users create a personal profile and participate in online communities to  
37 share information, ideas and personal messages.

38 ~~47.~~ 46. "Sponsor" means any person that establishes, administers or  
39 contributes financial support to the administration of a political action  
40 committee or that has common or overlapping membership or officers with  
41 that political action committee.

42 ~~48.~~ 47. "Standing committee" means a political action committee or  
43 political party that is active in more than one reporting jurisdiction in  
44 this state and that files a statement of organization in a format  
45 prescribed by the secretary of state.



1 F. A committee is not subject to state income tax and is not  
2 required to file a state income tax return.

3 G. The dollar amounts prescribed by this section shall be increased  
4 every two years pursuant to section 16-931.

5 Sec. 10. Section 16-928, Arizona Revised Statutes, is amended to  
6 read:

7 16-928. Filing officer; statements and reports

8 A. A person ~~who~~ THAT is required to file any statements and reports  
9 required by this article and articles 1, 1.1, 1.2, 1.3, 1.5, 1.6 and 1.7  
10 of this chapter shall file with the filing officer in charge of that  
11 election, as follows:

12 1. The secretary of state is the filing officer for statewide and  
13 legislative elections, ~~including retention elections for supreme court~~  
14 ~~justices and court of appeals judges~~. The secretary of state is also the  
15 filing officer for committees that support or oppose a recall election or  
16 the circulation of a petition for a recall election for a statewide or  
17 legislative officeholder, for committees that support or oppose a  
18 statewide initiative or referendum or other statewide ballot measure,  
19 question or proposition or the circulation of a petition for a statewide  
20 initiative or referendum or other statewide ballot measure, question or  
21 proposition.

22 2. The county officer in charge of elections is the filing officer  
23 for county, school district, community college district and special taxing  
24 district elections, ~~including retention elections for superior court~~  
25 ~~judges~~. The county officer in charge of elections is also the filing  
26 officer for committees that support or oppose a recall election or the  
27 circulation of a petition for a recall election for an officeholder of a  
28 county office, a school district governing board office, a community  
29 college district governing board office or a special taxing district  
30 governing board office, for committees that support or oppose a county,  
31 school district, community college district or special taxing district  
32 initiative or referendum or other ballot measure, question or proposition,  
33 including bond, tax, budget and budget override measures or that oppose or  
34 support the circulation of a petition for a county, school district,  
35 community college district or special taxing district initiative or  
36 referendum or other county, school district, community college district or  
37 special taxing district ballot measure, question or proposition.

38 3. The city or town clerk is the filing officer for city and town  
39 elections. The city or town ~~officer in charge of elections~~ CLERK is also  
40 the filing officer for committees that support or oppose a recall election  
41 or the circulation of a petition for a recall election for a city or town  
42 officeholder, for committees that support or oppose a city or town  
43 initiative or referendum or other city or town ballot measure, question or  
44 proposition or the circulation of a petition for a city or town initiative  
45 or referendum or other city ballot measure, question or proposition.

1 B. Notwithstanding subsection A of this section, a standing  
2 committee shall ~~only~~ file reports ONLY with the secretary of state.

3 C. A filing officer shall provide the option for electronic filing  
4 and shall make all statements and reports publicly available on the  
5 internet. A filing officer may comply with this section by opting into  
6 the secretary of state's electronic filing system and paying a fee as  
7 determined by the secretary of state.

8 Sec. 11. Section 19-123, Arizona Revised Statutes, is amended to  
9 read:

10 19-123. Publicity pamphlet; printing; distribution; public  
11 hearings

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

18 1. A true copy of the title and text of the measure or proposed  
19 amendment. Such text shall indicate material deleted, if any, by printing  
20 such material with a line drawn through the center of the letters of such  
21 material and shall indicate material added or new material by printing the  
22 letters of such material in capital letters.

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

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

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

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

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

36 B. The secretary of state shall post the publicity pamphlet on the  
37 secretary of state's website as soon as is practicable after the pamphlet  
38 is printed and shall mail one copy of the publicity pamphlet to every  
39 household that contains a registered voter. The mailings may be made over  
40 a period of days but shall be mailed in order to be delivered to  
41 households before the earliest date for receipt by registered voters of  
42 any requested early ballots for the general election.

43 C. Sample ballots for both the primary and general elections shall  
44 include a statement that information on how to obtain a publicity pamphlet  
45 for the general election ballot propositions is available by calling the

1 secretary of state. The statement shall include a telephone number and  
 2 mailing address of the secretary of state.

3 D. On certification of an initiative measure as qualified for the  
 4 ballot, the secretary of state shall hold or cause to be held at least  
 5 three public meetings on the ballot measure. Hearings shall be held in at  
 6 least three different counties and shall be held before the date of the  
 7 election on the measure. The hearings shall provide an opportunity for  
 8 proponents, opponents and the general public to provide testimony and  
 9 request information. Hearings may be scheduled to include more than one  
 10 qualified ballot measure and shall include a fiscal impact presentation on  
 11 the measure by the joint legislative budget committee staff. The joint  
 12 legislative budget committee staff shall prepare a summary of the fiscal  
 13 impact for each ballot measure, not to exceed three hundred words, for  
 14 publication in the publicity pamphlet.

15 Sec. 12. Section 19-201, Arizona Revised Statutes, is amended to  
 16 read:

17 19-201. Officers subject to recall; number of petitioners

18 A. Every public officer holding an elective office, either by  
 19 election, ~~OR~~ appointment ~~or retention~~, is subject to recall from such  
 20 office by the qualified electors of the electoral district from which  
 21 candidates are elected to that office. Such electoral district may  
 22 include the whole state. A number of qualified electors equaling  
 23 twenty-five ~~per cent~~ PERCENT of the number of votes cast at the last  
 24 preceding general election for all the candidates for the office held by  
 25 the officer, even if the officer was not elected at that election, divided  
 26 by the number of offices that were being filled at that election, by  
 27 recall petition, may demand the officer's recall.

28 B. In the case of a public officer holding office in a newly  
 29 created division or district of an elective office, either by election or  
 30 appointment, a number of qualified electors equaling twenty-five ~~per cent~~  
 31 PERCENT of the number of votes cast at the last preceding general election  
 32 for all those who were candidates for other divisions or districts of the  
 33 same office held by the officer in that county or city divided by the  
 34 number of offices that were being filled at that election, by recall  
 35 petition, may demand the officer's recall.

36 C. If the elective officer to be recalled was appointed to the  
 37 office or was deemed elected after an election was canceled due to the  
 38 absence of opposing candidates as provided in section 15-424, 15-1442,  
 39 16-822, 48-802, 48-1012, 48-1208, 48-1404, 48-1908, 48-2010, 48-2107 or  
 40 48-2208, the recall petition must be signed by the number of qualified  
 41 electors that is equal to at least ten ~~per cent~~ PERCENT of the number of  
 42 active registered voters in the jurisdiction or district represented by  
 43 that elective officer as determined on the date of the last general  
 44 election.



1           Sec. 13. Section 38-431.08, Arizona Revised Statutes, is amended to  
2 read:

3           38-431.08. Exceptions; limitation

4           A. This article does not apply to:

5           1. Any judicial proceeding of any court or any political caucus of  
6 the legislature.

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

9           3. The ~~commissions on appellate and trial court appointments and~~  
10 ~~the~~ commission on judicial qualifications.

11           4. Good cause exception and central registry exception  
12 determinations and hearings conducted by the board of fingerprinting  
13 pursuant to sections 41-619.55 and 41-619.57.

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

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

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

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

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

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

33           D. Either house of the legislature may adopt a rule or procedure  
34 pursuant to article IV, part 2, section 8, Constitution of Arizona, to  
35 provide an exemption to the notice and agenda requirements of this article  
36 or to allow standing or conference committees to meet through  
37 technological devices rather than only in person.

38           Sec. 14. Section 41-1231, Arizona Revised Statutes, is amended to  
39 read:

40           41-1231. Definitions

41           In this article, unless the context otherwise requires:

42           1. "Authorized lobbyist" means any person, other than a designated  
43 lobbyist or lobbyist for compensation, who is employed by, retained by or  
44 representing a principal, with or without compensation, for the purpose of

1 lobbying and who is listed as an authorized lobbyist by the principal in  
2 its registration pursuant to section 41-1232.

3 2. "Authorized public lobbyist" means a person, other than a  
4 designated public lobbyist, who is employed by, retained by or  
5 representing a public body, with or without compensation, for the purpose  
6 of lobbying and who is listed as an authorized public lobbyist by the  
7 public body in its registration pursuant to section 41-1232.01.

8 3. "Designated lobbyist" means the person who is designated by a  
9 principal as the single point of contact for the principal and who is  
10 listed as the designated lobbyist by the principal in its registration  
11 pursuant to section 41-1232.

12 4. "Designated public lobbyist" means the person who is designated  
13 by a public body as the single point of contact for the public body and  
14 who is listed as the designated public lobbyist by the public body in its  
15 registration pursuant to section 41-1232.01.

16 5. "Entertainment" means the amount of any expenditure paid or  
17 incurred for admission to any sporting or cultural event or for  
18 participation in any sporting or cultural activity.

19 6. "Expenditure" means a payment, distribution, loan, advance,  
20 deposit or gift of money or anything of value and includes a contract,  
21 promise or agreement, whether or not legally enforceable, to make an  
22 expenditure that provides a benefit to an individual state officer or  
23 state employee and that is incurred by or on behalf of one or more  
24 principals, public bodies, lobbyists, designated public lobbyists or  
25 authorized public lobbyists.

26 7. "Family gift" means a gift to a state officer or employee or a  
27 member of the officer's or employee's household from a principal, A  
28 lobbyist, A designated public lobbyist or AN authorized public lobbyist  
29 who is a relative of the state officer or employee or a member of the  
30 household of the state officer or employee if the donor is not acting as  
31 the agent or intermediary for someone other than a person covered by this  
32 paragraph.

33 8. "Food or beverage" means the amount of any expenditure paid or  
34 incurred for food or beverages for a state officer or employee provided at  
35 a location at which the principal, public body, lobbyist, designated  
36 public lobbyist or authorized public lobbyist who made the expenditure is  
37 present.

38 9. "Gift" means a payment, distribution, expenditure, advance,  
39 deposit or donation of money, any intangible personal property or any kind  
40 of tangible personal or real property. For the purposes of this article,  
41 gift does not include:

42 (a) A gift, devise or inheritance from an individual's spouse,  
43 child, parent, grandparent, grandchild, brother, sister, parent-in-law,  
44 brother-in-law, sister-in-law, nephew, niece, aunt, uncle or first cousin  
45 or the spouse of any such individual if the donor is not acting as the

1 agent or intermediary for someone other than a person covered by this  
2 subdivision.

3 (b) Expenditures that are either properly reported or exempt from  
4 reporting under this chapter for:

5 (i) A speaking engagement.

6 (ii) Food or beverages.

7 (iii) Travel and lodging.

8 (iv) Flowers.

9 (c) Salary, compensation or employer-reimbursed expenses lawfully  
10 paid to a public official.

11 (d) The value, cost or price of professional or consulting services  
12 that are not rendered to obtain a benefit for any registered principal,  
13 public body, lobbyist, designated public lobbyist or authorized public  
14 lobbyist or the clients of a principal or lobbyist.

15 (e) Expenses relating to a special event or function to which all  
16 members of the legislature, either house of the legislature or any  
17 committee of the legislature is invited.

18 (f) A plaque or other form of recognition similar to a plaque to a  
19 state officer or state employee to signify the honorary recognition of a  
20 service or other notable accomplishment.

21 (g) Informational material such as books, reports, pamphlets,  
22 calendars or periodicals.

23 (h) An item that is not used and that is returned within fifteen  
24 days of receipt to the donor or that is delivered within fifteen days of  
25 receipt to a charitable organization and that is not claimed as a  
26 charitable contribution for state or federal income tax purposes.

27 (i) A campaign contribution that is properly received and reported  
28 as required by law.

29 (j) An item that is given to a state officer or employee if the  
30 state officer or employee gives an item of approximately the same value to  
31 the giver of the item at the same time that the item is given or on a  
32 similar occasion as the one that prompted the original item to be given.

33 (k) Gifts of a personal nature that were customarily received by an  
34 individual from the donor before the individual became a state officer or  
35 employee.

36 (l) An item that is given to the general public at an event.

37 10. "Legislation" means bills, resolutions, memorials, amendments,  
38 nominations and other matters that are pending or proposed in either house  
39 of the legislature of this state.

40 11. "Lobbying":

41 (a) Means attempting to influence the passage or defeat of any  
42 legislation by directly communicating with any legislator or attempting to  
43 influence any formal rulemaking proceeding pursuant to chapter 6 of this  
44 title or rulemaking proceedings that are exempt from chapter 6 of this  
45 title by directly communicating with any state officer or employee.

1 (b) Includes, for a person who is otherwise required to be  
2 registered as a lobbyist for compensation pursuant to this article,  
3 attempting to influence the procurement of materials, services or  
4 construction by an agency as defined in section 41-1001, including the  
5 office of the governor.

6 (c) Does not include:

7 (i) Interagency communications between state agency employees.

8 (ii) Communications between a public official or employee of a  
9 public body, designated public lobbyist or authorized public lobbyist and  
10 any state officer, except for a member of the legislature, or an employee  
11 of the legislature.

12 (iii) Oral questions or comments made by a person to a state  
13 officer or employee regarding a proposed rule and made in public at a  
14 meeting or workshop that is open to the public and that is sponsored by a  
15 state agency, board, commission, council or office.

16 (iv) Communications between a public body and a self-employed  
17 person or person employed by a partnership or company regarding the  
18 procurement of materials, services or construction unless the  
19 self-employed person or person employed by a partnership or company is  
20 otherwise required to register pursuant to this article or is employed by,  
21 supervised by at any level or contracted by a person who is otherwise  
22 required to register as a lobbyist for compensation pursuant to this  
23 article.

24 12. "Lobbyist" means any person, other than a designated public  
25 lobbyist or authorized public lobbyist, who is employed by, retained by or  
26 representing a person other than himself, with or without compensation,  
27 for the purpose of lobbying and who is listed as a lobbyist by the  
28 principal in its registration pursuant to section 41-1232. Lobbyist  
29 includes a lobbyist for compensation, designated lobbyist and authorized  
30 lobbyist.

31 13. "Lobbyist for compensation" means a lobbyist who is compensated  
32 for the primary purpose of lobbying on behalf of a principal and who is  
33 listed by the principal in its registration pursuant to section 41-1232.

34 14. "Person" means an individual, partnership, committee,  
35 association or corporation and any other organization or group of persons,  
36 except legislators and political parties qualified for representation on  
37 the ballot pursuant to section 16-801 or 16-804.

38 15. "Personal hospitality" means hospitality, meals, beverages,  
39 transportation or lodging furnished but not commercially provided by a  
40 person on property or facilities owned or possessed by the person or the  
41 person's family.

42 16. "Principal" means any person, other than a public body, that  
43 employs, retains, engages or uses, with or without compensation, a  
44 lobbyist. Principal includes any subsidiary of a corporation.

1 17. "Procurement" has the same meaning prescribed in section  
2 41-2503.

3 18. "Public body" means the Arizona board of regents, a university  
4 under the jurisdiction of the Arizona board of regents, the judicial  
5 department, any state agency, board, commission or council, any county,  
6 any county elected officer who elects to appoint a designated public  
7 lobbyist or any city, town, district or other political subdivision of  
8 this state that receives and uses tax revenues and that employs, retains,  
9 engages or uses, with or without compensation, a designated public  
10 lobbyist or authorized public lobbyist.

11 19. "Public official" means a person who is duly elected, ~~OR~~  
12 appointed ~~or retained through election~~ to an elected state, county or  
13 local office.

14 20. "Single expenditure" means an expenditure that provides a  
15 benefit of more than twenty dollars to an individual state officer or  
16 state employee and that is incurred by or on behalf of one or more  
17 principals, public bodies, lobbyists, designated public lobbyists or  
18 authorized public lobbyists.

19 21. "Speaking engagement":

20 (a) Means the amount of any expense paid or incurred for entrance  
21 fees, lodging, food and beverage, entertainment, travel and other expenses  
22 for the state officer's or employee's attendance at an event, committee,  
23 meeting, conference or seminar, including meetings of state, regional or  
24 national organizations or their committees concerned with legislative or  
25 governmental activities if the state officer or employee participates in  
26 the event as a speaker or panel participant by presenting information  
27 relating to the state officer's or employee's legislative or official  
28 duties or by performing a ceremonial function appropriate to the state  
29 officer's or employee's position.

30 (b) Does not include expenditures for an honorarium or any other  
31 similar fee paid to a speaker.

32 22. "State employee" means an employee of the legislature, a  
33 university under the jurisdiction of the Arizona board of regents, the  
34 judicial department or a state office, agency, board, commission or  
35 council.

36 23. "State officer" means a person who is duly elected, ~~OR~~  
37 appointed ~~or retained through election~~ to any state office, or a member of  
38 any state board, commission or council, and includes a member of the  
39 legislature.

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

42 41-1232.04. Registration; exceptions

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

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

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

9           3. A duly elected ~~or retained~~ public official, judge or justice, a  
10 person duly appointed to an elective public office, or an appointed member  
11 of a state, county or local board, advisory committee, commission or  
12 council acting in his official capacity on matters pertaining to his  
13 office, board, advisory committee, commission or council.

14           4. A person who answers technical questions or provides technical  
15 information at the request of a lobbyist, A designated public lobbyist, AN  
16 authorized public lobbyist or A legislator and who makes no expenditures  
17 required to be reported by this article.

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

21           6. An attorney who represents clients before any court or before  
22 any quasi-judicial body.

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

25           8. A natural person who is a member of an association, who is not  
26 the lobbyist for compensation, designated lobbyist or authorized lobbyist  
27 for the association and who does not make any expenditures that would  
28 otherwise be required to be reported by this article if the natural person  
29 were a lobbyist, a designated public lobbyist or an authorized public  
30 lobbyist.

31           Sec. 16. Conditional enactment

32           This act does not become effective unless the Constitution of  
33 Arizona is amended by vote of the people at the next general election to  
34 repeal the merit selection of justices and judges and to provide for the  
35 election of justices and judges.