

House Engrossed Senate Bill

State of Arizona
Senate
Forty-sixth Legislature
Second Regular Session
2004

CHAPTER 184

SENATE BILL 1250

AN ACT

AMENDING SECTIONS 16-121.01, 16-152, 16-165, 16-168, 16-242, 16-311, 16-312, 16-341, 16-466, 16-584, 16-592, 16-664, 16-913 AND 16-917, ARIZONA REVISED STATUTES; RELATING TO ELECTIONS AND ELECTORS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 16-121.01, Arizona Revised Statutes, is amended to
3 read:

4 16-121.01. Requirements for proper registration

5 A. A person is presumed to be properly registered to vote on
6 completion of a registration form as prescribed by section 16-152 that
7 contains at least the name, the residence address or the location, the date
8 of birth and the signature or other statement of the registrant as prescribed
9 by section 16-152, subsection A, paragraph 20 AND A CHECKMARK OR OTHER
10 APPROPRIATE INDICATOR THAT THE PERSON ANSWERED "YES" TO THE QUESTION
11 REGARDING CITIZENSHIP. ~~Beginning on December 1, 2003,~~ The completed
12 registration form must also contain the person's Arizona driver license
13 number, the nonoperating identification license number issued pursuant to
14 section 28-3165, the last four digits of the person's social security number
15 or the ~~unique identifying number assigned by the secretary of state pursuant~~
16 ~~to section 16-168~~ THE PERSON'S AFFIRMATION THAT IF AN ARIZONA DRIVER LICENSE
17 NUMBER, NONOPERATING IDENTIFICATION LICENSE NUMBER OR THE LAST FOUR DIGITS
18 OF THE PERSON'S SOCIAL SECURITY NUMBER IS NOT PROVIDED, THE PERSON DOES NOT
19 POSSESS A VALID ARIZONA DRIVER OR NONOPERATING IDENTIFICATION LICENSE OR A
20 SOCIAL SECURITY NUMBER AND THE PERSON IS HEREBY REQUESTING THAT A UNIQUE
21 IDENTIFYING NUMBER BE ASSIGNED BY THE SECRETARY OF STATE PURSUANT TO SECTION
22 16-152, SUBSECTION A, PARAGRAPH 12, SUBDIVISION (c).

23 B. The presumption in subsection A of this section may be rebutted
24 only by clear and convincing evidence of any of the following:

25 1. That the registrant is not the person whose name appears on the
26 register.

27 2. That the registrant has not resided in this state for twenty-nine
28 days next preceding the election or other event for which the registrant's
29 status as properly registered is in question.

30 3. That the registrant is not properly registered at an address
31 permitted by section 16-121.

32 4. That the registrant is not a qualified registrant under section
33 16-101.

34 Sec. 2. Section 16-152, Arizona Revised Statutes, is amended to read:
35 16-152. Registration form

36 A. The form used for the registration of electors shall contain:

37 1. The date the registrant signed the form.

38 2. The REGISTRANT'S given name ~~of the registrant~~, middle name, if any,
39 and surname.

40 3. THE complete address of THE REGISTRANT'S actual place of residence,
41 including street name and number, apartment or space number, city or town and
42 zip code, or such description of the location of the residence that it can
43 be readily ascertained or identified.

1 4. THE REGISTRANT'S complete mailing address, if different from THE
2 residence address, including post office address, city or town, zip code or
3 other designation used by the registrant for receiving mail.

4 5. THE REGISTRANT'S party preference.

5 6. THE REGISTRANT'S telephone number, unless unlisted.

6 7. THE REGISTRANT'S state or country of birth.

7 8. THE REGISTRANT'S date of birth.

8 9. THE REGISTRANT'S occupation.

9 10. THE REGISTRANT'S Indian census number (optional to registrant).

10 11. THE REGISTRANT'S father's name or mother's maiden name.

11 12. ~~Beginning on December 1, 2003,~~ One of the following identifiers for
12 each registrant:

13 (a) The Arizona driver license number of the registrant or
14 nonoperating identification license number of the registrant that is issued
15 pursuant to section 28-3165, if the license is current and valid.

16 (b) If the registrant does not have a current and valid Arizona driver
17 license or nonoperating identification license, the last four digits of the
18 registrant's social security number.

19 (c) If the registrant does not have a current and valid Arizona driver
20 license or nonoperating identification license or a social security number
21 AND THE REGISTRANT ATTESTS TO THAT, a unique identifying number consisting
22 of the registrant's unique identification number TO BE assigned by the
23 secretary of state in the statewide electronic voter registration database.

24 13. A statement as to whether or not the registrant is currently
25 registered in another state, county or precinct, and if so, the name,
26 address, county and state of previous registration.

27 14. The question to the registrant "Are you a citizen of the United
28 States of America?", appropriate boxes for the registrant to check "yes" or
29 "no" and the statement "if you checked 'no' in response to this question, do
30 not complete this form".

31 15. The question to the registrant "Will you be eighteen years of age
32 on or before election day?", appropriate boxes for the registrant to check
33 "yes" or "no" and the statement "if you checked 'no' in response to this
34 question, do not complete this form".

35 16. A statement that the registrant has not been convicted of treason
36 or a felony, or if so, that the registrant's civil rights have been restored.

37 17. A statement that the registrant is a resident of this state and of
38 the county in which the registrant is registering.

39 18. A statement that executing a false registration is a class 6
40 felony.

41 19. The signature of the registrant.

42 20. If the registrant is unable to sign the form, a statement that the
43 affidavit was completed according to the registrant's direction.

1 21. A statement that if an applicant declines to register to vote, the
2 fact that the applicant has declined to register will remain confidential and
3 will be used only for voter registration purposes.

4 22. A statement that if an applicant does register to vote, the office
5 at which the applicant submits a voter registration application will remain
6 confidential and will be used only for voter registration purposes.

7 B. A duplicate voter receipt shall be provided with the form that
8 provides space for the name, street address and city of residence of the
9 applicant, party preference and the date of signing. The voter receipt is
10 evidence of valid registration for the purpose of casting a provisional
11 ballot as prescribed in section 16-584, subsection B.

12 C. The state voter registration form shall be printed in a form
13 prescribed by the secretary of state.

14 D. The county recorder may establish procedures to verify whether a
15 registrant has successfully petitioned the court for an injunction against
16 harassment pursuant to section 12-1809 or an order of protection pursuant to
17 section 12-1810 or 13-3602 and, if verified, to protect the registrant's
18 residence address, telephone number or voting precinct number, if
19 appropriate, from public disclosure.

20 Sec. 3. Section 16-165, Arizona Revised Statutes, is amended to read:
21 16-165. Causes for cancellation

22 A. The county recorder shall cancel a registration:

23 1. At the request of the person registered.

24 2. When the county recorder knows of the death of the person
25 registered.

26 3. If the person has been adjudicated an incapacitated person as
27 defined in section 14-5101.

28 4. When the person registered has been convicted of a felony, and the
29 judgment of conviction has not been reversed or set aside. The county
30 recorder shall cancel the registration on receipt of notice of a felony
31 conviction from the court or from the secretary of state or when reported by
32 the elector on a signed juror questionnaire that is completed pursuant to
33 section 21-314.

34 5. Upon production of a certified copy of a judgment directing a
35 cancellation to be made.

36 6. Promptly after the election if the person registered has applied
37 for a ballot pursuant to section 16-126.

38 7. When a person has been on the inactive voter list and has not voted
39 during the time periods prescribed in section 16-166, subsection C.

40 8. When the county recorder receives written information from the
41 person registered that the person has a change of residence within the county
42 and the person does not complete and return a new registration form within
43 thirty-five TWENTY-NINE days after the county recorder mails notification of
44 the need to complete and return a new registration form with current
45 information.

1 9. When the county recorder receives written information from the
2 person registered that the person has a change of address outside the county.

3 B. If the county recorder cancels a registration pursuant to
4 subsection A, paragraph 8 of this section, the county recorder shall send the
5 person notice that his THE registration has been cancelled and a registration
6 form with the information described in section 16-131, subsection C attached
7 to the form.

8 C. When proceedings ~~are had~~ in the superior court ~~resulting~~ OR THE
9 DISTRICT COURT RESULT in a person being declared incapable of taking care of
10 himself and managing his property, and for whom a guardian of his THE person
11 and estate is appointed, ~~or resulting~~ RESULT in such person being committed
12 as an insane person, ~~or resulting~~ RESULT in a person being convicted of a
13 felony, the clerk of the superior court in the county in which such THOSE
14 proceedings ~~were had~~ OCCURRED shall file with the ~~appropriate county recorder~~
15 ~~a certificate~~ SECRETARY OF STATE AN OFFICIAL NOTICE of such THAT fact, ~~. THE~~
16 SECRETARY OF STATE SHALL NOTIFY THE APPROPRIATE COUNTY RECORDER and the
17 recorder shall cancel the name of the person upon the register. Such
18 certificate NOTICE shall name the person covered, shall give his THE PERSON'S
19 date and place of birth if available, his THE PERSON'S social security
20 number, if available, his THE PERSON'S usual place of residence, ~~and his~~ THE
21 PERSON'S address AND THE DATE OF THE NOTICE, and shall be filed with the
22 recorder of the county where the person last resided.

23 D. Each month the department of health services shall transmit to the
24 ~~appropriate county recorder~~ SECRETARY OF STATE without charge a record of the
25 death of every resident of his county THE STATE sixteen years of age and
26 older reported to the department within the preceding month. This record
27 shall include only the name of the decedent, his THE DECEDENT'S date of
28 birth, his THE DECEDENT'S social security number, if available, his THE
29 DECEDENT'S usual legal residence at the time of his death and, if available,
30 the decedent's father's name or his mother's maiden name. The record shall
31 be used by the ~~county recorder~~ SECRETARY OF STATE for the sole purpose of
32 removing CANCELLING the names of deceased persons from the register STATEWIDE
33 VOTER REGISTRATION DATABASE. Public access to the records is
34 prohibited. Use of information from the records for purposes other than
35 those required by this section is prohibited. The recorder ~~shall promptly~~
36 ~~cancel~~ the name of each deceased person SHALL PROMPTLY BE CANCELLED from the
37 register STATEWIDE VOTER REGISTRATION DATABASE AND THE SECRETARY OF STATE
38 SHALL NOTIFY THE APPROPRIATE COUNTY RECORDER AND THE RECORDER SHALL CANCEL
39 THE NAME OF THE PERSON FROM THE REGISTER.

40 Sec. 4. Section 16-168, Arizona Revised Statutes, is amended to read:
41 16-168. Precinct registers; date of preparation; contents;
42 copies; reports; statewide database; violation;
43 classification

44 A. By the tenth day preceding the primary and general elections the
45 county recorder shall prepare from the original registration forms or from

1 electronic media at least four lists that are printed or typed on paper of
2 all qualified electors in each precinct in the county, and such THE lists
3 shall be the official precinct registers.

4 B. The official precinct registers for use at the polling place shall
5 contain at least the names in full, party preference, date of registration
6 and residence address of each qualified elector in the respective
7 precincts. Such THE names shall be in alphabetical order and, in a column
8 to the left of the names, such names shall be numbered consecutively
9 beginning with number 1 in each precinct register.

10 C. For THE purposes of transmitting voter registration information as
11 prescribed by this subsection, computer generated disks or computer software
12 with at least six hundred forty megabytes of storage in counties with a
13 population over five hundred thousand in the last decennial census shall be
14 the principal media. A county or state chairman who is eligible to receive
15 copies of precinct registers LISTS as prescribed by this subsection may
16 request that the recorder provide a paper copy of the precinct registers
17 LISTS. The county recorder shall, in addition to preparing the official
18 precinct registers LISTS, SHALL provide a means for mechanically or
19 electronically reproducing the precinct registers LISTS and shall unless
20 otherwise agreed SHALL deliver within eight days after the close of
21 registration for the primary and general elections, without charge, on the
22 same day one electronic media copy of each precinct register LIST within the
23 county to the county chairman and one electronic media copy to the state
24 chairman of each party which THAT has at least four candidates other than
25 presidential electors appearing upon the ballot in that county at the current
26 election. The county recorder shall also DELIVER, upon request and without
27 charge, deliver one electronic media copy of the precinct register LIST to
28 the Arizona legislative council. The county recorder of a county with a
29 population of fewer than four hundred thousand persons, on the same day
30 precinct registers LISTS are delivered to county chairmen, shall deliver one
31 electronic media copy of each precinct register LIST within the county to the
32 state chairman of each party which THAT has at least four candidates other
33 than presidential electors appearing on the ballot in this state at the
34 current election. The copies of the precinct registers LISTS shall be on
35 magnetic computer disks or computer software with at least six hundred forty
36 megabytes of storage which shall include for each elector the following
37 information:

- 38 1. Name in full and appropriate title.
- 39 2. Party preference.
- 40 3. Date of registration.
- 41 4. Residence address.
- 42 5. Mailing address, if different from residence address.
- 43 6. Zip code.
- 44 7. Telephone number if given.
- 45 8. Birth year.

1 9. Occupation IF GIVEN.

2 10. Primary election and general election voting history for the prior
3 four years and any other information regarding registered voters which the
4 county recorder or city or town clerk maintains on magnetic computer disks
5 or computer software and which is public information.

6 D. The names on the precinct registers LISTS shall be in alphabetical
7 order and the precinct registers LISTS in their entirety, shall unless
8 otherwise agreed, SHALL be delivered to each county chairman and each state
9 chairman at least quarterly and within ten business days of the close of each
10 quarter in the same format and media as prescribed by subsection C of this
11 section.

12 E. Precinct registers and other lists and information derived from
13 registration forms may be used only for purposes relating to a political or
14 political party activity, a political campaign or an election, for revising
15 election district boundaries or for any other purpose specifically authorized
16 by law and may not be used for a commercial purpose as defined in section
17 39-121.03. The sale of registers, lists and information derived from
18 registration forms to a candidate or a registered political committee for a
19 use specifically authorized by this subsection does not constitute use for
20 a commercial purpose. The county recorder, on a request for an authorized
21 use and within thirty days from receipt of the request, shall prepare
22 additional copies of an official precinct register LIST and furnish them to
23 any person requesting them on payment of a fee equal to five cents for each
24 name appearing on the register for a printed list and ten cents for each name
25 for an electronic data medium, plus the cost of the blank computer disk or
26 computer software if furnished by the recorder, for each copy so furnished.

27 F. Any person in possession of a precinct register OR LIST, in whole
28 or part, or any reproduction of a precinct register OR LIST, shall not permit
29 the register OR LIST to be used, bought, sold or otherwise transferred for
30 any purpose except for uses otherwise authorized by this section. A person
31 in possession of information derived from voter registration forms or
32 precinct registers shall not distribute, post or otherwise provide access to
33 any portion of that information through the internet except as authorized by
34 subsection J of this section. Nothing in this section shall preclude public
35 inspection of voter registration records at the office of the county recorder
36 for the purposes prescribed by this section, except that the month and day
37 of birth date, the social security number or any portion thereof, the driver
38 license number or nonoperating identification license number, the unique
39 identifying number prescribed by this section, the Indian census number, the
40 father's name or mother's maiden name, the state or country of birth and the
41 records containing a voter's signature shall not be accessible or reproduced
42 by any person other than the voter, by an authorized government official in
43 the scope of the official's duties, for signature verification on petitions
44 and candidate filings, for election purposes and for news gathering purposes
45 by a person engaged in newspaper, radio, television or reportorial work, or

1 connected with or employed by a newspaper, radio or television station or
2 pursuant to a court order. Any A person violating WHO VIOLATES this
3 subsection or subsection E of this section is guilty of a class 6 felony.

4 G. The county recorder shall count the registered voters by political
5 party by precinct, legislative district and congressional district as
6 follows:

7 1. In even numbered years, the county recorder shall count all persons
8 who are registered to vote as of:

9 (a) January 1.

10 (b) March 1.

11 (c) The last day on which a person may register to be eligible to vote
12 in the next primary election.

13 (d) The last day on which a person may register to be eligible to vote
14 in the next general election.

15 (e) The last day on which a person may register to be eligible to vote
16 in the next presidential preference election.

17 2. In odd numbered years, the county recorder shall count all persons
18 who are registered to vote as of:

19 (a) January 1.

20 (b) April 1.

21 (c) July 1.

22 (d) October 1.

23 H. The county recorder shall report the totals to the secretary of
24 state as soon as is practicable following each of the dates prescribed in
25 subsection G of this section. The report shall include completed
26 registration forms returned in accordance with section 16-134, subsection
27 B. The county recorder shall also provide the report in a uniform electronic
28 computer media format that shall be agreed upon between the secretary of
29 state and all county recorders. The secretary of state shall then prepare
30 a summary report for the state and shall maintain that report as a permanent
31 record.

32 ~~I. Until the statewide voter registration database is implemented and~~
33 ~~operational as prescribed by subsection K of this section, the county~~
34 ~~recorder shall provide to the secretary of state a list of registered voters~~
35 ~~in the county, including the voter's name, date of birth and state of birth~~
36 ~~along with the count of registered voters pursuant to subsection G of this~~
37 ~~section. The list of registered voters is a public record, except as~~
38 ~~prescribed by subsection F of this section, and shall be in a format agreed~~
39 ~~upon between the secretary of state and each county recorder. The list shall~~
40 ~~be labeled to show that it is not an official listing of registered voters.~~
41 ~~The secretary of state shall compare the lists to identify persons registered~~
42 ~~in more than one county. If a person is registered in more than one county,~~
43 ~~the secretary of state shall notify, within fifteen days after receipt of the~~
44 ~~list, the county recorder in each county in which the person is registered~~
45 ~~except the county recorder in the county in which the person registered last.~~

1 ~~The notice shall include the date of the person's latest registration. After~~
2 ~~receiving this notice the county recorder shall cancel the person's~~
3 ~~registration as of the date of the newest registration and notify the person~~
4 ~~of the cancellation at the address provided by the secretary of state from~~
5 ~~the county of the latest registration.~~

6 ~~I.~~ I. The county recorder AND THE SECRETARY OF STATE shall protect
7 access to voter registration information in an auditable format and method
8 specified in the secretary of state's electronic voting system instructions
9 and procedures manual that is adopted pursuant to section 16-452.

10 ~~J.~~ J. The secretary of state shall develop and administer a statewide
11 database of voter registration information that contains the name and
12 registration information of every registered voter in this state. The
13 database shall include an identifier that is unique for each individual
14 voter. The database shall provide for access by voter registration officials
15 and shall allow expedited entry of voter registration information after it
16 is received by county recorders. AS A PART OF THE STATEWIDE VOTER
17 REGISTRATION DATABASE, COUNTY RECORDERS SHALL PROVIDE FOR THE ELECTRONIC
18 TRANSMITTAL OF THAT INFORMATION TO THE SECRETARY OF STATE ON A DAILY BASIS.
19 The secretary of state shall provide for maintenance of the database,
20 including provisions regarding removal of ineligible voters that are
21 consistent with the national voter registration act of 1993 (42 United States
22 Code section 394) and the help America vote act of 2002 (P.L. 107-252),
23 provisions regarding removal of duplicate registrations and provisions to
24 ensure that eligible voters are not removed in error.

25 ~~K.~~ K. For requests for the use of registration forms and access to
26 information as provided in subsections E and F of this section, the following
27 apply:

28 ~~1. The secretary of state shall receive and respond to requests~~
29 ~~regarding statewide and federal elections.~~

30 ~~2. the county recorder shall receive and respond to requests regarding~~
31 ~~all other FEDERAL, STATE AND COUNTY elections.~~

32 Sec. 5. Section 16-242, Arizona Revised Statutes, is amended to read:
33 16-242. Qualifications for ballot; nomination paper

34 A. A person seeking nomination as a candidate for the office of
35 president of the United States shall sign and cause to be filed with the
36 secretary of state a nomination paper that contains the following
37 information:

38 1. The name, residence address and mailing address of the candidate.

39 2. The name of the recognized political party from which the person
40 seeks nomination.

41 3. The name and address of the chairman of the candidate's state
42 committee.

43 4. The exact manner for printing the candidate's name on the
44 presidential preference ballot pursuant to section 16-311.

1 B. The nomination paper shall be filed not less than forty days nor
2 more than seventy days before the presidential preference election and not
3 later than 5:00 p.m. on the last day for filing.

4 ~~C. A person seeking nomination as a candidate for the office of~~
5 ~~president shall also cause to be filed with the secretary of state a copy of~~
6 ~~those documents that indicate that the person has qualified with the federal~~
7 ~~election commission for primary matching monies as a candidate for~~
8 ~~president. These documents shall be filed with the nomination paper. A~~
9 ~~person who is not qualified for primary matching monies is not eligible to~~
10 ~~be a candidate in the presidential preference election. Section 16-351 does~~
11 ~~not apply to a nomination paper filed pursuant to this section.~~

12 D. Within seventy-two hours after the close of filing the secretary
13 of state shall certify to the officer in charge of elections the names of the
14 candidates who are qualified for the presidential preference election ballot.

15 Sec. 6. Section 16-311, Arizona Revised Statutes, is amended to read:

16 16-311. Nomination papers; filing; definitions

17 A. Any person desiring to become a candidate at a primary election for
18 a political party and to have the person's name printed on the official
19 ballot shall be a qualified elector of such party and shall, not less than
20 ninety nor more than one hundred twenty days before the primary election,
21 SHALL sign and cause to be filed a nomination paper giving the person's
22 actual residence address or description of place of residence and post office
23 address, naming the party of which the person desires to become a candidate,
24 stating the office and district or precinct, if any, for which the person
25 offers the person's candidacy, stating the exact manner in which the person
26 desires to have the person's name printed on the official ballot pursuant to
27 subsection G, and giving the date of the primary election and, if nominated,
28 the date of the general election at which the person desires to become a
29 candidate. A candidate for public office shall be a qualified elector at the
30 time of filing and shall reside in the county, district or precinct which the
31 person proposes to represent.

32 B. Any person desiring to become a candidate at any nonpartisan
33 election and to have the person's name printed on the official ballot shall
34 be at the time of filing a qualified elector of such county, city, town or
35 district and, not less than ninety nor more than one hundred twenty days
36 before the election, shall sign and cause to be filed a nomination paper
37 giving the person's actual residence address or description of place of
38 residence and post office address, stating the office and county, city, town
39 or district and ward or precinct, if any, for which the person offers the
40 person's candidacy, stating the exact manner in which the person desires to
41 have the person's name printed on the official ballot pursuant to subsection
42 G and giving the date of the election. A candidate for office shall reside
43 at the time of filing in the county, city, town, district, ward or precinct
44 which the person proposes to represent.

1 C. Notwithstanding the provisions of subsection B to the contrary, any
2 city or town may adopt by ordinance for its elections the time frame provided
3 in subsection A for filing nomination petitions. Such ordinance shall be
4 adopted not less than one hundred twenty days before the first election to
5 which it applies.

6 D. All persons desiring to become a candidate shall file with the
7 nomination paper provided for in subsection A an affidavit which shall be
8 printed in a form prescribed by the secretary of state. The affidavit shall
9 include facts sufficient to show that, other than the residency requirement
10 provided in subsection A, the candidate will be qualified at the time of
11 election to hold the office the person seeks.

12 E. The nomination paper of a candidate for the office of United States
13 senator or representative in Congress, for the office of presidential elector
14 or for a state office, including a member of the legislature, or for any
15 other office for which the electors of the entire state or a subdivision of
16 the state greater than a county are entitled to vote, shall be filed with the
17 secretary of state no later than 5:00 p.m. on the last date for filing.

18 F. The nomination paper of a candidate for superior court judge or for
19 a county, district and precinct office for which the electors of a county or
20 a subdivision of a county other than an incorporated city or town are
21 entitled to vote shall be filed with the county elections officer no later
22 than 5:00 p.m. on the last date for filing as prescribed by subsection
23 A. The nomination paper of a candidate for a city or town office shall be
24 filed with the city or town clerk no later than 5:00 p.m. on the last date
25 for filing. The nomination paper of a candidate for school district office
26 shall be filed with the county school superintendent no later than 5:00 p.m.
27 on the last date for filing.

28 G. The nomination paper shall include the exact manner in which the
29 candidate desires to have the person's name printed on the official ballot
30 and shall be limited to the candidate's surname and given name or names, an
31 abbreviated version of such names or appropriate initials such as "Bob" for
32 "Robert", "Jim" for "James", "Wm." for "William" or "S." for "Samuel".
33 Nicknames are permissible, but in no event shall nicknames, abbreviated
34 versions or initials of given names suggest reference to professional,
35 fraternal, religious or military titles. No other descriptive name or names
36 shall be printed on the official ballot, except as provided in this section.
37 Candidates' abbreviated names or nicknames may be printed within quotation
38 marks. The candidate's surname shall be printed first, followed by the given
39 name or names.

40 H. A person who does not file a timely nomination paper that complies
41 with this section is not eligible to have the person's name printed on the
42 official ballot for that office. The filing officer shall not accept the
43 nomination paper of a candidate for state or local office unless it is
44 accompanied by THE PERSON PROVIDES OR HAS PROVIDED all of the following:

- 45 1. The nomination petition required by this title.

1 2. A political committee statement of organization or the five hundred
2 dollar threshold exemption statement FOR THAT OFFICE.

3 3. The financial disclosure statement as prescribed for candidates for
4 that office.

5 1. ~~As used in~~ FOR THE PURPOSES OF this title:

6 1. "Election district" means the state, any county, city, town,
7 precinct or other political subdivision or a special district which is not
8 a political subdivision, which is authorized by statute to conduct an
9 election and which is authorized or required to conduct its election in
10 accordance with this title.

11 2. "Nomination paper" means the form filed with the appropriate office
12 by a person wishing to declare the person's intent to become a candidate for
13 a particular political office.

14 Sec. 7. Section 16-312, Arizona Revised Statutes, is amended to read:
15 16-312. Filing of nomination papers for write-in candidates

16 A. Any person desiring to become a write-in candidate for an elective
17 office in any election shall file a nomination paper, signed by the
18 candidate, giving the person's actual residence address or description of
19 place of residence and post office address, age, length of residence in the
20 state and date of birth.

21 B. A write-in candidate shall file the nomination paper no later than
22 5:00 p.m. on the fortieth day prior to the election, except that a candidate
23 running as a write-in candidate as provided in section 16-343, subsection D,
24 shall file the nomination paper no later than 5:00 p.m. on the fifth day
25 before the election. The write-in filing procedure shall be in the same
26 manner as prescribed in section 16-311. Any person who does not file a
27 timely nomination paper shall not be counted in the tally of ballots. The
28 filing officer shall not accept the nomination paper of a candidate for state
29 or local office unless ~~it is accompanied by~~ THE CANDIDATE PROVIDES OR HAS
30 PROVIDED both of the following:

31 1. A political committee statement of organization or the five hundred
32 dollar threshold exemption statement FOR THAT OFFICE.

33 2. The financial disclosure statement as prescribed for candidates for
34 that office.

35 C. The secretary of state shall notify the various boards of
36 supervisors as to write-in candidates filing with the secretary of state's
37 office. The county school superintendent shall notify the appropriate board
38 of supervisors as to write-in candidates filing with the superintendent's
39 office. The board of supervisors shall notify the appropriate election board
40 inspector of all candidates who have properly filed such statements. In the
41 case of a city or town election, the city or town clerk shall notify the
42 appropriate election board inspector of candidates properly filed. No other
43 write-ins shall be counted. The election board inspector shall post the
44 notice of official write-in candidates in a conspicuous location within the
45 polling place.

1 D. Except as provided in section 16-343, subsection E, a candidate may
2 not file pursuant to this section if any of the following applies:

3 1. For a candidate in the general election, the candidate ran in the
4 immediately preceding primary election and failed to be nominated to the
5 office sought in the current election.

6 2. For a candidate in the general election, the candidate filed a
7 nomination petition for the immediately preceding primary election for the
8 office sought and failed to provide a sufficient number of valid petition
9 signatures as prescribed by section 16-322.

10 3. For a candidate in the primary election, the candidate filed a
11 nomination petition for the current primary election for the office sought
12 and failed to provide a sufficient number of valid petition signatures as
13 prescribed by section 16-322.

14 E. A person who files a nomination paper pursuant to this section for
15 the office of president of the United States shall designate in writing to
16 the secretary of state at the time of filing the name of the candidate's
17 vice-presidential running mate, the names of presidential electors who will
18 represent that candidate and a statement signed by the vice-presidential
19 running mate and designated presidential electors that indicates their
20 consent to be designated. A nomination paper for each presidential elector
21 designated shall be filed with the candidate's nomination paper. The number
22 of presidential electors shall equal the number of United States senators and
23 representatives in Congress from this state.

24 Sec. 8: Section 16-341, Arizona Revised Statutes, is amended to read:
25 16-341. Nomination petition; method and time of filing; form;
26 qualifications and number of petitioners required

27 A. Any qualified elector who is not a registered member of a political
28 party that is recognized pursuant to this title may be nominated as a
29 candidate for public office otherwise than by primary election or by party
30 committee pursuant to this section.

31 B. The provisions of this article shall not be used to place on the
32 general election ballot the name of a political party which fails to meet the
33 qualifications specified in section 16-802 or 16-804, or the name of any
34 candidate representing such party or the name of a candidate who has filed
35 a nomination petition in the immediately preceding primary election and has
36 failed to qualify as the result of an insufficient number of valid
37 signatures.

38 C. A nomination petition stating the name of the office to be filled,
39 the name and residence of the candidate and other information required by
40 this section shall be filed at the same time and with the same officer with
41 whom primary nomination papers and petitions are required to be filed as
42 prescribed in section 16-311. The petition shall be signed only by voters
43 who have not signed the nomination petitions of a candidate for the office
44 to be voted for at that primary election.

1 D. The nomination petition shall be in substantially the following
2 form:

3 "The undersigned, qualified electors of _____ county,
4 state of Arizona, do hereby nominate _____, who resides at
5 _____ in the county of _____, as a candidate for the
6 office of _____ at the general (or special, as the case may
7 be) election to be held on the _____ day of _____,
8 _____.

9 I hereby declare that I have not signed the
10 nomination petitions of any candidate for the office
11 to be voted for at this primary election, and I do
12 hereby select the following designation under which
13 name the said candidate shall be placed on the
14 official ballot (here insert such designation not
15 exceeding three words in length as the signers may
16 select)."

17 E. The nomination petition shall conform as nearly as possible to the
18 provisions relating to nomination petitions of candidates to be voted for at
19 primary elections and shall be signed by at least three per cent of the
20 qualified electors of the state, county, subdivision or district for which
21 the candidate is nominated who are not members of a political party that is
22 qualified to be represented by an official party ballot at the next ensuing
23 primary election and accorded representation on the general election ballot.

24 F. The percentage of qualified electors necessary to sign the
25 nomination petition shall be determined by the total number of registered
26 voters from other than political parties that are qualified to be represented
27 by an official party ballot at the next ensuing primary election and accorded
28 representation on the general election ballot in the state, county,
29 subdivision or district at the last general election.

30 G. For the purposes of this section, a nomination petition for the
31 office of presidential elector shall include a group of names of candidates
32 equal to the number of United States senators and representatives in Congress
33 from this state instead of separate nomination petitions for each candidate
34 for the office of presidential elector. A valid signature on a petition
35 containing a group of presidential electors candidates is counted as a
36 signature for the nomination of each of the candidates. The presidential
37 candidate whom the candidates for presidential elector will represent shall
38 designate in writing to the secretary of state the names of the candidates
39 who will represent the presidential candidate before any signatures for the
40 candidate can be accepted for filing.

41 H. A person who files a nomination paper pursuant to this section for
42 the office of president of the United States shall designate in writing to
43 the secretary of state at the time of filing the name of the candidate's
44 vice-presidential running mate, the names of the presidential electors who
45 will represent that candidate and a statement THAT IS signed by the

1 vice-presidential running mate and the designated presidential electors AND
2 that indicates their consent to be designated. A nomination paper for each
3 presidential elector designated shall be filed with the candidate's
4 nomination paper. The number of presidential electors shall equal the number
5 of United States senators and representatives in Congress from this state.

6 I. A candidate who does not file a timely nomination petition that
7 complies with this section is not eligible to have the candidate's name
8 printed on the official ballot for that office. The filing officer shall not
9 accept the nomination paper of a candidate for state or local office unless
10 ~~it is accompanied by~~ THE CANDIDATE PROVIDES OR HAS PROVIDED all of the
11 following:

12 1. The nomination petition required by this title.

13 2. A political committee statement of organization or the five hundred
14 dollar threshold exemption statement FOR THAT OFFICE.

15 3. The financial disclosure statement as prescribed for candidates for
16 that office.

17 Sec. 9. Section 16-466, Arizona Revised Statutes, is amended to read:

18 16-466. Ballots, ballot labels and ballot screens;
19 electromechanical

20 A. Ballots, and ballot labels shall AND BALLOT SCREENS, as far as
21 practicable, SHALL be in the same order of arrangement as provided for paper
22 ballots, except that such information may be printed in vertical or
23 horizontal rows, or in a number of separate pages which OR SCREENS THAT are
24 placed OR DISPLAYED on the voting device.

25 B. Ballot labels shall be printed in plain clear type in black ink
26 and, for use in a general election, upon clear white materials and be of such
27 size and arrangement as to fit the construction of the voting device or the
28 vote tabulating equipment. Ballots prepared for use in a primary election
29 shall be printed on material of a different color designation for each
30 political party represented. Ballots may contain printed code marks or
31 punched holes which may be used for placing the ballots in correct reading
32 positions in counting devices. The code marks or punched holes shall not be
33 used in any way that will reveal the identity of the voters voting the
34 ballot.

35 C. The titles of offices may be arranged in vertical columns or in a
36 series of separate pages OR SCREENS and shall be printed above or at the side
37 of the names of candidates so as to indicate clearly the candidates for each
38 office and the number to be elected. In case there are more candidates for
39 an office than can be printed in one column or on one ballot page OR SCREEN,
40 the ballot label shall be clearly marked that the list of candidates is
41 continued on the following column, or page OR SCREEN, and insofar as may be
42 practicable, the same number of names shall be printed on each column, or
43 page OR SCREEN.

44 D. In primary and nonpartisan elections the names of candidates for
45 each office shall appear on the ballot, or ballot labels OR BALLOT SCREENS

1 so that each candidate occupies each position ~~on the ballot or ballot labels~~
2 substantially the same number of times insofar as may be practicable. If
3 there are fewer or the same number of candidates seeking office than the
4 number to be elected, rotation of names shall not be required and the names
5 shall be placed in alphabetical order.

6 E. In primary elections for a judicial office if there are two or more
7 candidates of the same political party their names shall be alternated on the
8 ballots OR BALLOT SCREENS so that the name of each candidate shall appear
9 substantially an equal number of times in each possible location on the
10 ballot OR SCREEN.

11 F. Two sample ballots, which shall be facsimile copies of the official
12 ballot or ballot labels, shall be provided for each polling place and shall
13 be posted on election day as provided for paper ballots. Sample ballots may
14 be printed on a single page or on a number of pages stapled together.

15 Sec. 10. Section 16-584, Arizona Revised Statutes, is amended to read:

16 16-584. Qualified elector not on precinct register; recorder's
17 certificate; verified ballot; procedure

18 A. A qualified elector whose name is not on the precinct register and
19 who presents a certificate from the county recorder showing that he THE
20 ELECTOR is entitled by law to vote in the precinct shall be entered on the
21 signature roster on the blank following the last printed name and shall be
22 given the next consecutive register number, and the qualified elector shall
23 sign in the space provided.

24 B. A qualified elector whose name is not on the precinct register,
25 upon presentation of identification verifying the identity of the elector
26 that includes the voter's given name and surname and the complete residence
27 address that is verified by the election board to be in the precinct or on
28 signing an affirmation that states that the elector is a registered voter in
29 that jurisdiction and is eligible to vote in that jurisdiction, shall be
30 allowed to vote a provisional ballot.

31 C. If a voter has moved to a new address within the county and has not
32 notified the county recorder of the change of address before the date of an
33 election, the voter shall be permitted to correct the voting records for
34 purposes of voting in future elections at the appropriate polling place for
35 the voter's new address. The voter shall be permitted to vote a provisional
36 ballot. The voter shall present a form of identification that includes the
37 voter's given name and surname and the voter's complete residence
38 address. The residence address must be within the precinct in which the
39 voter is attempting to vote, and the voter shall affirm in writing that the
40 voter is registered in that jurisdiction and is eligible to vote in that
41 jurisdiction.

42 D. On completion of the ballot, the election official shall remove the
43 ballot stub, shall place the ballot in a provisional ballot envelope and
44 shall deposit the envelope in the ballot box. Within TEN CALENDAR DAYS AFTER
45 A GENERAL ELECTION THAT INCLUDES AN ELECTION FOR A FEDERAL OFFICE AND WITHIN

1 five business days after the ANY OTHER election or no later than the time at
2 which challenged early voting ballots are resolved, the signature shall be
3 compared to the precinct signature roster of the former precinct where the
4 voter was registered. If the voter's name is not signed on the roster and
5 if there is no indication that the voter voted an early ballot, the
6 provisional ballot envelope shall be opened and the ballot shall be
7 counted. If there is information showing the person did vote, the
8 provisional ballot shall remain unopened and shall not be counted. When
9 provisional ballots are confirmed for counting, the county recorder shall use
10 the information supplied on the provisional ballot envelope to correct the
11 address record of the voter.

12 E. When a voter is allowed to vote a provisional ballot, the elector's
13 name shall be entered on a separate signature roster page at the end of the
14 signature roster. Voters' names shall be numbered consecutively beginning
15 with the number V-1. The elector shall sign in the space provided. The
16 ballot stub shall be removed and the ballot shall be placed in a separate
17 envelope, the outside of which shall contain the precinct name or number, a
18 sworn or attested statement of the elector that the elector resides in the
19 precinct, is eligible to vote in the election and has not previously voted
20 in the election, the signature of the elector and THE voter registration
21 number of the elector, if available. Such THE ballot shall be verified for
22 proper registration of the elector by the county recorder before being
23 counted. Such THE verification shall be made by the county recorder within
24 five business days following the election, and the voter receipt card,
25 notification or identification card, if any, from the county recorder used
26 therefor, if valid, shall be returned to the elector within a reasonable time
27 thereafter. Verified ballots shall be counted by depositing the ballot in
28 the ballot box and showing on the records of the election that the elector
29 has voted. If registration is not verified the ballot shall remain unopened
30 and shall be retained in the same manner as voted ballots.

31 F. For any person who votes a provisional ballot, the county recorder
32 or other officer in charge of elections shall provide for a method of
33 notifying the provisional ballot voter at no cost to the voter whether the
34 voter's ballot was verified and counted and, if not counted, the reason for
35 not counting the ballot. The notification may be in the form of notice by
36 mail to the voter, establishment of a toll free telephone number, internet
37 access or other similar method to allow the voter to have access to this
38 information. The method of notification shall provide reasonable
39 restrictions that are designed to limit transmittal of the information only
40 to the voter.

41 Sec. 11. Section 16-592, Arizona Revised Statutes, is amended to read:
42 16-592. Proceedings on challenge; disposition of ballot;
43 failure to be sworn or answer

44 A. Upon challenge being made, IF the person challenged, ~~if he~~ appears
45 to be registered, THE PERSON shall take and subscribe to the oath prescribed

1 in the "affidavit of registration" and, if he THE PERSON so elects, may be
2 at once sworn to answer fully and truly all questions material to the
3 challenge as are put to him THE PERSON by the inspector. Any returned United
4 States mail addressed to the person challenged, OR the spouse of the person
5 challenged, or both, and to the address appearing on the precinct register
6 or affidavit shall be considered as sufficient grounds to proceed under this
7 section.

8 B. If after the examination on the challenge, a majority of the
9 election board is satisfied that the challenge is not valid, the person
10 challenged shall be permitted to vote, ~~otherwise not, and the ballot, if he~~
11 ~~has received one, shall without examination be at once destroyed in his~~
12 ~~presence by the inspector.~~

13 C. If the person challenged refuses to be sworn or affirmed, or
14 refuses to answer questions material to the challenge OR IF A MAJORITY OF THE
15 ELECTION BOARD FINDS THAT THE CHALLENGE IS VALID, he THE PERSON CHALLENGED
16 shall ~~not be allowed~~ BE PERMITTED TO vote A PROVISIONAL BALLOT PURSUANT TO
17 SECTION 16-584.

18 Sec. 12. Section 16-664, Arizona Revised Statutes, is amended to read:
19 16-664. Recount of votes by automatic tabulating system

20 A. In the event of a court-ordered recount of votes which THAT were
21 cast and tabulated on electronic voting equipment for a state primary, state
22 general or state special election, the secretary of state shall order the
23 ballots recounted on an automatic tabulating system to be furnished and
24 programmed by UNDER THE SUPERVISION OF the secretary of state. In the event
25 of a court-ordered recount for elections other than for the office of
26 supervisor, the secretary of state may designate the county board of
27 supervisors to perform the duties assigned to the secretary of state.

28 B. If the office of secretary of state is contested, the governor
29 shall order the ballots recounted on an automatic tabulating system to be
30 furnished and programmed ~~at the direction~~ UNDER THE SUPERVISION of the
31 governor.

32 C. The programs to be used in the recount of votes pursuant to this
33 section shall differ from the programs prescribed by section 16-445 and used
34 in the initial tabulation of the votes.

35 Sec. 13. Section 16-913, Arizona Revised Statutes, is amended to read:

36 16-913. Campaign finance reports; reporting of receipts and
37 disbursements; exemptions; civil penalty

38 A. Except as provided in subsection K of this section, each political
39 committee shall file campaign finance reports setting forth the committee's
40 receipts and disbursements according to the schedule prescribed in
41 subsections B and C of this section.

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

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

3 2. A preelection report, which shall be filed not less than twelve
4 days before any election and which shall be complete through the twentieth
5 day before the election.

6 3. A postelection report, which shall be filed not more than thirty
7 days after any election and which shall be complete through the twentieth day
8 after the election.

9 C. In any other calendar year, the political committee shall file a
10 report covering the period beginning twenty-one days after the date of the
11 election in the preceding calendar year through December 31 of the
12 nonelection year filed no later than January 31 of the following calendar
13 year.

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

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

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

1 G. Reports in connection with special or recall elections shall
2 conform to the filing deadlines set forth in subsection B of this section.

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

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

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

19 K. A standing political committee shall file reports with the
20 secretary of state and is exempt from filing a report with any other
21 jurisdiction in which it is active. The reports shall be in an electronic
22 format as prescribed by the secretary of state and shall be filed by delivery
23 of a computer diskette or cd-rom that contains the report or by use of the
24 internet. The secretary of state shall promptly make the reports available
25 to the public on the internet and on paper by request. The standing
26 committee shall file the following reports:

27 ~~1. A report covering the period beginning January 1 through May 31,~~
28 ~~filed not later than June 30.~~

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

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

35 ~~4.~~ 3. An annual report that is due by January 31 in the year
36 immediately following the calendar year that is the subject of the report.

37 Sec. 14. Section 16-917, Arizona Revised Statutes, is amended to read:
38 16-917. Independent expenditures; in-kind contribution; civil
39 penalty

40 A. A political committee that makes independent expenditures for
41 literature or an advertisement relating to any one candidate or office within
42 ten days before the day of any election to which the expenditures relate,
43 shall send by certified mail a copy of the campaign literature or
44 advertisement to each candidate named or otherwise referred to in the
45 literature or advertisement twenty-four hours before AFTER depositing it at

1 the post office for mailing, twenty-four hours before AFTER submitting it to
2 a telecommunications system for broadcast or twenty-four hours before AFTER
3 submitting it to a newspaper for printing.

4 B. The copy of the literature or advertisement sent to a candidate
5 pursuant to subsection A of this section shall be a reproduction that is
6 clearly readable, viewable or audible.

7 C. An expenditure by a political committee or a person that does not
8 meet the definition of an independent expenditure is an in-kind contribution
9 to the candidate and a corresponding expenditure by the candidate unless
10 otherwise exempted.

11 D. A person who violates this section is subject to a civil penalty
12 of three times the cost of the literature or advertisement that was
13 distributed in violation of this section. This civil penalty shall be
14 imposed as prescribed in section 16-924.

APPROVED BY THE GOVERNOR MAY 3, 2004.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 3, 2004.

Passed the House April 20, 20 04,

by the following vote: 38 Ayes,

18 Nays, 4 Not Voting

Jake Flake
Speaker of the House

Norman L. Moore
Chief Clerk of the House

Passed the Senate March 15, 20 04,

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting

Ken Bennett
President of the Senate

Charrin Billington
Secretary of the Senate

**EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR**

This Bill was received by the Governor this

_____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

_____, 20____,

at _____ o'clock _____ M.

Governor of Arizona

**EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE**

This Bill was received by the Secretary of State

this _____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary of State

S.B. 1250

SENATE CONCURS IN HOUSE AMENDMENTS
AND FINAL PASSAGE

Passed the Senate April 27, 2004,

by the following vote: 20 Ayes,

5 Nays, 5 Not Voting

[Signature]
President of the Senate
[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

27th day of April, 2004,

at 1 o'clock P. M.

[Signature]
Secretary to the Governor

Approved this 3 day of

May, 2004,

at 2⁴⁰ o'clock P. M.

[Signature]
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 3 day of May, 2004,

at 3:57 o'clock P. M.

[Signature]
Secretary of State

S.B. 1250