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**Jane Dee Hull
Secretary of State**

CHAPTER 271

HOUSE BILL 2329

AN ACT

AMENDING SECTIONS 9-101, 9-101.02, 9-102, 9-121, 9-131, 9-204, 9-218, 9-231, 9-403, 9-502, 15-403, 15-459, 15-481, 15-491, 15-1404, ARIZONA REVISED STATUTES; AMENDING TITLE 16, CHAPTER 2, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 6-204 AND 16-205; AMENDING SECTIONS 16-214, 16-225, 16-322, 16-351, 16-449, 16-571, 16-590, 16-624, 16-802, 16-803, 16-916, 19-141, 19-202.01 AND 19-203, ARIZONA REVISED STATUTES; RELATING TO ELECTION LAWS AND OFFICERS.

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

2 Section 1. Section 9-101, Arizona Revised Statutes, is amended to
3 read:

4 9-101. Incorporation; definition

5 A. When two-thirds of the qualified electors residing in a community
6 containing a population of fifteen hundred or more inhabitants petition the
7 board of supervisors, setting forth the metes and bounds of the community,
8 and the name under which the petitioners desire to be incorporated, and
9 praying for the incorporation of the community into a city or town, and the
10 board is satisfied that two-thirds of the qualified electors residing in the
11 community have signed the petition, it shall, by an order entered of record,
12 declare the community incorporated as a city or town.

13 B. When ten per cent of the qualified electors residing in a community
14 containing a population of fifteen hundred or more PERSONS petition the board
15 of supervisors in the manner prescribed in subsection A OF THIS SECTION,
16 praying for the calling of an election for the purpose provided in this

1 section, the board shall within sixty days after filing the petition call the
2 election, and the election shall take place on ~~such date as the board may~~
3 ~~designate but not more than one hundred twenty days after the filing of such~~
4 ~~petition~~ A DATE PRESCRIBED BY SECTION 16-204 BUT NOT MORE THAN ONE HUNDRED
5 EIGHTY DAYS AFTER THE PETITION IS FILED, except that no such election shall
6 be called within twelve months from the date of a previous election for
7 incorporation of substantially the same territory. Only qualified electors
8 of the community shall vote on this question. If a majority of qualified
9 electors voting thereon votes for incorporation, then the board of
10 supervisors shall, by an order entered of record, declare the community
11 incorporated as a city or town.

12 C. Prior to obtaining any signatures on a petition required by
13 subsection A or B OF THIS SECTION, a copy of such petition shall be filed
14 with the county recorder or, in a county having an elections department, with
15 the county elections department. The petition shall state its purpose
16 clearly and concisely and shall be in the form and signed and verified as
17 generally provided for initiative petitions. Petitioners shall have one
18 hundred eighty days from the date of such filing to obtain the required
19 number of signatures.

20 D. By whichever proceeding the incorporation of a city or town is
21 accomplished, the order shall designate the name of the city or town, and its
22 metes and bounds, and thereafter the inhabitants within the area so defined
23 shall be a body politic and corporate by the name designated.

24 E. For the purposes of this section, "community" means a locality in
25 which a body of people resides in more or less proximity having common
26 interests in such services as public health, public protection, fire
27 protection and water which bind together the people of the area, and where
28 the people are acquainted and mingle in business, social, educational and
29 recreational activities.

30 F. An area to be incorporated shall not include large areas of
31 uninhabited, rural or farm lands, but it shall be urban in nature.

32 G. Territory shall not be incorporated if, as a result of such
33 incorporation, unincorporated territory is completely surrounded BY
34 INCORPORATED AREAS nor shall an area to be incorporated exclude interior
35 county streets and roads, unless the board of supervisors approves the
36 exclusion of such territory, streets and roads.

37 H. The board of supervisors shall exclude from the community proposed
38 to be incorporated pursuant to subsection A or B OF THIS SECTION any
39 territory which has been included in an annexation ordinance adopted by a
40 city or town pursuant to law after the incorporation petition has been filed
41 pursuant to subsection C OF THIS SECTION. If the remaining community fails
42 to meet the qualifications for incorporation, the board of supervisors shall
43 reject the petition.

1 Sec. 2. Section 9-101.02, Arizona Revised Statutes, is amended to
2 read:

3 9-101.02. Alternate method of incorporation for certain areas;
4 definition

5 A. As an alternate procedure for incorporation, any unincorporated
6 community containing a population of seventy-five hundred or more, if such
7 community includes all of the territory of a district organized under title
8 48, chapter 19, which itself includes all of the territory of a district
9 organized under title 48, chapter 14, may incorporate as a city or town if
10 each of the following events occurs:

11 1. At least twenty per cent of the qualified electors of the community
12 petition the board of supervisors, setting forth the metes and bounds of the
13 community, the name proposed for such city or town, praying for the
14 incorporation of the community into a city or town and praying for the
15 calling of an election for the purpose of deciding the question of whether
16 to incorporate. The board shall within sixty days after filing the petition
17 call the election, and the election shall take place on ~~such date as the~~
18 ~~board may designate but not more than one hundred twenty days after the~~
19 ~~filing of such petition~~ A DATE PRESCRIBED BY SECTION 16-204 BUT NOT MORE THAN
20 ONE HUNDRED EIGHTY DAYS AFTER THE PETITION IS FILED, except that no such
21 election shall be called within twelve months from the date of a previous
22 election for incorporation of substantially the same territory. Only
23 qualified electors of the community shall vote on the question. If a
24 majority of qualified electors voting thereon votes for incorporation, then
25 the board of supervisors shall, by an order entered of record, declare the
26 community incorporated as a city or town, if the provisions of paragraph 2
27 of this subsection are complied with.

28 2. When, on the basis of a sufficient petition therefor under
29 paragraph 1 of this subsection, an election is required upon the question of
30 incorporation the board of supervisors shall also call, at the same time as
31 the incorporation election is called, separate elections among the qualified
32 electors of each of such districts on the question of ultimate dissolution
33 of the district. For the purposes of such elections, a qualified elector of
34 a district shall be a person who is qualified to vote at the incorporation
35 election called pursuant to paragraph 1 of this subsection and who resides
36 within the district, and shall not be required to meet any additional
37 qualifications. If a majority of the qualified electors of each district
38 voting on the question approves it, each district shall be dissolved at the
39 time and as otherwise provided in title 48, chapter 14 and chapter 19,
40 respectively. Pending dissolution, the administration of district affairs
41 shall vest in trust in the governing body of the city or town created
42 pursuant to the election conducted under paragraph 1. Members of the
43 governing body of such city or town are trustees of the districts for all
44 purposes of such districts and as such have the powers and duties prescribed

1 for the boards of directors of the districts organized pursuant to title 48,
2 chapters 14 and 19. Such trustees may, without limitation, except as
3 provided by law and within this section, operate the facilities of the
4 district, may cause the levy of district taxes and assessments to pay debts
5 and operating charges of the district and may issue and sell bonds previously
6 authorized for improvements prior to dissolution of the district.
7 Indebtedness and obligations of or issued by or on behalf of such districts
8 shall not thereby become indebtedness or obligations of such city or town
9 except that such city or town shall be responsible as trustees to insure that
10 all obligations and debts of the district shall be paid when due from funds
11 available to the trustees from the district. Until dissolution, nothing
12 shall be deemed to preclude such a district from otherwise continuing to
13 carry on its activities and transacting its business, or from entering into
14 contracts and agreements otherwise authorized with such city or town, or from
15 transferring streets and other property to such city or town. At elections
16 conducted after incorporation in districts to which this section applies the
17 electors shall be qualified electors of the city or town who reside within
18 the district, SHALL BE fully qualified to vote in a city or town election
19 were one conducted at the same time, and shall not be required to meet any
20 additional qualifications.

21 B. Members of the boards of directors of the districts, if the terms
22 of such members have not expired, shall serve as an advisory board to the
23 trustees until expiration of the terms or earlier vacancy, and thereafter the
24 office shall be deemed abolished.

25 C. If the qualified electors voting in the election conducted pursuant
26 to subsection A, paragraph 1 OF THIS SECTION fail to approve incorporation
27 or if the qualified electors voting in either of the elections conducted
28 pursuant to subsection A, paragraph 2 OF THIS SECTION fail to approve
29 dissolution, the community shall not at that time become an incorporated city
30 or town.

31 D. If incorporation is accomplished pursuant to this section, the
32 order of the board of supervisors shall designate the name of the city or
33 town and its metes and bounds and thereafter the inhabitants within the area
34 so defined shall be a body politic and corporate by the name designated.

35 E. For the purposes of this section, "community" means a locality in
36 which a body of people resides in more or less proximity having common
37 interests in such services as public health, public protection, fire
38 protection and water which bind together the people of the area and where the
39 people are acquainted and mingle in business, social, educational and
40 recreational activities.

41 F. An area to be incorporated shall not include large areas of
42 uninhabited, rural or farm lands, but it shall be urban in nature.

1 Sec. 3. Section 9-102, Arizona Revised Statutes, is amended to read:
2 9-102. Disincorporation

3 A. The supervisors of the county in which a city or town is situated
4 shall, upon the petition of two-thirds of the qualified electors residing
5 within the city or town within sixty days of when the petition is filed, do
6 either of the following:

7 1. Disincorporate the city or town, and appoint a trustee with
8 authority to wind up the affairs of the corporation, sell and convey its
9 property, real and personal, pay the debts of the city or town and deposit
10 the surplus of the proceeds of the property in the county treasury to be
11 there disposed of for the benefit of the inhabitants of the disincorporated
12 city or town.

13 2. Call for an election for the purpose of deciding for or against the
14 disincorporation of the city or town. The election shall take place on ~~such~~
15 ~~a date as the board may designate but not more than one hundred twenty days~~
16 ~~after filing such petition~~ A DATE PRESCRIBED BY SECTION 16-204 BUT NOT MORE
17 THAN ONE HUNDRED EIGHTY DAYS AFTER THE PETITION IS FILED, except that no such
18 election shall be called within twelve months from the date of a previous
19 election for disincorporation of the same city or town. Only qualified
20 electors of the city or town shall vote on this question. If a majority of
21 the qualified electors voting thereon votes for disincorporation, then the
22 board of supervisors shall, by an order entered of record, declare the city
23 or town disincorporated and shall proceed in the manner prescribed in
24 paragraph 1 of this subsection.

25 B. If the incorporation of a city or town is rescinded or declared
26 null and void by a court of competent jurisdiction for any reason, the
27 superior court in the county in which that city or town is situated may
28 appoint a trustee with authority to wind up the affairs of the corporation,
29 sell and convey its property, real and personal, and pay the debts of the
30 city or town. Any net proceeds remaining from the liquidation of such
31 property shall be spent for the benefit of the inhabitants of the
32 disincorporated city or town. An expenditure for the benefit of such
33 inhabitants shall be determined in the following manner:

34 1. The superior court shall conduct a public hearing to receive the
35 recommendations of the inhabitants for the disposition of such proceeds. The
36 superior court shall determine the object or objects for which such proceeds
37 shall be spent by determining in its discretion that such object or objects
38 benefit and are in the best interests of the majority of all age groups of
39 the inhabitants. The object or objects may include private, nonprofit
40 organizations.

41 2. The superior court may appoint an advisory committee composed of
42 the inhabitants to assist it in rendering its decision and to ensure that
43 such object or objects are carried out and shall require the committee to
44 provide a strict accounting of the expenditure of such monies.

1 3. After receiving and approving a final accounting of the expenditure
2 of such monies, the superior court may discharge the advisory committee and
3 trustee.

4 C. Indebtedness and obligations of or issued by or on behalf of such
5 city or town shall not become indebtedness or obligations of the county,
6 except that the county is responsible as a trustee to insure that all
7 obligations and debts of the city or town are paid. The indebtedness and
8 obligations of such city or town shall be paid pursuant to subsection D OF
9 THIS SECTION. The city or town which is disincorporated shall continue as
10 a political subdivision until all of the debts and obligations of the city
11 or town are satisfied.

12 D. The appointed trustee shall annually estimate an amount to be
13 levied as a tax on all taxable property in the disincorporated city or town
14 to pay the indebtedness or obligations of the city or town. Subject to the
15 limitation contained in subsection E OF THIS SECTION, on or before June 30
16 the appointed trustee shall certify to the board of supervisors the amount
17 of taxes necessary to be levied for these purposes, and the board of
18 supervisors shall levy and cause the amount to be collected as secondary
19 taxes at the same time and in the same manner as levying and collecting
20 general county taxes.

21 E. The taxes levied pursuant to subsection D OF THIS SECTION shall be
22 levied until such time as the indebtedness or obligations of the city or town
23 shall have been satisfied. The amount levied each year shall not exceed the
24 amount levied for the tax year preceding the year in which the city or town
25 is disincorporated.

26 F. In addition to the authority provided in subsection A OF THIS
27 SECTION, the appointed trustee may operate the facilities of the city or town
28 until such facilities are sold or otherwise disposed of as determined by the
29 county board of supervisors.

30 G. Before obtaining any signatures on a petition required by
31 subsection A OF THIS SECTION, a copy of the petition shall be filed with the
32 clerk of the board of supervisors. The petition shall state its purpose
33 clearly and concisely and shall be in the form and signed and verified as
34 generally provided for initiative petitions. Petitioners have one hundred
35 eighty days from the date of such filing to obtain the required number of
36 signatures.

37 H. The county recorder shall verify the names on the petition within
38 thirty days after the petition is completed and filed and, if valid, the
39 board of supervisors shall proceed as prescribed in subsection A, paragraph
40 1 or 2 OF THIS SECTION. If the city or town is disincorporated pursuant to
41 this section, the board of supervisors shall appoint the trustee pursuant to
42 subsection A OF THIS SECTION within thirty days after disincorporation.

1 Sec. 4. Section 9-121, Arizona Revised Statutes, is amended to read:

2 9-121. Consolidation of towns

3 A. When the common councils of two incorporated towns having a common
4 boundary and located in a county having a population of less than fifty
5 thousand pass a resolution requesting an election for the purpose of
6 consolidating the two towns into one incorporated town, the board of
7 supervisors of the county shall, within sixty days after certified copies of
8 the resolutions of the two towns are filed with the clerk of the board of
9 supervisors, adopt a resolution calling an election upon the question of the
10 consolidation, which election shall be held ~~within ninety days thereafter~~ ON
11 A DATE PRESCRIBED BY SECTION 16-204 BUT NOT MORE THAN ONE HUNDRED EIGHTY DAYS
12 AFTER THE PETITION IS FILED. The resolution shall set forth the following:

13 1. The date on which the election is to be held.

14 2. The places where votes may be cast, and at least one place shall
15 be designated within the corporate limits of each of the two towns.

16 3. The hours between which the polling places will be open.

17 4. The name of the proposed consolidated town.

18 B. The election resolution shall be published in full at least once,
19 not less than fifteen— nor more than thirty days prior to the date of the
20 election in a newspaper published in the county. If there is no such
21 newspaper, the resolution shall be posted in five conspicuous places in each
22 of the municipalities not less than fifteen— nor more than thirty days prior
23 to the date of the election.

24 C. At the election, the ballot shall contain the phrases "for the
25 consolidation" and "against the consolidation". To the right of and opposite
26 each phrase shall be placed a square approximately the size of squares placed
27 opposite the names of candidates on ballots. The voter shall indicate his
28 vote for the consolidation or against the consolidation by inserting the mark
29 "X" in the square opposite the appropriate phrase. No other question, word
30 nor figure need be printed on the ballot. The ballot need not be any
31 particular size nor need sample ballots be printed, posted or distributed.

32 D. Only qualified electors of the towns shall vote on the question.
33 If a majority of the qualified electors voting thereon, in each incorporated
34 town, ~~vote~~ VOTES for consolidation, then the board of supervisors shall by
35 an order entered of record by the board declare the two incorporated towns
36 consolidated into one incorporated town, and the order of the board shall
37 designate the name of the town, which shall be as set forth in the resolution
38 calling the election.

39 E. Except as otherwise provided in this article, the manner of
40 conducting the registration and election, keeping the poll lists, making the
41 returns, declaring the results and doing all acts relating to the election
42 shall conform to the procedure provided by law for the registration and
43 qualification of electors and holding special elections wherein the question

1 of issuance of bonds of municipal corporations ~~are~~ IS submitted to an
2 election.

3 F. The first common council for the new town shall be appointed by the
4 board of supervisors in the manner provided in section 9-231, for towns newly
5 incorporated.

6 G. The incorporated limits of the new town shall be the combined
7 corporate limits of the two former incorporated towns at the time of the
8 election. The ordinances and resolutions of the former towns shall continue
9 in force unless repealed or changed by the new common council. In case of
10 conflict between ordinances or resolutions, the ordinance or resolution of
11 the former town having the largest population at the last federal decennial
12 census shall prevail. The new town shall be liable for all debts and
13 liabilities of the two former towns, and shall be entitled to receive all
14 property and rights of action belonging to the former towns.

15 H. Towns incorporated pursuant to the provisions of this article shall
16 have all powers, duties, rights and privileges granted to incorporated towns
17 under the laws and constitution of the state of Arizona.

18 Sec. 5. Section 9-131, Arizona Revised Statutes, is amended to read:
19 9-131. Incorporation; definition

20 A. When two-thirds of the qualified electors in each county residing
21 in a single community containing a collective population of fifteen hundred
22 or more inhabitants petition their respective boards of supervisors, setting
23 forth the metes and bounds of the community, ~~AND~~ the name under which the
24 petitioners desire to be incorporated, and praying for the incorporation of
25 the community into a city or town, and the respective boards meeting in a
26 joint session are satisfied that two-thirds of the qualified electors
27 residing in the community in each county have signed the petition, they shall
28 by an order entered of record by each board declare the community
29 incorporated as a city or town.

30 B. When ten ~~percent~~ PER CENT of the qualified electors in each county
31 residing in a single community containing a collective population of fifteen
32 hundred or more inhabitants petition their respective boards of supervisors
33 in the manner prescribed by subsection A of this section, praying for the
34 calling of an election for the purpose provided in this section, the
35 respective boards meeting in joint session shall within sixty days after the
36 filing of the petition call the election, and the election shall take place
37 ~~on such date as the board may designate but not more than one hundred twenty~~
38 ~~days after the filing of such petition~~ A DATE PRESCRIBED BY SECTION 16-204
39 BUT NOT MORE THAN ONE HUNDRED EIGHTY DAYS AFTER THE PETITION IS FILED, except
40 that no such election shall be called within twelve months from the date of
41 a previous election for incorporation of substantially the same territory.
42 Only qualified electors of the community shall vote on this question. If a
43 majority of qualified electors in each county voting thereon votes for
44 incorporation, then the boards of supervisors again meeting in joint session

1 shall by an order entered of record by each board declare the community
2 incorporated as a city or town.

3 C. The provisions of section 9-231 shall apply to cities and towns
4 incorporated under this article, except that the first common council shall
5 be appointed by the boards of supervisors of the respective counties meeting
6 in joint session.

7 D. By whichever proceeding the incorporation of a city or town is
8 accomplished, the order shall designate the name of the city or town, and its
9 metes and bounds, and thereafter the inhabitants within the area so defined
10 shall be a body politic and corporate by the name designated.

11 E. For the purposes of this section, ~~the word "community" shall mean~~
12 MEANS a locality in which a body of people ~~reside~~ RESIDES in more or less
13 proximity having common interests in such services as public health, public
14 protection, fire protection and water which bind together the people of the
15 area, and where the people are acquainted and mingle in business, social,
16 educational and recreational activities.

17 F. An area to be incorporated shall not include large areas of
18 uninhabited, rural or farm lands, but it shall be urban in nature.

19 Sec. 6. Section 9-204, Arizona Revised Statutes, is amended to read:

20 9-204. Officers in cities and towns of six hundred to eight
21 hundred fifty voters; terms of office; elections;
22 removal

23 A. In all cities or towns not organized under ~~articles~~ ARTICLE 2, 3
24 or 4 of this chapter, in which at the next preceding municipal election not
25 more than eight hundred ~~and fifty~~— nor less than six hundred votes were
26 cast, the only officers shall be a mayor, four councilmen, a chief of police,
27 a recorder who shall also be ex officio city auditor and police judge, and
28 a treasurer.

29 B. The term of office of each officer, except councilmen, shall be two
30 years. Each councilman shall hold office for a term of four years. The
31 recorder shall be elected as other city or town officers.

32 C. Elections shall be held on the ~~fourth Monday~~ THIRD TUESDAY in May
33 of each odd-numbered year at which all officers whose terms have then expired
34 shall be elected.

35 D. The mayor and common council may remove an officer for malfeasance
36 in office.

37 Sec. 7. Section 9-218, Arizona Revised Statutes, is amended to read:

38 9-218. Election of trustees and officers; vacancies

39 A. There shall be elected in each year after the first year of the
40 corporate existence of the town— one trustee as successor to the trustee
41 whose term of office will expire as provided in this article. The first
42 election shall be held on Monday of the week preceding the week in which the
43 term of office of the trustee appointed by the board of supervisors will
44 expire. The election of all other elective officers of the corporation shall

1 be on the same day. An election for all the elective officers of the
2 corporation shall be held annually thereafter ~~on Monday of the corresponding~~
3 ~~week and month~~. The board may by ordinance SHALL change the time for holding
4 the annual election after the first election TO A DATE PRESCRIBED BY SECTION
5 16-204.

6 B. In case of a vacancy in the office of trustee, the vacancy shall,
7 on certificate of the fact by the clerk of the board of trustees to the board
8 of supervisors of the proper county, be filled by the board of supervisors
9 for the unexpired term.

10 Sec. 8. Section 9-231, Arizona Revised Statutes, is amended to read:
11 9-231. Common council; date of election

12 A. The corporate powers of a town incorporated under the provisions
13 of section 9-101 shall be vested in a common council. The first common
14 council shall be appointed by the board of supervisors, upon declaring the
15 town incorporated, and ~~they~~ THE MEMBERS shall continue in office until their
16 successors are elected and qualified. The successors shall be elected by
17 qualified electors residing in the town at an election held for that purpose
18 on the third Tuesday in May following, and on the third Tuesday in May each
19 two years thereafter, unless and until the date of such election is changed
20 pursuant to the provisions of subsection C of this section.

21 B. The common council of every town shall consist of five members if
22 the population is ~~less than~~ fifteen hundred PERSONS OR LESS, or seven members
23 if the population exceeds fifteen hundred PERSONS at the time of
24 incorporation. If thereafter the population of such town exceeds fifteen
25 hundred PERSONS as determined by the latest official United States census,
26 the council may pass an ordinance increasing the membership to seven, with
27 the additional two members to be elected at the first election subsequent to
28 the passage of the ordinance.

29 ~~C. Notwithstanding any other statute, a city or town may by ordinance~~
30 ~~provide for the general election to be held on any date, excluding Sundays~~
31 ~~and holidays, between the first Monday in January and the third Tuesday in~~
32 ~~May, commencing with the general election to be held in the second year after~~
33 ~~the first election subsequent to the adoption of such ordinance, and in every~~
34 ~~second year thereafter.~~

35 C. A CITY OR TOWN MAY ONLY HOLD A GENERAL ELECTION ON A DATE
36 PRESCRIBED BY SECTION 16-204.

37 Sec. 9. Section 9-403, Arizona Revised Statutes, is amended to read:
38 9-403. Sale of real property valued at one hundred thousand
39 dollars; special election; sale at auction

40 A. Real property of a city or town, the value of which exceeds one
41 hundred thousand dollars, shall not be sold unless first authorized by a
42 special election called for the purpose of submitting to the voters of the
43 city or town the question of selling or not selling the real property
44 proposed for sale. The election shall be held within the corporate limits

1 of the city or town ON A DATE PRESCRIBED BY SECTION 16-204, and notice shall
2 be given as provided in section 9-402.

3 B. The ballots shall contain a description of the property proposed
4 for sale and the reason why the governing body desires the property sold. The
5 description and reasons shall be printed in eight-point type and shall
6 contain not more than one hundred words.

7 C. If a majority of the ballots cast is in favor of selling, then the
8 governing body may sell the property at public auction, after giving the
9 notice required in section 9-402, to the highest bidder for cash, reserving
10 the right to reject any and all bids.

11 Sec. 10. Section 9-502, Arizona Revised Statutes, is amended to read:
12 9-502. Petition for franchise; publication; election; term

13 A. A person desiring to obtain a franchise to operate a public utility
14 from a municipal corporation shall present the franchise desired to the
15 governing body of the municipal corporation and it shall be filed among its
16 records.

17 B. If the governing body deems the granting of the franchise
18 beneficial to the municipal corporation, it shall pass a resolution, to be
19 spread upon its record, stating that fact, and shall submit the question to
20 the qualified electors as to whether or not the franchise shall be granted
21 at the following regular election held in the municipal corporation or at a
22 special election called for that purpose.

23 C. The proposed franchise shall be published in full in some newspaper
24 of general circulation published in the municipal corporation for at least
25 thirty consecutive days prior to the election.

26 D. If a majority of the votes cast ~~are~~ IS in favor of granting the
27 franchise, the governing body shall grant the franchise only in the form
28 filed and published.

29 E. A franchise shall not be granted for a longer term than twenty-five
30 years.

31 F. AN ELECTION HELD PURSUANT TO THIS SECTION SHALL BE HELD ON A DATE
32 PRESCRIBED BY SECTION 16-204.

33 Sec. 11. Section 15-403, Arizona Revised Statutes, is amended to read:
34 15-403. Special election; notice; bond election procedure;
35 qualifications of voters; closing of registrations;
36 election precincts; polling places

37 A. The county school superintendent shall cause notices of a special
38 election except a bond election to be posted at least ninety days previous
39 to the date of the election. The notices shall be posted in at least three
40 public places in the school district. One notice shall be posted at the
41 school if there is one. Bond election notices and procedures shall comply
42 with the requirements of title 35, chapter 3, article 3.

1 B. The notices shall specify the day and the polling places of the
2 special election and the time the polls will be open. A SPECIAL ELECTION MAY
3 BE HELD ONLY ON A DATE PRESCRIBED BY SECTION 16-204.

4 C. If the county school superintendent fails to give notice as
5 provided in subsections A and B of this section, any two qualified electors
6 who reside within the district may give similar notice of the special
7 election at least seventy-five days prior to the special election.

8 D. A person is not entitled to vote at a special election or an
9 election held at a time and place other than a general election in a school
10 district who has not been a qualified elector in a precinct in the boundaries
11 of the school district for twenty-nine days preceding the election, who is
12 not qualified to register to vote as provided in section 16-101 and who has
13 not registered to vote prior to midnight of the twenty-ninth day preceding
14 the date of the election.

15 E. The governing board of a school district shall establish school
16 district election precincts that have the same boundaries as the county
17 election precincts as provided in section 16-411 and designate one polling
18 place within each precinct, except that the governing board of a union high
19 school district may divide a county election precinct along the boundaries
20 of common school districts within the boundaries of the union high school
21 district and establish polling places within each common school district. In
22 those cases where a school district boundary bisects a county election
23 precinct, that portion of the election precinct that is within the school
24 district shall be the school district election precinct. The governing board
25 may consolidate school district election precincts if it deems it necessary
26 for each special election and designate one polling place for the election
27 precincts which it consolidates. If school district election precincts are
28 consolidated, a school district precinct register shall be prepared for the
29 consolidated precinct. Upon a specific finding of the board, included in the
30 order or resolution designating polling places pursuant to this subsection,
31 that no suitable polling place is available within a precinct of the school
32 district, a polling place for such precinct may be designated within an
33 adjacent precinct. The adjacent precinct need not be within the school
34 district. Any such polling places shall be listed in a separate section of
35 the order or resolution.

36 F. All special elections which are called either by the county school
37 superintendent or the governing board of a school district and which are held
38 at a time other than the general election shall be conducted by the use of
39 school district precinct registers.

40 Sec. 12. Section 15-459, Arizona Revised Statutes, is amended to read:

41 15-459. Consolidation of districts; petition; election; notice;
42 report; ballots; canvass of votes; governing board

43 A. On the request of the governing boards of two or more school
44 districts in the same county or in adjacent counties or on receipt of

1 petitions bearing the signatures of ten per cent or more of the number of
2 qualified electors who voted in whichever of the last two general elections
3 resulted in the higher number of ballots cast and who reside in each of two
4 or more school districts in the same county or in adjacent counties to
5 consolidate the school districts or parts of the districts, the county school
6 superintendent of each of the counties affected shall within ten days call
7 an election to determine the question on consolidation.

8 B. Consolidations allowed pursuant to subsection A of this section
9 include:

10 1. To change the boundaries of a school district to include any part
11 of an adjacent school district.

12 2. If all the common school districts within the boundaries of an
13 existing union high school district desire to consolidate into one common
14 school district.

15 3. If two or more adjacent school districts of like character, either
16 common, high or unified school districts, desire to consolidate into one
17 common, high or unified school district.

18 4. If a common school district that is not a part of a union high
19 school district desires to consolidate with an adjacent unified school
20 district.

21 C. Notice of the election to determine consolidation of school
22 districts shall be posted in not less than three public places in each of the
23 school districts proposed to be consolidated at least twenty-five days before
24 the election.

25 D. The county school superintendent shall prepare and the governing
26 board shall distribute a report on the proposed boundary changes in a manner
27 similar to that prescribed in section 15-481, subsection B. The report shall
28 contain the following information:

29 1. The date of the election.

30 2. The polling places and times they are open.

31 3. A consolidation plan to include:

32 (a) The proposed boundary changes.

33 (b) The impact of the proposed boundary changes, including where
34 pupils will attend school, changes in pupil transportation services, changes
35 in availability of special education services, changes in pupil-teacher ratio
36 and operational costs.

37 (c) If the provisions of subsection P of this section apply to one or
38 more of the existing school districts, a detailed description of
39 desegregation funding and expenses for the resulting school district as set
40 forth in subsection P of this section.

41 (d) Any other information the county school superintendent deems
42 appropriate to include.

43 E. Ballots shall be prepared by the county school superintendent,
44 shall be delivered to the inspector at least forty-eight hours before the

1 opening of the polls as prescribed in section 16-509 and shall contain:
2 "Consolidation includes the assumption of liability by the resulting school
3 district for all indebtedness of existing school districts or those parts
4 of school districts proposed for consolidation. Do you support
5 consolidation under the specified provisions of the consolidation plan? Yes
6 () No ()."

7 F. The county school superintendent shall hold the election during the
8 fiscal year preceding the fiscal year consolidation is proposed to be
9 effective on ~~the same date as the general election or on the second Tuesday~~
10 ~~in March~~ A DATE PRESCRIBED BY SECTION 16-204. The election shall be held in
11 the manner and electors shall possess qualifications as prescribed for the
12 election of governing board members. The results of the election shall be
13 reported to the county school superintendent.

14 G. The county school superintendent and the chairman of the board of
15 supervisors shall, on the seventh day after the election, canvass the vote.
16 If a majority of the votes cast in each district favors consolidation, the
17 districts are consolidated and become one district from and after June 30
18 next following the election. If parts of two or more school districts are
19 proposed to be consolidated, a majority of the voters in the part of a school
20 district or districts not affected by the proposed consolidation and a
21 majority of the voters in the part of the school district or districts
22 proposed for consolidation must approve the consolidation.

23 H. If a school district provides only financing for pupils who are
24 instructed by another school district in the same county or in an adjacent
25 county, the school district or any part of the school district may be
26 consolidated with the school district providing the instructional program as
27 follows:

28 1. The governing board of the financing school district approves the
29 consolidation or ten per cent of the qualified electors residing in the
30 school district, or that part of the school district proposed for
31 consolidation, petitions the county school superintendent to call an election
32 to approve the proposed consolidation.

33 2. The governing board of the school district providing instruction
34 approves the consolidation.

35 3. At an election called by the county school superintendent of each
36 of the counties affected, a majority of the persons voting in the school
37 district, or that part of the school district providing financing, approves
38 the proposed consolidation and a majority of the persons voting in the
39 district providing instruction approves the proposed consolidation.

40 I. Elections held as provided in subsection H of this section shall
41 be conducted in the same manner as elections prescribed in subsections C
42 through G of this section.

43 J. If the consolidated district includes territory located in two or
44 more counties, the county of jurisdiction is the county in which the largest

1 number of qualified electors of the consolidated school district resides,
2 except that if all of the existing school buildings are in one county, that
3 county is the county of jurisdiction. The county school superintendent of
4 the jurisdictional county shall perform all duties for and with respect to
5 the consolidated school district as required to be performed by county school
6 superintendents. The board of supervisors of the jurisdictional county shall
7 perform all duties for and with respect to the consolidated school district
8 as required to be performed by boards of supervisors, except that school
9 district taxes to be levied on property in the portion of the consolidated
10 school district lying in another county shall be levied by the board of
11 supervisors of the other county or counties and on receipt shall be
12 transferred to the county of jurisdiction. All school buildings located
13 within the consolidated school district, together with all equipment and
14 furnishings, become the property of the consolidated school district. Any
15 assumed indebtedness is an indebtedness of the consolidated school district
16 for the purpose of determining the debt incurring authority of the
17 consolidated school district.

18 K. Sections 15-457, 15-975 and 15-997 apply to school districts which
19 are consolidated as provided in subsection H of this section.

20 L. Consolidation pursuant to this section is not allowed if the
21 resulting school district would have a student count for the current year of
22 more than ten per cent of the total student count of all school districts in
23 this state.

24 M. The governing board shall prepare policies, curricula and budgets
25 for the new school district. These policies shall require that:

26 1. The base salary and benefits of each employee for the first year
27 of operation of the new school district shall not be lower than the
28 employee's base salary and benefits for the prior year in the previously
29 existing school district.

30 2. The employee's years of employment in the previously existing
31 school district shall be included in determining the employee's years of
32 employment in the new school district. An employee who was entitled to
33 continuing employment contract status in the previously existing school
34 district is entitled to continuing employment contract status in the new
35 school district.

36 3. Notwithstanding paragraphs 1 and 2 of this subsection and pursuant
37 to section 15-544, nothing in this section shall be construed to restrict the
38 ability of the governing board to implement a reduction in force or to scale
39 back salaries of certified teachers, administrators or noncertificated
40 employees for reasons of economy or to improve the efficient conduct of
41 schools within the district following a school district consolidation.

42 N. If all of the districts to be consolidated have authorization for
43 an override as provided in section 15-481 that would have continued after the

1 consolidation, the override authorization continues for the new district and
2 expires at the time that the earliest override would have expired.

3 O. Bond authorizations that were in effect in the previously existing
4 school districts before consolidation do not expire and continue until their
5 normal expiration date.

6 P. If one or more of the previously existing school districts was
7 authorized to budget for expenses of complying with or continuing to
8 implement activities that were required or permitted by court order of
9 desegregation or administrative agreement with the United States department
10 of education office for civil rights directed toward remediating alleged or
11 proven racial discrimination pursuant to section 15-910, this authorization
12 does not expire on the effective date of consolidation but only applies to
13 schools included in the court order or administrative agreement.

14 Q. If one or more of the previously existing school districts was
15 participating in a career ladder program pursuant to chapter 9, article 1.1
16 of this title before consolidation, notwithstanding any other law the state
17 board shall expedite the processing of and may approve an updated application
18 for program reapproval that incorporates the geographic boundaries of the
19 resulting school district and the inclusion of the additional staff in the
20 career ladder program.

21 Sec. 13. Section 15-481, Arizona Revised Statutes, is amended to read:
22 15-481. Override election; budget increases; notice; ballot;
23 effect

24 A. If the proposed budget of a school district includes an increase
25 of more than the aggregate budget limit for the budget year, the governing
26 board shall order an override election to be held not less than ninety days
27 from the date of the order for the purpose of presenting the proposed budget
28 to the qualified electors of the school district who shall by a majority of
29 those voting either affirm or reject the budget. In addition, the governing
30 board shall prepare an alternate budget which does not include an increase
31 in the budget of more than the amount permitted as provided in section
32 15-905. If the qualified electors approve the proposed budget, the governing
33 board of the school district shall follow the procedures prescribed in
34 section 15-905 for adopting a budget that includes the authorized increase.
35 If the qualified electors disapprove the proposed budget the governing board
36 shall follow the procedures prescribed in section 15-905 for adopting a
37 budget that does not include the proposed increase or the portion of the
38 proposed increase that exceeds the amount authorized by a previously approved
39 budget increase as prescribed in subsection P of this section.

40 B. The county school superintendent shall prepare an informational
41 report on the proposed increase in the budget and a sample ballot and at
42 least thirty-five days prior to the election shall transmit the report and
43 the ballot to the governing board of the school district. For a school
44 district located in a county with a population of two hundred thousand

1 persons or more, the governing board, upon receipt of the report and the
2 ballot, shall mail or distribute the report and the ballot to the households,
3 in which qualified electors reside, within the school district at least
4 thirty days prior to the election. For a school district located in a county
5 with a population of less than two hundred thousand persons, the governing
6 board, upon receipt of the report and the ballot, shall mail or distribute
7 the report and the ballot to the households within the school district at
8 least thirty days prior to the election. Any distribution of material
9 concerning the proposed increase in the budget shall not be conducted by
10 children enrolled in the school district. The report shall contain the
11 following information:

- 12 1. The date of the election.
- 13 2. The polling places and times they are open.
- 14 3. The proposed total increase in the budget which exceeds the amount
15 permitted pursuant to section 15-905.
- 16 4. The total amount of the current year's budget, the total amount of
17 the proposed budget and the total amount of the alternate budget.
- 18 5. If the override is for a period of more than one year, a statement
19 indicating the number of years the proposed increase in the budget would be
20 in effect and the percentage of the school district's revenue control limit
21 that the district is requesting for the future years.
- 22 6. The proposed total amount of revenues which will fund the increase
23 in the budget and the amount which will be obtained from a levy of taxes upon
24 the taxable property within the school district for the first year for which
25 the budget increase was adopted.
- 26 7. The proposed amount of revenues which will fund the increase in the
27 budget and which will be obtained from other than a levy of taxes upon the
28 taxable property within the school district for the first year for which the
29 budget increase was adopted.
- 30 8. The dollar amount and the purpose for which the proposed increase
31 in the budget is to be expended for the first year for which the budget
32 increase was adopted.
- 33 9. At least two arguments, if submitted, but no more than ten
34 arguments for and two arguments, if submitted, but no more than ten arguments
35 against the proposed increase in the budget. The arguments shall be in a
36 form prescribed by the county school superintendent and each argument shall
37 not exceed two hundred words. Arguments for the proposed increase in the
38 budget shall be provided in writing and signed by the governing board. If
39 submitted, additional arguments in favor of the proposed increase in the
40 budget shall be provided in writing and signed by those in favor. Arguments
41 against the proposed increase in the budget shall be provided in writing and
42 signed by those in opposition. The names of those persons other than the
43 governing board or superintendent submitting written arguments shall not be
44 included in the report without their specific permission, but shall be made

1 available only upon request to the county school superintendent. The county
2 school superintendent shall review all factual statements contained in the
3 written arguments and correct any inaccurate statements of fact. The
4 superintendent shall not review and correct any portion of the written
5 arguments which are identified as statements of the author's opinion. The
6 county school superintendent shall make the written arguments available to
7 the public as provided in title 39, chapter 1, article 2. A deadline for
8 submitting arguments to be included in the informational report shall be set
9 by the county school superintendent.

10 10. A statement that the alternate budget shall be adopted by the
11 governing board if the proposed budget is not adopted by the qualified
12 electors of the school district.

13 11. The full cash value, the assessed valuation and the estimated
14 amount of the secondary tax bill if the proposed budget is adopted for each
15 of the following:

16 (a) An owner-occupied residence whose assessed valuation is the
17 average assessed valuation of property classified as class five for the
18 current year in the school district.

19 (b) An owner-occupied residence whose assessed valuation is one-half
20 of the assessed valuation of the residence in subdivision (a) of this
21 paragraph.

22 (c) An owner-occupied residence whose assessed valuation is twice the
23 assessed valuation of the residence in subdivision (a) of this paragraph.

24 (d) A business whose assessed valuation is the average of the assessed
25 valuation of property classified as class three for the current year in the
26 school district.

27 C. For the purpose of this section, the school district may use its
28 staff, equipment, materials, buildings or other resources only to distribute
29 the informational report at the school district office or at public hearings
30 and to produce such information as required in subsection B of this section,
31 provided that nothing in this subsection shall preclude school districts from
32 holding or participating in any public hearings at which testimony is given
33 by at least one person for the proposed increase and one person against the
34 proposed increase. The state board of education may adopt rules pursuant to
35 section 15-511 relating to political activities of school district employees
36 consistent with this subsection.

37 D. The elections prescribed in subsection A of this section shall be
38 held on ~~either the third Tuesday in May or the second Tuesday in March~~ A DATE
39 PRESCRIBED BY SECTION 16-204 and shall be conducted as nearly as practicable
40 in the manner prescribed in article 1 of this chapter, sections 15-422
41 through 15-424 and section 15-426, relating to special elections, except
42 that:

43 1. The notices required pursuant to section 15-403 shall be posted not
44 less than twenty-five days before the election.

1 2. Ballots shall be counted pursuant to title 16, chapter 4,
2 article 10.

3 E. If the election is to exceed the revenue control limit and if the
4 proposed increase will be fully funded by a levy of taxes upon the taxable
5 property within the school district, the ballot shall contain the words
6 "budget increase, yes" and "budget increase, no", and the voter shall signify
7 his desired choice. The ballot shall also contain the amount of the proposed
8 increase of the proposed budget over the alternate budget, a statement that
9 the amount of the proposed increase will be based on a percentage of the
10 school district's revenue control limit in future years, if applicable, as
11 provided in subsection P of this section and the following statement:

12 Any budget increase authorized by this election shall be
13 entirely funded by a levy of taxes upon the taxable property
14 within this school district for the year for which adopted and
15 for ____ subsequent years, shall not be realized from monies
16 furnished by the state and shall not be subject to the
17 limitation on taxes specified in article IX, section 18,
18 Constitution of Arizona. Based on an estimate of assessed
19 valuation used for secondary property tax purposes, the proposed
20 increase in the school district's budget over that allowed by
21 law would result in an estimated increase in the school
22 district's tax rate of _____ dollar per one hundred
23 dollars of assessed valuation used for secondary property tax
24 purposes and is in addition to the school district's tax rate
25 which will be levied to fund the school district's revenue
26 control limit allowed by law.

27 F. If the election is to exceed the revenue control limit and if the
28 proposed increase will be fully funded by revenues from other than a levy of
29 taxes upon the taxable property within the school district, the ballot shall
30 contain the words "budget increase, yes" and "budget increase, no", and the
31 voter shall signify his desired choice. The ballot shall also contain:

32 1. The amount of the proposed increase of the proposed budget over the
33 alternate budget.

34 2. A statement that the amount of the proposed increase will be based
35 on a percentage of the school district's revenue control limit in future
36 years, if applicable, as provided in subsection P of this section.

37 3. The following statement:

38 Any budget increase authorized by this election shall be
39 entirely funded by this school district with revenues from other
40 than a levy of taxes on the taxable property within the school
41 district for the year for which adopted and for ____
42 subsequent years and shall not be realized from monies furnished
43 by the state.

1 G. Except as provided in subsection H of this section, the maximum
 2 budget increase which may be requested and authorized as provided in
 3 subsection E or F of this section or the combination of subsections E and F
 4 of this section is ten per cent of the revenue control limit as provided in
 5 section 15-947, subsection A for the budget year.

6 H. Special budget override provisions for school districts with a
 7 student count of less than one hundred fifty-four in kindergarten programs
 8 and grades one through eight or with a student count of less than one hundred
 9 seventy-six in grades nine through twelve are as follows:

10 1. The maximum budget increase that may be requested and authorized
 11 as provided in subsections E and F of this section is the greater of the
 12 amount prescribed in subsection G of this section or a limit computed as
 13 follows:

14 (a) For common or unified districts with a student count of less than
 15 one hundred fifty-four in kindergarten programs and grades one through eight,
 16 the limit computed as prescribed in item (i) or (ii) of this subdivision,
 17 whichever is appropriate:

18 (i)

19 Student	Small School	Support Level Weight	Phase Down
20 Count	Student	for Small Isolated	Reduction
	<u>Count Limit</u>	<u>School Districts</u>	<u>Factor</u>
21	_____	_____	_____
22	_____ - 125	x 1.358 + (0.0005 x	x \$ _____ - \$ _____
23		(500 - Student Count))	

24 320 200 480 200 880 200 440 200 440

26		Phase Down	Phase Down	Small Isolated
27		<u>Base</u>	<u>Reduction Factor</u>	<u>School District</u>
28		\$150,000	\$ _____	<u>Elementary Limit</u>
29	600	_____ -	_____ -	\$ _____
30		440 200	680 200	640 600

31 (ii)

32 Student	Small School	Support Level Weight	Phase Down
33 Count	Student	for Small	Reduction
34	<u>Count Limit</u>	<u>School Districts</u>	<u>Factor</u>
35	_____ - 125	x 1.278 + (0.0003 x	x \$ _____ - \$ _____
36		(500 - Student Count))	

37		Phase Down	Phase Down	Small
38		<u>Base</u>	<u>Reduction Factor</u>	<u>School District</u>
39		\$150,000	\$ _____	<u>Elementary Limit</u>
40	400	_____ -	_____ -	\$ _____
41		440 400	680 400	640 400
42				

(b) For unified or union high school districts with a student count of less than one hundred seventy-six in grades nine through twelve, the limit computed as prescribed in item (i) or (ii) of this subdivision, whichever is appropriate:

(i)

Student Count	<u>Small School Student Count Limit</u>		<u>Support Level Weight for Small Isolated School Districts</u>		<u>Base Level</u>		<u>Phase Down Reduction Factor</u>
_____	- <u>100</u>	x	1.468 + (0.0005 x	x	\$ _____	-	\$ _____
			(500 - Student Count))				

	<u>Phase Down Base</u>		<u>Phase Down Reduction Factor</u>		<u>Small Isolated District Secondary Limit</u>
	\$350,000	-	\$ _____	=	\$ _____

(ii)

Student Count	<u>Small School Student Count Limit</u>		<u>Support Level Weight for Small School Districts</u>		<u>Base Level</u>		<u>Phase Down Reduction Factor</u>
_____	- <u>100</u>	x	1.398 + (0.0004 x	x	\$ _____	-	\$ _____
			(500 - Student Count))				

	<u>Phase Down Base</u>		<u>Phase Down Reduction Factor</u>		<u>Small School District Secondary Limit</u>
	\$350,000	-	\$ _____	=	\$ _____

(c) If both subdivisions (a) and (b) of this paragraph apply to a unified school district, its limit for the purposes of this paragraph is the combination of its elementary limit and its secondary limit.

2. If a school district utilizes the provisions of this subsection to request an override of more than one year, the ballot shall include an estimate of the amount of the proposed increase in the future years in place of the statement that the amount of the proposed increase will be based on a percentage of the school district's revenue control limit in future years, as prescribed in subsections E and F of this section.

1 3. Notwithstanding subsection P of this section, the maximum period
2 of an override authorized pursuant to this subsection is five years.

3 4. Subsection P, paragraphs 1 and 2 of this section do not apply to
4 overrides authorized pursuant to this subsection.

5 I. If the election is to exceed the revenue control limit as provided
6 in section 15-482 and if the proposed increase will be fully funded by a levy
7 of taxes on the taxable property within the school district, the ballot shall
8 contain the words "budget increase, yes" and "budget increase, no", and the
9 voter shall signify his desired choice. The ballot shall also contain the
10 amount of the proposed increase of the budget over the alternate budget, a
11 statement that the amount of the proposed increase will be based on a
12 percentage of the school district's revenue control limit in future years,
13 if applicable, as provided in subsection Q of this section, and the following
14 statement:

15 Any budget increase authorized by this election shall be
16 entirely funded by a levy of taxes on the taxable property within
17 this school district for the year for which adopted and for ____
18 subsequent years, shall not be realized from monies furnished by
19 the state and shall not be subject to the limitation on taxes
20 specified in article IX, section 18, Constitution of Arizona.
21 Based on an estimate of assessed valuation used for secondary
22 property tax purposes, the portion of the proposed increase in
23 the school district's budget over that allowed by law which will
24 be funded by a levy of taxes upon the taxable property within
25 this school district would result in an estimated increase in the
26 school district's tax rate of _____ dollar per one hundred
27 dollars of assessed valuation used for secondary property tax
28 purposes and is in addition to the school district's tax rate
29 that will be levied to fund the school district's revenue control
30 limit allowed by law.

31 J. If the election is to exceed the revenue control limit as provided
32 in section 15-482 and if the proposed increase will be fully funded by
33 revenues other than a levy of taxes on the taxable property within the school
34 district, the ballot shall contain the words "budget increase, yes" and
35 "budget increase, no", and the voter shall signify his desired choice. The
36 ballot shall also contain the amount of the proposed increase of the proposed
37 budget over the alternate budget, a statement that the amount of the proposed
38 increase will be based on a percentage of the school district's revenue
39 control limit in future years, if applicable, as provided in subsection Q of
40 this section and the following statement:

41 Any budget increase authorized by this election shall be
42 entirely funded by this school district with revenues from other
43 than a levy of taxes on the taxable property within the school
44 district for the year for which adopted and for ____ subsequent

1 years and shall not be realized from monies furnished by the
2 state.

3 K. The maximum budget increase that may be requested and authorized
4 as provided in subsection I or J of this section, or a combination of both
5 of these subsections, is five per cent of the revenue control limit as
6 provided in section 15-947, subsection A for the budget year. For a unified
7 school district, a common school district not within a high school district
8 or a common school district within a high school district that offers
9 instruction in high school subjects as provided in section 15-447, five per
10 cent of the revenue control limit means five per cent of the revenue control
11 limit attributable to the weighted student count in preschool programs for
12 handicapped children, kindergarten programs and grades one through eight as
13 provided in section 15-971, subsection B.

14 L. If the election is to exceed the capital outlay revenue limit and
15 if the proposed increase will be fully funded by a levy of taxes upon the
16 taxable property within the school district, the ballot shall contain the
17 words "budget increase, yes" and "budget increase, no", and the voter shall
18 signify his desired choice. The ballot shall also contain the amount of the
19 proposed increase of the proposed budget over the alternate budget and the
20 following statement:

21 Any budget increase authorized by this election shall be
22 entirely funded by a levy of taxes upon the taxable property
23 within this school district for the year in which adopted and for
24 _____ subsequent years, shall not be realized from monies
25 furnished by the state and shall not be subject to the limitation
26 on taxes specified in article IX, section 18, Constitution of
27 Arizona. Based on an estimate of assessed valuation used for
28 secondary property tax purposes, the proposed increase in the
29 school district's budget over that allowed by law would result
30 in an estimated increase in the school district's tax rate of
31 _____ dollar per one hundred dollars of assessed
32 valuation used for secondary property tax purposes and is in
33 addition to the school district's tax rate which will be levied
34 to fund the school district's capital outlay revenue limit
35 allowed by law.

36 M. If the election is to exceed the capital outlay revenue limit and
37 if the proposed increase will be fully funded by revenues from other than a
38 levy of taxes upon the taxable property within the school district, the
39 ballot shall contain the words "budget increase, yes" and "budget increase,
40 no", and the voter shall signify his desired choice. The ballot shall also
41 contain the amount of the proposed increase of the proposed budget over the
42 alternate budget and the following statement:

1 Any budget increase authorized by this election shall be
2 entirely funded by this school district with revenues from other
3 than a levy of taxes on the taxable property within the school
4 district for the year in which adopted and for _____ subsequent
5 years and shall not be realized from monies furnished by the
6 state.

7 N. If the election is to exceed a combination of the revenue control
8 limit as provided in subsection E or F of this section, the revenue control
9 limit as provided in subsection I or J of this section or the capital outlay
10 revenue limit as provided in subsection L or M of this section, the ballot
11 shall be prepared so that the voters may vote on each proposed increase
12 separately and shall contain statements required in the same manner as if
13 each proposed increase were submitted separately.

14 O. If the election provides for a levy of taxes on the taxable
15 property within the school district, at least thirty days prior to the
16 election, the department of revenue shall provide the school district
17 governing board and the county school superintendent with an estimate of the
18 school district's assessed valuation used for secondary property tax purposes
19 for the ensuing fiscal year. The governing board and the county school
20 superintendent shall use this estimate to translate the amount of the
21 proposed dollar increase in the budget of the school district over that
22 allowed by law into a tax rate figure.

23 P. If the voters in a school district vote to adopt a budget in excess
24 of the revenue control limit as provided in subsection E or F of this
25 section, any additional increase shall be included in the aggregate budget
26 limit for each of the years authorized. Any additional increase shall be
27 excluded from the determination of equalization assistance. The school
28 district governing board may, however, levy on the assessed valuation used
29 for secondary property tax purposes of the property in the school district
30 the additional increase if adopted under subsection E of this section for the
31 period of one year, two years or five through seven years as authorized. If
32 an additional increase is approved as provided in subsection F of this
33 section, the school district governing board may only use revenues derived
34 from the school district's prior year's maintenance and operation fund ending
35 cash balance, after any reversion as required pursuant to section 15-991.02,
36 to fund the additional increase. If a budget increase was previously
37 authorized and will be in effect for the budget year or budget year and
38 subsequent years, as provided in subsection E or F of this section, the
39 governing board may request a new budget increase as provided in the same
40 subsection under which the prior budget increase was adopted which shall not
41 exceed the maximum amount permitted under subsection G of this section. If
42 the voters in the school district authorize the new budget increase amount,
43 the existing budget increase no longer is in effect. If the voters in the
44 school district do not authorize the budget increase amount, the existing

1 budget increase remains in effect for the time period for which it was
2 authorized. The maximum additional increase authorized as provided in
3 subsection E or F of this section and the additional increase which is
4 included in the aggregate budget limit is based on a percentage of a school
5 district's revenue control limit in future years, if the budget increase is
6 authorized for more than one year. If the additional increase:

7 1. Is for two years, the proposed increase in the second year is equal
8 to the initial proposed percentage increase.

9 2. Is for five years or more, the proposed increase is equal to the
10 initial proposed percentage increase in the following years of the proposed
11 increase, except that in the next to last year it is two-thirds of the
12 initial proposed percentage increase and it is one-third of the initial
13 proposed percentage increase in the last year of the proposed increase.

14 Q. If the voters in a school district vote to adopt a budget in excess
15 of the revenue control limit as provided in subsection I or J of this
16 section, any additional increase shall be included in the aggregate budget
17 limit for each of the years authorized. Any additional increase shall be
18 excluded from the determination of equalization assistance. The school
19 district governing board, however, may levy on the assessed valuation used
20 for secondary property tax purposes of the property in the school district
21 the additional increase if adopted under subsection I of this section for the
22 period of one year, two years or five through seven years as authorized. If
23 an additional increase is approved as provided in subsection J of this
24 section, the increase may only be budgeted and expended if sufficient monies
25 are available in the maintenance and operation fund of the school district.
26 If a budget increase was previously authorized and will be in effect for the
27 budget year or budget year and subsequent years, as provided in subsection
28 I or J of this section, the governing board may request a new budget increase
29 as provided in the same subsection under which the prior budget increase was
30 adopted that does not exceed the maximum amount permitted under subsection
31 K of this section. If the voters in the school district authorize the new
32 budget increase amount, the existing budget increase no longer is in effect.
33 If the voters in the school district do not authorize the budget increase
34 amount, the existing budget increase remains in effect for the time period
35 for which it was authorized. The maximum additional increase authorized as
36 provided in subsection I or J of this section and the additional increase
37 that is included in the aggregate budget limit is based on a percentage of
38 a school district's revenue control limit in future years, if the budget
39 increase is authorized for more than one year. If the additional increase:

40 1. Is for two years, the proposed increase in the second year is equal
41 to the initial proposed percentage increase.

42 2. Is for five years or more, the proposed increase is equal to the
43 initial proposed percentage increase in the following years of the proposed
44 increase, except that in the next to last year it is two-thirds of the

1 initial proposed percentage increase and it is one-third of the initial
2 proposed percentage increase in the last year of the proposed increase.

3 R. If the voters in a school district vote to adopt a budget in excess
4 of the capital outlay revenue limit as provided in subsection L of this
5 section, any additional increase shall be included in the aggregate budget
6 limit for each of the years authorized. The additional increase shall be
7 excluded from the determination of equalization assistance. The school
8 district governing board may, however, levy on the assessed valuation used
9 for secondary property tax purposes of the property in the school district
10 the additional increase for the period authorized but not to exceed ten
11 years.

12 S. If the voters in a school district vote to adopt a budget in excess
13 of the capital outlay revenue limit as provided in subsection M of this
14 section, any additional increase shall be included in the aggregate budget
15 limit for each of the years authorized. The additional increase shall be
16 excluded from the determination of equalization assistance. The school
17 district governing board may only use revenues derived from the school
18 district's prior year's maintenance and operation fund ending cash balance,
19 after any reversion as required pursuant to section 15-991.02, and capital
20 outlay fund ending cash balance, after any reversion as required pursuant to
21 section 15-991.02, to fund the additional increase for the period authorized
22 but not to exceed ten years.

23 T. In addition to subsections P and S of this section, from the
24 maintenance and operation fund and capital outlay fund ending cash balances,
25 after any reversions as required pursuant to section 15-991.02, the school
26 district governing board shall first use any available revenues to reduce its
27 primary tax rate to zero and shall use any remaining revenues to fund the
28 additional increase authorized as provided in subsections F and M of this
29 section.

30 U. If the voters in a school district disapprove the proposed budget,
31 the alternate budget which, except for any budget increase authorized by a
32 prior election, does not include an increase in the budget in excess of the
33 amount provided in section 15-905 shall be adopted by the governing board as
34 provided in section 15-905.

35 V. The governing board may request that any override election be
36 cancelled if any change in chapter 9 of this title changes the amount of the
37 aggregate budget limit as provided in section 15-905. The request to cancel
38 the override election shall be made to the county school superintendent at
39 least ten days prior to the date of the scheduled override election.

40 Sec. 14. Section 15-491, Arizona Revised Statutes, is amended to read:

41 15-491. Special elections on bond issues and school property:
42 exceptions

43 A. The governing board of a school district may, and upon petition of
44 fifteen per cent of the school electors as shown by the poll list at the last

1 preceding annual school election shall, call an election for the following
2 purposes:

3 1. To locate or change the location of school buildings.

4 2. To purchase or sell school sites or buildings or sell school sites
5 pursuant to section 15-342 or to build school buildings, but the
6 authorization by vote of the school district shall not necessarily specify
7 the site to be purchased.

8 3. To decide whether the bonds of the school district shall be issued
9 and sold for the purpose of raising money for purchasing or leasing school
10 lots, for building school buildings, for supplying school buildings with
11 furniture and apparatus, for improving school grounds, for purchasing pupil
12 transportation vehicles or for liquidating any indebtedness already incurred
13 for such purposes.

14 4. To lease for five or more years, as lessor or as lessee, school
15 buildings or grounds. Approval by a majority of the school district electors
16 voting authorizes the governing board to negotiate for and enter into a
17 lease. The ballot shall list the school buildings or grounds for which a
18 lease is sought. If the governing board does not enter into a lease of five
19 or more years of the school buildings or grounds listed on the ballot within
20 five years of the date of the election and the board continues to seek such
21 a lease, the governing board shall call a special election to reauthorize the
22 board to negotiate for and to enter into a lease of five or more years.

23 B. No petition shall be required for the holding of the first election
24 to be held in a joint common school district for any of the purposes
25 specified in subsection A of this section. The notice of election required
26 by section 15-492 shall be published in each of the counties which comprise
27 the joint common school district. The certification of election results
28 required by section 15-493 shall be made to the board of supervisors of the
29 jurisdictional county.

30 C. When the election is called to determine whether or not bonds of
31 the school district shall be issued and sold for the purposes enumerated in
32 the call for the election, the question shall be submitted to the vote of the
33 qualified electors of the school district as defined in section 15-401 and
34 subject to the provisions of section 15-402.

35 D. The governing board shall order the election to be held in the
36 manner prescribed in title 35, chapter 3, article 3. If a petition for an
37 election has been filed with the governing board as provided in subsection
38 A of this section, the board shall act upon the petition within sixty days
39 by ordering the election to be held as provided in this subsection. If a
40 school district bond election is scheduled for the same date a school
41 district will hold an override election, the governing body shall deliver a
42 copy of the notice of election and ballot to the county school superintendent
43 who shall include the notice of election and ballot with the information
44 report and ballot prepared for the override election. Mailing of the

1 information required for both the override and bond elections shall
2 constitute compliance with the notice provisions of this section.

3 E. The elections to be held pursuant to ~~subsections A, C and D~~ of this
4 section shall only be held on ~~the following~~ dates PRESCRIBED BY SECTION
5 16-204. ~~+~~

- 6 ~~1. The first Tuesday following the first Monday in November.~~
7 ~~2. The second Tuesday in March.~~
8 ~~3. The third Tuesday in May.~~

9 F. The provisions of subsection A, paragraph 2 of this section shall
10 not apply to the purchase of school sites or the construction of school
11 buildings which are included in a plan for the use of the reserve of the
12 capital outlay fund and which have an estimated cost of:

- 13 1. For a district with a student count of at least five hundred, two
14 hundred fifty thousand dollars or less.
15 2. For a district with a student count of less than five hundred, one
16 hundred thousand dollars or less.

17 G. Subsection A, paragraph 2 of this section ~~do~~ DOES not apply to the
18 sale of school property if the market value of the school property is less
19 than fifty thousand dollars.

20 Sec. 15. Section 15-1404, Arizona Revised Statutes, is amended to
21 read:

22 15-1404. Election to determine formation of district; notice;
23 canvass

24 A. Upon approval of the proposed district, the state board shall
25 return the petition with its approval to the county school superintendent,
26 or if the proposed district consists of more than one county, to the county
27 school superintendent of the county with the larger population, as determined
28 by the most recent federal census. The county school superintendent shall
29 transmit notification of approval for formation of the proposed district to
30 the board of supervisors ~~who~~ WHICH shall submit the question to the qualified
31 electors of the county at the next general election or at a special election
32 called for that purpose. If a special election is called, notice thereof
33 shall be given by publication for at least two weeks in a newspaper of
34 general circulation published in the county or counties of the proposed
35 district. The election shall be conducted and returns SHALL BE made in the
36 manner provided by law for special elections.

37 B. A SPECIAL ELECTION CONDUCTED PURSUANT TO THIS SECTION SHALL BE HELD
38 ON A DATE PRESCRIBED BY SECTION 16-204.

39 Sec. 16. Title 16, chapter 2, article 1, Arizona Revised Statutes, is
40 amended by adding sections 16-204 and 16-205, to read:

41 16-204. Declaration of statewide concern; consolidated election
42 dates

43 A. WHILE THE LEGISLATURE RECOGNIZES THAT THE METHOD OF CONDUCTING
44 ELECTIONS BY POLITICAL SUBDIVISIONS INCLUDING CHARTER COUNTIES AND CITIES MAY

1 BE A MATTER OF LOCAL CONCERN, THE LEGISLATURE FINDS AND DETERMINES THAT FOR
2 THE PURPOSES OF INCREASING VOTER PARTICIPATION AND FOR DECREASING THE COSTS
3 TO THE TAXPAYERS IT IS A MATTER OF STATEWIDE CONCERN THAT ALL ELECTIONS IN
4 THIS STATE BE CONDUCTED ON A LIMITED NUMBER OF DAYS AND, THEREFORE, THE
5 LEGISLATURE FINDS AND DECLARES THAT THE HOLDING OF ALL ELECTIONS ON CERTAIN
6 SPECIFIC CONSOLIDATED DAYS IS A MATTER OF STATEWIDE CONCERN.

7 B. NOTWITHSTANDING ANY OTHER LAW OR ANY CHARTER OR ORDINANCE OF ANY
8 COUNTY, CITY OR TOWN TO THE CONTRARY, AN ELECTION HELD FOR OR ON BEHALF OF
9 A COUNTY, CITY OR TOWN, A SCHOOL DISTRICT, A COMMUNITY COLLEGE DISTRICT OR
10 A SPECIAL DISTRICT ORGANIZED PURSUANT TO TITLE 48, CHAPTERS 5, 6, 8, 10 AND
11 13 THROUGH 16 MAY ONLY BE HELD ON THE FOLLOWING DATES:

12 1. THE SECOND TUESDAY IN MARCH.

13 2. THE THIRD TUESDAY IN MAY.

14 3. THE EIGHTH TUESDAY BEFORE THE FIRST TUESDAY AFTER THE FIRST MONDAY
15 IN NOVEMBER. A PRIMARY ELECTION THAT IS HELD IN AN ODD-NUMBERED YEAR MAY BE
16 HELD ON THIS DATE.

17 4. THE FIRST TUESDAY AFTER THE FIRST MONDAY IN NOVEMBER. A GENERAL
18 ELECTION THAT IS HELD IN AN ODD-NUMBERED YEAR MAY BE HELD ON THIS DATE.

19 C. THIS SECTION DOES NOT APPLY TO AN ELECTION REGARDING A COUNTY OR
20 CITY CHARTER COMMITTEE OR COUNTY OR CITY CHARTER PROPOSAL THAT IS CONDUCTED
21 PURSUANT TO ARTICLE XIII, SECTION 2 OR 3 OR ARTICLE XII, SECTION 5,
22 CONSTITUTION OF ARIZONA.

23 16-205. Election dates; notice; administration

24 A. AT LEAST ONE HUNDRED EIGHTY DAYS BEFORE EACH CONSOLIDATED ELECTION
25 DATE PRESCRIBED BY SECTION 16-204, EACH COUNTY BOARD OF SUPERVISORS SHALL
26 GIVE NOTICE IN WRITING REGARDING THE CONSOLIDATED ELECTION PROGRAM TO EACH
27 SCHOOL DISTRICT, COMMUNITY COLLEGE DISTRICT, CITY, TOWN AND SPECIAL TAXING
28 DISTRICT ORGANIZED PURSUANT TO TITLE 48, CHAPTERS 5, 6, 8, 10 AND 13 THROUGH
29 16 IN THAT COUNTY. THE NOTICE SHALL STATE THE DATE OF THE ELECTION.

30 B. THE BOARD OF SUPERVISORS MAY HOLD ELECTIONS ONLY ON THE DATES
31 PRESCRIBED BY SECTION 16-204.

32 C. THE SECRETARY OF STATE SHALL COORDINATE THE CONSOLIDATED ELECTIONS
33 WITH THE BOARD OF SUPERVISORS. THE BOARD OF SUPERVISORS MAY ENTER INTO AN
34 INTERGOVERNMENTAL AGREEMENT PURSUANT TO TITLE 11, CHAPTER 7, ARTICLE 3 WITH
35 EACH POLITICAL SUBDIVISION THAT PARTICIPATES IN A CONSOLIDATED ELECTION IN
36 THAT COUNTY IN ORDER TO ADMINISTER THOSE ELECTIONS. AFTER CONSULTATION WITH
37 THE POLITICAL SUBDIVISIONS THAT ARE PARTICIPATING IN A CONSOLIDATED ELECTION,
38 THE OFFICER IN CHARGE OF ELECTIONS SHALL ADMINISTER THE APPOINTMENT OF
39 ELECTION BOARDS.

40 D. WITHIN NINETY DAYS OF A CONSOLIDATED ELECTION CONDUCTED PURSUANT
41 TO THIS SECTION, THE BOARD OF SUPERVISORS SHALL PREPARE A REPORT THAT
42 PROVIDES AN ITEMIZED ACCOUNT OF ALL COSTS INCURRED BY THE COUNTY IN
43 ADMINISTERING THE ELECTION, INCLUDING AN ITEMIZED ACCOUNT OF ALL CHARGES MADE
44 TO EACH POLITICAL SUBDIVISION THAT PARTICIPATED IN THAT ELECTION. POLITICAL

1 SUBDIVISIONS THAT PARTICIPATED IN AN ELECTION CONDUCTED PURSUANT TO THIS
2 SECTION MAY REQUEST AND RECEIVE A COPY OF THIS REPORT FROM THE BOARD.

3 Sec. 17. Section 16-214, Arizona Revised Statutes, is amended to read:
4 16-214. Issuance of proclamation for general election by
5 governor; publication by boards of supervisors

6 A. At least thirty days before a general election, the governor shall
7 issue a proclamation containing a statement of the time of election and the
8 offices to be filled.

9 B. The governor shall transmit a copy of the election proclamation to
10 the ~~clerk of each board of supervisors~~ OFFICER IN CHARGE OF ELECTIONS of the
11 several counties.

12 C. The board of supervisors shall be notified by the ~~clerk~~ OFFICER IN
13 CHARGE OF ELECTIONS of receipt of the election proclamation, and within five
14 days after its receipt the board shall meet and publish a copy thereof in an
15 official newspaper of the county at least ten days before a general election.

16 Sec. 18. Section 16-225, Arizona Revised Statutes, is amended to read:
17 16-225. Special district election dates

18 A. A special district as described in title 48, CHAPTERS 5, 6, 8, 10
19 AND 13 THROUGH 16 shall not hold any election except on ~~the second Tuesday~~
20 ~~in March, the third Tuesday in May or the second Tuesday in October in~~
21 ~~odd numbered years, or the second Tuesday in March, the third Tuesday in May~~
22 ~~or the first Tuesday after the first Monday in November of even numbered~~
23 ~~years~~ A DATE PRESCRIBED BY SECTION 16-204.

24 B. The board of supervisors of the county in which the special
25 district or greater part thereof is located shall call the election for the
26 formation of special districts in accordance with subsection A OF THIS
27 SECTION.

28 C. The governing body of a special district shall call all other
29 elections for the district in accordance with subsection A OF THIS SECTION
30 and shall notify the board of supervisors of the county in which the special
31 district or greater part of the district is located of the ~~date, manner of~~
32 ~~balloting and purpose of the election within ten days after calling the~~
33 ~~election.~~

34 D. On approval of the county board of supervisors, the governing body
35 of a special district may authorize ~~that~~ any special district election that
36 is not held on ~~the first Tuesday after the first Monday in November~~ A DATE
37 PRESCRIBED BY SECTION 16-204 TO be conducted by mail pursuant to chapter 4,
38 article 8.1 of this title.

39 Sec. 19. Section 16-322, Arizona Revised Statutes, is amended to read:
40 16-322. Number of signatures required on nomination petitions

41 A. Nomination petitions shall be signed:

42 1. If for a candidate for the office of United States senator or for
43 a state office, excepting members of the legislature and superior court
44 judges, by a number of qualified electors who are qualified to vote for the

1 candidate whose nomination petition they are signing equal to at least
2 one-half of one per cent of the voter registration of the party of the
3 candidate in at least three counties in the state, but not less than one-half
4 of one per cent nor more than ten per cent of the total voter registration
5 of his party in the state.

6 2. If for a candidate for the office of representative in Congress,
7 by a number of qualified electors who are qualified to vote for the candidate
8 whose nomination petition they are signing equal to at least one-half of one
9 per cent but not more than ten per cent of the total voter registration of
10 the party designated in the district from which such representative shall be
11 elected.

12 3. If for a candidate for the office of member of the legislature, by
13 a number of qualified electors who are qualified to vote for the candidate
14 whose nomination petition they are signing equal to at least one per cent but
15 not more than three per cent of the total voter registration of the party
16 designated in the district from which the member of the legislature may be
17 elected.

18 4. If for a candidate for a county office or superior court judge, by
19 a number of qualified electors who are qualified to vote for the candidate
20 whose nomination petition they are signing equal to at least two per cent but
21 not more than ten per cent of the total voter registration of the party
22 designated in the county or district, provided that in counties with a
23 population of two hundred thousand persons or more, a candidate for a county
24 office shall have nomination petitions signed by a number of qualified
25 electors who are qualified to vote for the candidate whose nomination
26 petition they are signing equal to at least one-half of one per cent but not
27 more than ten per cent of the total voter registration of the party
28 designated in the county or district.

29 5. If for a candidate for a community college district, by a number
30 of qualified electors who are qualified to vote for the candidate whose
31 nomination petition they are signing equal to at least one-half of one per
32 cent but not more than ten per cent of the total voter registration in the
33 precinct as established pursuant to section 15-1441.

34 6. If for a candidate for county precinct committeeman, by a number
35 of qualified electors who are qualified to vote for the candidate whose
36 nomination petition they are signing equal to at least two per cent but not
37 more than ten per cent of the party voter registration in the precinct.

38 7. If for a candidate for justice of the peace or constable, by a
39 number of qualified electors who are qualified to vote for the candidate
40 whose nomination petition they are signing equal to at least two per cent but
41 not more than ten per cent of the party voter registration in the precinct.

42 8. If for a candidate for mayor or other office nominated by a city
43 at large, by a number of qualified electors who are qualified to vote for the
44 candidate whose nomination petition they are signing equal to at least five

1 per cent and not more than ten per cent of the designated party vote in the
2 city.

3 9. If for an office nominated by ward, precinct or other district of
4 a city, by a number of qualified electors who are qualified to vote for the
5 candidate whose nomination petition they are signing equal to at least five
6 per cent and not more than ten per cent of the designated party vote in the
7 ward, precinct or other district.

8 10. If for a candidate for an office nominated by a town at large, by
9 a number of qualified electors who are qualified to vote for the candidate
10 whose nomination petition they are signing equal to at least five per cent
11 and not more than ten per cent of the vote in the town.

12 11. If for a candidate for a governing board of a school district, by
13 a number of qualified electors who are qualified to vote for the candidate
14 whose nomination petition they are signing equal to at least one-half of one
15 per cent of the total voter registration in the school district if the
16 governing board members are elected at large or one per cent of the total
17 voter registration in the single member district if governing board members
18 or joint technological education district board members are elected from
19 single member districts. NOTWITHSTANDING THE TOTAL VOTER REGISTRATION IN THE
20 SCHOOL DISTRICT OR SINGLE MEMBER DISTRICT, THE MAXIMUM NUMBER OF SIGNATURES
21 REQUIRED BY THIS PARAGRAPH IS FOUR HUNDRED.

22 12. If for a candidate for a governing body of a special district as
23 described in title 48 by a number of qualified electors who are qualified to
24 vote for the candidate whose nomination petition they are signing equal to
25 at least one-half of one per cent of the vote in the special district but not
26 more than two hundred fifty and not fewer than five signatures.

27 B. The basis of percentage in each instance referred to in subsection
28 A of this section, except in cities, towns and school districts, shall be the
29 number of voters registered in the designated party of the candidate as
30 reported pursuant to section 16-168, subsection G on March 1 of the year in
31 which the general election is held. In cities, the basis of percentage shall
32 be the vote of the party for mayor at the last preceding election at which
33 a mayor was elected. In towns, the basis of percentage shall be the highest
34 vote cast for an elected official of the town at the last preceding election
35 at which an official of the town was elected. In school districts, the basis
36 of percentage shall be the total number of voters registered in the school
37 district or single member district, whichever applies. The total number of
38 voters registered for school districts shall be calculated using the periodic
39 reports prepared by the county recorder pursuant to section 16-168,
40 subsection G. The count that is reported on March 1 of the year in which the
41 general election is held shall be the basis for the calculation of total
42 voter registration for school districts.

1 C. In primary elections the signature requirement for party nominees,
2 other than nominees of the parties entitled to continued representation
3 pursuant to section 16-804, is at least one-tenth of one per cent of the
4 total vote for the winning candidate or candidates for governor or
5 presidential electors at the last general election within the district.
6 Signatures must be obtained from qualified electors who are qualified to vote
7 for the candidate whose nomination petition they are signing.

8 D. If new boundaries for congressional districts, legislative
9 districts, supervisorial districts, justice precincts or election precincts
10 are established and effective subsequent to March 1 of the year of a general
11 election and prior to the date for filing of nomination petitions, the basis
12 for determining the required number of nomination petition signatures is the
13 number of registered voters in the designated party of the candidate in the
14 elective office, district or precinct on the day the new districts or
15 precincts are effective.

16 Sec. 20. Section 16-351, Arizona Revised Statutes, is amended to read:

17 16-351. Limitations on appeals of validity of nomination
18 petitions

19 A. Any elector filing any court action challenging the nomination
20 petitions provided for in this chapter shall do so within five days,
21 excluding Saturday, Sunday and other legal holidays, after the last day for
22 filing nomination papers and petitions. Within ten days after the filing of
23 the action, the superior court shall hear and render a decision on the
24 matter. Such decision shall be appealable only to the supreme court, and
25 notice of appeal shall be filed within five days after the decision of the
26 superior court in the action. The supreme court shall hear and render a
27 decision on the appeal promptly.

28 B. In any action challenging a nomination petition, the following
29 persons are indispensable parties to the action and shall be named and served
30 as defendants:

- 31 1. The candidate whose petition is the subject of the challenge.
- 32 2. The officer with whom the petitions are required to be filed.
- 33 3. The board of supervisors and the recorder of each county or the
34 clerk of each city or town who are responsible for preparing the ballots that
35 contain the challenged candidate's name.

36 C. For the purposes of an action challenging nomination petitions, the
37 board of supervisors and the recorder of each county or the clerk of each
38 city or town responsible for preparing the ballots that contain the
39 challenged candidate's name and each person filing a nomination petition
40 under this chapter appoints the officer with whom the candidate files his
41 nomination paper and petitions as his agent to receive service of process.
42 Process in an action challenging a nomination petition shall be served
43 immediately after the action is filed and in no event more than twenty-four
44 hours after filing the action excluding Saturdays, Sundays and other legal

1 holidays. Immediately upon receipt of process served upon the officer as
2 agent for a person filing a nomination petition, the officer shall mail the
3 process to the person and shall notify him by telephone of the filing of the
4 action.

5 D. Notwithstanding the system used pursuant to section 16-163,
6 subsection D, the most current version of the general county register at the
7 time of filing of a court action challenging a nomination petition shall
8 constitute the official record to be used to determine on a prima facie basis
9 by the challenger that the signer of a petition was not registered to vote
10 at the address given on the date of signing of the petition. This subsection
11 does not preclude the challenged candidate from introducing into evidence a
12 certified copy of the registration form of any signer of a petition dated on
13 or before the date of the signing of the petition if the registration form
14 is in the possession of the county recorder but has not yet been filed in the
15 general county register.

16 E. IN ADDITION TO THE PROCEDURES SET FORTH IN THIS SECTION, ALL
17 PETITIONS THAT HAVE BEEN SUBMITTED BY A CANDIDATE THAT IS FOUND GUILTY OF
18 PETITION FORGERY SHALL BE DISQUALIFIED AND THAT CANDIDATE SHALL NOT BE
19 ELIGIBLE TO SEEK ELECTION TO A PUBLIC OFFICE FOR A PERIOD OF NOT LESS THAN
20 FIVE YEARS.

21 Sec. 21. Section 16-449, Arizona Revised Statutes, is amended to read:
22 16-449. Required test of equipment and programs; notice;
23 procedures manual

24 A. Within seven days prior to the election day, the board of
25 supervisors or other election officer in charge shall have the automatic
26 tabulating equipment and programs tested to ascertain that the equipment and
27 programs will correctly count the votes cast for all offices and on all
28 measures. Public notice of the time and place of the test shall be given at
29 least forty-eight hours prior thereto by publication once in one or more
30 daily or weekly newspapers published in the town, city or village using such
31 equipment, if a newspaper is published therein, otherwise in a newspaper of
32 general circulation therein. The test shall be observed by at least two
33 election inspectors, who shall not be of the same political party, and shall
34 be open to representatives of the political parties, candidates, the press
35 and the public. The test shall be conducted by processing a preaudited group
36 of ballots so punched or marked as to record a predetermined number of valid
37 votes for each candidate and on each measure and shall include for each
38 office one or more ballots which have votes in excess of the number allowed
39 by law in order to test the ability of the automatic tabulating equipment and
40 programs to reject such votes. If any error is detected, the cause therefor
41 shall be ascertained and corrected and an errorless count shall be made
42 before the automatic tabulating equipment and programs are approved. A copy
43 of a revised program shall be filed with the secretary of state within
44 forty-eight hours after the revision is made. If the error was created by

1 automatic tabulating equipment malfunction, a report shall be filed with the
2 secretary of state within forty-eight hours after the correction is made,
3 stating the cause and the corrective action taken. The test shall be
4 repeated immediately before the start of the official count of the ballots
5 in the same manner as set forth above. After the completion of the count,
6 the programs used and the ballots shall be sealed, retained and disposed of
7 as provided for paper ballots.

8 B. ELECTRONIC BALLOT TABULATING SYSTEMS SHALL BE TESTED FOR LOGIC AND
9 ACCURACY PURSUANT TO THE INSTRUCTIONS AND PROCEDURES MANUAL FOR ELECTRONIC
10 VOTING SYSTEMS THAT IS ADOPTED BY THE SECRETARY OF STATE AS PRESCRIBED BY
11 SECTION 16-452. THE INSTRUCTIONS AND PROCEDURES MANUAL SHALL INCLUDE
12 PROCEDURES FOR THE HANDLING OF BALLOTS, THE ELECTRONIC SCANNING OF BALLOTS
13 AND ANY OTHER MATTERS NECESSARY TO ENSURE THE MAXIMUM DEGREE OF CORRECTNESS,
14 IMPARTIALITY AND UNIFORMITY IN THE ADMINISTRATION OF AN ELECTRONIC BALLOT
15 TABULATING SYSTEM.

16 Sec. 22. Section 16-571, Arizona Revised Statutes, is amended to read:
17 16-571. Poll lists to be kept by election clerk; posting

18 A. ~~Each~~ AT LEAST ONE election board clerk shall keep a list in
19 duplicate of persons voting, and the name of each person who votes shall be
20 entered thereon and numbered in the order of voting.

21 B. The poll list as prescribed in section 16-516 shall be written on
22 one side only, and the copies thereof shall be legible ~~carbon~~ TRIPLICATE
23 copies. Immediately upon the completion of each page of the poll list one
24 copy shall, upon request, be given to a representative designated by each
25 major political party. In an election with nonpartisan candidates or ballot
26 issues, the officer in charge of the jurisdiction that is conducting the
27 election may designate who is to receive copies of the poll lists. For the
28 purposes of this subsection, "major political party" means the two parties
29 receiving the highest number of votes for governor or presidential electors
30 at the last election.

31 Sec. 23. Section 16-590, Arizona Revised Statutes, is amended to read:
32 16-590. Appointment of challengers and party representatives

33 A. The county chairman of each party may, for each precinct, by
34 written appointment addressed to the election ~~officer in charge of the~~
35 ~~jurisdiction that is conducting the election~~ BOARD, designate a party agent
36 or representative and alternates for a polling place in the precinct who may
37 act as challengers for the party which appointed him.

38 B. At each voting place, one challenger for each political party may
39 be present and act, but no challenger may enter a voting booth except to mark
40 his ballot.

1 C. Not more than the number of party representatives for each party
2 which were mutually agreed upon by each political party represented on the
3 ballot shall be in the polling place at one time. If such agreement cannot
4 be reached, the number of representatives shall be limited to one in the
5 polling place at one time for each political party.

6 Sec. 24. Section 16-624, Arizona Revised Statutes, is amended to read:
7 16-624. Disposition of official returns and ballots

8 A. Upon receipt of the packages and envelopes containing the returns
9 and the voted ballots, the ~~clerk of the board of supervisors~~ OFFICER IN
10 CHARGE OF ELECTIONS shall deposit the package or envelope containing the
11 ballots in the safe of the county treasurer, who shall keep it unopened and
12 unaltered for TWENTY-FOUR MONTHS FOR ELECTIONS FOR A FEDERAL OFFICE OR FOR
13 six months FOR ALL OTHER ELECTIONS, at which time he shall destroy it without
14 opening or examining the contents.

15 B. Irregular ballots shall be preserved for six months after the
16 election and the packages containing them may be opened and the contents
17 examined only upon an order of court. At the expiration of such time, the
18 ballots may be disposed of in the discretion of the officer or board having
19 charge of them.

20 C. The ~~clerk of the board of supervisors~~ OFFICER IN CHARGE OF
21 ELECTIONS shall produce the other packages or envelopes before the board of
22 supervisors when it is in session for the purpose of canvassing the returns.

23 D. If a recount is ordered or a contest begun within six months, the
24 county treasurer may be ordered by the court to deliver to it the packages
25 or envelopes containing the ballots, and thereupon they shall be in the
26 custody and control of the court.

27 Sec. 25. Section 16-802, Arizona Revised Statutes, is amended to read:
28 16-802. Representation of new party on ballot for county or
29 municipal election

30 A new political party shall become eligible for recognition ~~and~~, shall
31 be represented by an official party ballot at the next ensuing primary
32 election of a county, city or town and shall be placed on the official ballot
33 at the succeeding regular election upon filing with the ~~clerk of the board~~
34 ~~of supervisors~~ OFFICER IN CHARGE OF ELECTIONS of the county or the city or
35 town clerk, as the case may be, a petition signed by a number of qualified
36 electors equal to not less than two per cent of the votes cast for county
37 attorney in the case of a county petition or for mayor in the case of a city
38 or town petition. The petition shall bear the certification of the county
39 recorder or the city or town clerk, as the case may be, that he has examined
40 the signatures on the petition ~~and~~, that it contains the signatures of a
41 number of qualified electors equal to not less than two per cent of the votes
42 cast for county attorney or mayor at the last preceding election, and that
43 it contains the signatures of qualified electors in not less than one-fourth
44 of the election precincts of the county, city or town.

1 Sec. 26. Section 16-803, Arizona Revised Statutes, is amended to read:

2 16-803. Filing petition for recognition; submission of
3 petitions to county recorder for signature
4 verification

5 A. A petition for recognition of a new political party shall be filed
6 with the secretary of state, ~~clerk of the board of supervisors~~ THE OFFICER
7 IN CHARGE OF ELECTIONS of the county, or the city or town clerk, as the case
8 may be, not less than seventy-five nor more than one hundred five days prior
9 to the primary election.

10 B. No petition for recognition shall be submitted for signature
11 verification to a county recorder or a city or town clerk, as the case may
12 be, later than one hundred fifteen days prior to the primary election.

13 C. The county recorder shall verify and count all signatures of
14 qualified electors within thirty days after submission.

15 Sec. 27. Section 16-916, Arizona Revised Statutes, is amended to read:

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

18 A. Except as provided in subsection B of this section, the statements,
19 designations and reports required to be filed pursuant to this article shall
20 be filed in the office of the secretary of state for political committees
21 supporting or opposing candidates for state offices and members of the
22 legislature, for justices of the supreme court, for judges of the court of
23 appeals and for a statewide initiative or referendum or any measure or
24 proposition appearing on a state general election ballot, with the ~~clerk of~~
25 ~~the board of supervisors~~ COUNTY OFFICER IN CHARGE OF ELECTIONS for political
26 committees supporting or opposing candidates for county offices, school
27 district governing board members or ballot questions, community college
28 district governing board members or ballot questions, judges of the superior
29 court seeking retention, special taxing districts and a county initiative or
30 referendum or any measure or proposition appearing on a county election
31 ballot and with the city or town clerk for political committees supporting
32 or opposing candidates for city or town offices and for a city or town
33 initiative or referendum or any measure or proposition appearing on a city
34 or town election ballot.

35 B. An original and one copy of the reports required pursuant to
36 section 16-913 for the office of member of the legislature shall be filed
37 with either the ~~clerk of the board of supervisors~~ OFFICER IN CHARGE OF
38 ELECTIONS of the county of the candidate's residence or with the secretary
39 of state. If the candidate files with the ~~clerk of the board of supervisors~~
40 OFFICER IN CHARGE OF ELECTIONS, the ~~clerk~~ OFFICER shall transmit the copy to
41 the secretary of state within five days, excluding Saturdays, Sundays and
42 other legal holidays. If the candidate files with the secretary of state,
43 the secretary of state shall transmit the copy to the ~~clerk of the board of~~
44 ~~supervisors~~ OFFICER IN CHARGE OF ELECTIONS of the county of the candidate's

1 residence within five days, excluding Saturdays, Sundays and other legal
2 holidays.

3 C. Except as provided in section 16-913, subsection B, paragraph 2,
4 for all statements, designations and reports that are filed pursuant to this
5 article and that are sent to the filing officer by certified mail, the date
6 of the postmark shall be deemed the date of filing. For all other
7 statements, designations and reports, the date of filing is the date of
8 actual receipt by the officer with whom the document is required to be filed.

9 D. If the date for filing any statement, designation or report
10 required by this article is a Saturday, a Sunday or another legal holiday,
11 the filing deadline is the next day that is not a Saturday, a Sunday or
12 another legal holiday.

13 Sec. 28. Section 19-141, Arizona Revised Statutes, is amended to read:
14 19-141. Initiative and referendum in counties, cities and towns

15 A. The provisions of this chapter shall apply to the legislation of
16 cities, towns and counties, except as specifically provided to the contrary
17 in this article. The duties required of the secretary of state as to state
18 legislation shall be performed in connection with such legislation by the
19 city or town clerk, ~~clerk of the board of supervisors~~ COUNTY OFFICER IN
20 CHARGE OF ELECTIONS or person performing the duties as such. The duties
21 required of the governor shall be performed by the mayor or the chairman of
22 the board of supervisors, the duties required of the attorney general shall
23 be performed by the city, town or county attorney, and the printing and
24 binding of measures and arguments shall be paid for by the city, town or
25 county in like manner as payment is provided for by the state with respect
26 to state legislation. The provisions of section 19-124 with respect to the
27 legislative council analysis do not apply in connection with initiatives and
28 referenda in cities, towns and counties. The printing shall be done in the
29 same manner as other municipal or county printing is done. Distribution of
30 pamphlets shall be made to every household containing a registered voter in
31 the city or county, so far as possible, by the city or town clerk or by the
32 ~~clerk of the board of supervisors~~ COUNTY OFFICER IN CHARGE OF ELECTIONS
33 either by mail or carrier, not less than ten days before the election at
34 which the measures are to be voted upon.

35 B. Arguments supporting or opposing municipal or county initiative and
36 referendum measures shall be filed with the city or town clerk or the ~~clerk~~
37 ~~of the board of supervisors~~ COUNTY OFFICER IN CHARGE OF ELECTIONS not less
38 than sixty days before the election at which they are to be voted upon.

39 C. The procedure with respect to municipal and county legislation
40 shall be as nearly as practicable the same as the procedure relating to
41 initiative and referendum provided for the state at large, except the
42 procedure for verifying signatures on initiative or referendum petitions may
43 be established by a city or town by charter or ordinance.

1 D. References in this section to duties to be performed by city or
2 town officers apply only with respect to municipal legislation, and
3 references to duties to be performed by county officers apply only with
4 respect to county legislation.

5 E. The duties required of the county recorder with respect to state
6 legislation shall also be performed by the county recorder with respect to
7 municipal or county legislation.

8 Sec. 29. Section 19-202.01, Arizona Revised Statutes, is amended to
9 read:

10 19-202.01. Application for recall petition

11 A. A person or organization intending to file a recall petition shall,
12 before causing the petition to be printed and circulated, submit an
13 application setting forth his name or, if an organization, its name and the
14 names and titles of its officers, address, his intention to circulate and
15 submit such petition, the text of the general statement required by section
16 19-203 and a request for issuance of an official number to be printed on the
17 signature sheets of the petition. Such application shall be submitted to the
18 office of secretary of state if for recall of a state officer, including a
19 member of the state legislature, or a member of Congress, and with the ~~clerk~~
20 ~~of the board of supervisors~~ COUNTY OFFICER IN CHARGE OF ELECTIONS if for a
21 county or district officer or superior court judge, with the city or town
22 clerk if for a city or town officer and with the county school superintendent
23 if for a governing board member of a school district.

24 B. On receipt of the application, the receiving officer shall
25 forthwith assign a number to the petition, which number shall appear in the
26 lower right-hand corner on each side of each signature sheet, and issue that
27 number to the applicant. A record shall be maintained by the receiving
28 officer of each application received, of the date of its receipt and of the
29 number assigned and issued to the applicant.

30 Sec. 30. Section 19-203, Arizona Revised Statutes, is amended to read:

31 19-203. Recall petition; contents; submission for verification;
32 nonacceptance

33 A. A recall petition shall contain a general statement of not more
34 than two hundred words stating the grounds of the demand for the recall. The
35 petition shall be submitted for verification of signatures to the office of
36 the secretary of state if for a state officer, including a member of the
37 legislature or a member of Congress, with the ~~clerk of the board of~~
38 ~~supervisors~~ COUNTY OFFICER IN CHARGE OF ELECTIONS if for a county or district
39 officer or superior court judge, with the city or town clerk if for a city
40 or town officer and with the county school superintendent if for a governing
41 board member of a school district. No recall petition is considered filed for
42 purposes of this chapter until the verification process is complete and the
43 petition is filed pursuant to section 19-208.03, subsection A, paragraph 1.

1 B. A recall petition shall not be accepted for such verification if
2 more than one hundred twenty days have passed since the date of submission
3 of the application for recall petition, as prescribed by section 19-202.01.

4 Sec. 31. Certain cities and towns; mail ballot elections;
5 report

6 A. Notwithstanding section 16-558, Arizona Revised Statutes, a city
7 or town may conduct a mail ballot election. A mail ballot election shall be
8 conducted as otherwise prescribed by title 16, chapter 4, article 8.1,
9 Arizona Revised Statutes. City or town mail ballot elections may be held on
10 dates other than those prescribed by section 16-204, Arizona Revised
11 Statutes, as added by this act.

12 B. Cities or towns that conduct mail ballot elections pursuant to
13 subsection A of this section shall report to the president of the senate and
14 the speaker of the house of representatives by January 1 of each year
15 immediately following a mail ballot election. The report shall include the
16 following:

- 17 1. Changes in voter turnout.
- 18 2. Relative costs of mail ballot elections compared to traditional
19 elections.
- 20 3. Suggestions for improvements or refinements in the mail ballot
21 program.
- 22 4. Frequency and severity of mail ballot irregularities.
- 23 5. Voter satisfaction with the election process.
- 24 6. Number of nondeliverable ballots.

25 Sec. 32. Emergency

26 This act is an emergency measure that is necessary to preserve the
27 public peace, health or safety and is operative immediately as provided by
28 law.

APPROVED BY THE GOVERNOR APRIL 23, 1996

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 23, 1996