

Senate Engrossed

State of Arizona
Senate
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2005

CHAPTER 98

SENATE BILL 1218

AN ACT

AMENDING SECTIONS 16-112, 16-125 AND 16-168, ARIZONA REVISED STATUTES; AMENDING SECTION 16-152, ARIZONA REVISED STATUTES, AS AMENDED BY 2004 PROPOSITION 200, SECTION 3; REPEALING SECTION 16-152, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2004, CHAPTER 184, SECTION 2; AMENDING SECTIONS 16-312, 16-321, 16-341, 16-902.01, 16-916, 16-916.01 AND 16-1017, ARIZONA REVISED STATUTES; BLENDING MULTIPLE ENACTMENTS; RELATING TO THE SECRETARY OF STATE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 16-112, Arizona Revised Statutes, is amended to
3 read:

4 16-112. Driver license voter registration

5 A. Every person who is applying for a ~~driver's~~ DRIVER license or
6 renewal and who is otherwise qualified to register to vote shall, at the same
7 time and place, be permitted to register to vote by providing the information
8 prescribed by section 16-152. The method used to register voters shall
9 require only the minimum information necessary to prevent duplicate
10 registrations, to enable elections officials to determine voter eligibility
11 and to administer voter registration and election laws. A registration form
12 shall be included for a person who is applying for a ~~driver's~~ DRIVER license
13 renewal by mail. ON COMPLETION OF A FORM THAT CONTAINS AT LEAST THE
14 INFORMATION PRESCRIBED BY SECTION 16-121.01, SUBSECTION A AND THAT MAY
15 CONTAIN THE INFORMATION PRESCRIBED BY SECTION 16-152 AND ON RECEIPT OF THAT
16 FORM BY THE COUNTY RECORDER FROM THE DEPARTMENT OF TRANSPORTATION AS
17 PRESCRIBED BY SUBSECTION D OF THIS SECTION, THE APPLICANT IS PRESUMED TO BE
18 PROPERLY REGISTERED TO VOTE. THAT PRESUMPTION MAY BE REBUTTED AS PROVIDED IN
19 SECTION 16-121.01, SUBSECTION B.

20 B. The director of the department of transportation and the secretary
21 of state shall consult at least every two years regarding voter registration
22 at ~~driver's~~ DRIVER license offices. The director of the department of
23 transportation and the secretary of state shall, after consultation with all
24 county recorders, adopt rules to implement a system permitting ~~driver's~~
25 DRIVER license applicants to register to vote at the same time and place as
26 they apply for ~~driver's~~ DRIVER licenses. Such rules shall:

27 1. Bring the license application and voter registration application
28 forms into substantial conformity.

29 2. Permit the transfer of ~~driver's~~ DRIVER license application
30 APPLICATIONS, including renewal and change of address, and voter registration
31 information from the department of transportation to the voter registration
32 rolls.

33 3. Respect all rules and statutes of this state concerning the
34 confidentiality of ~~driver's~~ DRIVER license application information.

35 4. Provide for the manual or electronic generation and transmittal of
36 voter registrations and provide for electronic generation of changes in voter
37 registration information, including address, in conformity with the
38 confidentiality requirements of the national voter registration act of 1993
39 (P.L. 103-31; 107 Stat. 77; 42 United States Code section 394).

40 C. The department of transportation shall provide to applicants a
41 statement that provides each eligibility requirement for voting, including
42 citizenship, an attestation that the applicant meets each requirement, for
43 the signature of the applicant under penalty of perjury and, in print that is
44 identical to that used in the attestation, the following:

1 1. A description of the penalties provided by law for the submission
2 of a false voter registration application.

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

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

9 D. The department of transportation shall return or mail completed
10 registrations to the county recorder of the county in which the applicant
11 resides within five days after receipt of a completed registration.

12 Sec. 2. Section 16-125, Arizona Revised Statutes, is amended to read:
13 16-125. Change of residence to different county during

14 twenty-nine day period preceding election

15 A registered elector who ~~removes~~ MOVES from one ~~precinct~~ COUNTY to
16 another COUNTY during the twenty-nine day period preceding either a primary,
17 general or runoff election is deemed to be a resident and registered elector
18 of the ~~precinct~~ COUNTY from which he THE ELECTOR ~~removed~~ MOVED until the day
19 after the primary, general or runoff election, whichever applies.

20 Sec. 3. Section 16-152, Arizona Revised Statutes, as amended by 2004
21 Proposition 200, section 3, is amended to read:

22 16-152. Registration form

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

24 1. The date the registrant signed the form.

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

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

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

34 5. THE REGISTRANT'S party preference.

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

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

37 8. THE REGISTRANT'S date of birth.

38 9. THE REGISTRANT'S occupation.

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

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

41 12. ONE OF THE FOLLOWING IDENTIFIERS FOR EACH REGISTRANT:

42 (a) THE ARIZONA DRIVER LICENSE NUMBER OF THE REGISTRANT OR
43 NONOPERATING IDENTIFICATION LICENSE NUMBER OF THE REGISTRANT THAT IS ISSUED
44 PURSUANT TO SECTION 28-3165.

1 (b) IF THE REGISTRANT DOES NOT HAVE AN ARIZONA DRIVER LICENSE OR
2 NONOPERATING IDENTIFICATION LICENSE, the last four digits of the registrant's
3 social security number (~~optional to registrant~~).

4 (c) IF THE REGISTRANT DOES NOT HAVE AN ARIZONA DRIVER LICENSE OR
5 NONOPERATING IDENTIFICATION LICENSE OR A SOCIAL SECURITY NUMBER AND THE
6 REGISTRANT ATTESTS TO THAT, A UNIQUE IDENTIFYING NUMBER CONSISTING OF THE
7 REGISTRANT'S UNIQUE IDENTIFICATION NUMBER TO BE ASSIGNED BY THE SECRETARY OF
8 STATE IN THE STATEWIDE ELECTRONIC VOTER REGISTRATION DATABASE.

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

12 14. ~~A statement that~~ THE QUESTION TO the registrant is "ARE YOU a
13 citizen of the United States OF AMERICA?", APPROPRIATE BOXES FOR THE
14 REGISTRANT TO CHECK "YES" OR "NO" AND A STATEMENT INSTRUCTING THE REGISTRANT
15 NOT TO COMPLETE THE FORM IF THE REGISTRANT CHECKED "NO".

16 15. ~~A statement that~~ THE QUESTION TO the registrant "Will YOU be
17 eighteen years of age on or before ~~the date of the next general~~ election
18 DAY?", APPROPRIATE BOXES FOR THE REGISTRANT TO CHECK "YES" OR "NO" AND A
19 STATEMENT INSTRUCTING THE REGISTRANT NOT TO COMPLETE THE FORM IF THE
20 REGISTRANT CHECKED "NO".

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

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

25 18. A statement that executing a false registration is a class 6
26 felony.

27 19. The signature of the registrant.

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

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

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

36 23. A statement that the applicant shall submit evidence of United
37 States citizenship with the application and that the registrar shall reject
38 the application if no evidence of citizenship is attached.

39 B. A duplicate voter receipt shall be provided with the form that
40 provides space for the name, street address and city of residence of the
41 applicant, party preference and the date of signing. The voter receipt is
42 evidence of valid registration for the purpose of casting a PROVISIONAL
43 ballot ~~to be verified~~ as prescribed in section 16-584, subsection B.

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

1 D. The county recorder may establish procedures to verify whether a
2 registrant has successfully petitioned the court for an injunction against
3 harassment pursuant to section 12-1809 or an order of protection pursuant to
4 section 13-3602 and, if verified, to protect the registrant's residence
5 address, telephone number or voting precinct number, if appropriate, from
6 public disclosure.

7 E. SUBSECTION A OF THIS SECTION DOES NOT APPLY TO REGISTRATIONS
8 RECEIVED FROM THE DEPARTMENT OF TRANSPORTATION PURSUANT TO SECTION 16-112.

9 Sec. 4. Repeal

10 Section 16-152, Arizona Revised Statutes, as amended by Laws 2004,
11 chapter 184, section 2, is repealed.

12 Sec. 5. Section 16-168, Arizona Revised Statutes, is amended to read:

13 16-168. Precinct registers; date of preparation; contents;
14 copies; reports; statewide database; violation;
15 classification

16 A. By the tenth day preceding the primary and general elections the
17 county recorder shall prepare from the original registration forms or from
18 electronic media at least four lists that are printed or typed on paper of
19 all qualified electors in each precinct in the county, and the lists shall be
20 the official precinct registers.

21 B. The official precinct registers for use at the polling place shall
22 contain at least the names in full, party preference, date of registration
23 and residence address of each qualified elector in the respective
24 precincts. The names shall be in alphabetical order and, in a column to the
25 left of the names, shall be numbered consecutively beginning with number 1 in
26 each precinct register.

27 C. For the purposes of transmitting voter registration information as
28 prescribed by this subsection, ~~computer generated disks or computer software~~
29 ~~with at least six hundred forty megabytes of storage~~ ELECTRONIC MEDIA in
30 counties with a population over five hundred thousand in the last decennial
31 census shall be the principal media. A county or state chairman who is
32 eligible to receive copies of precinct lists as prescribed by this subsection
33 may request that the recorder provide a paper copy of the precinct
34 lists. The county recorder, in addition to preparing the official precinct
35 lists, shall provide a means for mechanically or electronically reproducing
36 the precinct lists and unless otherwise agreed shall deliver within eight
37 days after the close of registration for the primary and general elections,
38 without charge, on the same day one electronic media copy of each precinct
39 list within the county to the county chairman and one electronic media copy
40 to the state chairman of each party that has at least four candidates other
41 than presidential electors appearing upon the ballot in that county at the
42 current election. The county recorder shall also deliver, upon request and
43 without charge, one electronic media copy of the precinct list to the Arizona
44 legislative council. The county recorder of a county with a population of
45 ~~fewer than four~~ FIVE hundred thousand OR FEWER persons, on the same day

1 precinct lists are delivered to county chairmen, shall deliver one electronic
2 media copy of each precinct list within the county to the state chairman of
3 each party that has at least four candidates other than presidential electors
4 appearing on the ballot in this state at the current election. The copies of
5 the precinct lists shall be ~~on magnetic computer disks or computer software~~
6 ~~with at least six hundred forty megabytes of storage~~ ELECTRONIC MEDIA which
7 shall include for each elector the following information:

- 8 1. Name in full and appropriate title.
- 9 2. Party preference.
- 10 3. Date of registration.
- 11 4. Residence address.
- 12 5. Mailing address, if different from residence address.
- 13 6. Zip code.
- 14 7. Telephone number if given.
- 15 8. Birth year.
- 16 9. Occupation if given.
- 17 10. Primary election and general election voting history for the prior
18 four years and any other information regarding registered voters which the
19 county recorder or city or town clerk maintains ~~on magnetic computer disks or~~
20 ~~computer software~~ ELECTRONICALLY and which is public information.

21 D. The names on the precinct lists shall be in alphabetical order and
22 the precinct lists in their entirety, unless otherwise agreed, shall be
23 delivered to each county chairman and each state chairman at least quarterly
24 and within ten business days of the close of each quarter in the same format
25 and media as prescribed by subsection C of this section.

26 E. Precinct registers and other lists and information derived from
27 registration forms may be used only for purposes relating to a political or
28 political party activity, a political campaign or an election, for revising
29 election district boundaries or for any other purpose specifically authorized
30 by law and may not be used for a commercial purpose as defined in section
31 39-121.03. The sale of registers, lists and information derived from
32 registration forms to a candidate or a registered political committee for a
33 use specifically authorized by this subsection does not constitute use for a
34 commercial purpose. The county recorder, on a request for an authorized use
35 and within thirty days from receipt of the request, shall prepare additional
36 copies of an official precinct list and furnish them to any person requesting
37 them on payment of a fee equal to five cents for each name appearing on the
38 register for a printed list and ten cents for each name for an electronic
39 data medium, plus the cost of the blank computer disk or computer software if
40 furnished by the recorder, for each copy so furnished.

41 F. Any person in possession of a precinct register or list, in whole
42 or part, or any reproduction of a precinct register or list, shall not permit
43 the register or list to be used, bought, sold or otherwise transferred for
44 any purpose except for uses otherwise authorized by this section. A person in
45 possession of information derived from voter registration forms or precinct

1 registers shall not distribute, post or otherwise provide access to any
2 portion of that information through the internet except as authorized by
3 subsection J of this section. Nothing in this section shall preclude public
4 inspection of voter registration records at the office of the county recorder
5 for the purposes prescribed by this section, except that the month and day of
6 birth date, the social security number or any portion thereof, the driver
7 license number or nonoperating identification license number, the unique
8 identifying number prescribed by this section, the Indian census number, the
9 father's name or mother's maiden name, the state or country of birth and the
10 records containing a voter's signature shall not be accessible or reproduced
11 by any person other than the voter, by an authorized government official in
12 the scope of the official's duties, for signature verification on petitions
13 and candidate filings, for election purposes and for news gathering purposes
14 by a person engaged in newspaper, radio, television or reportorial work, or
15 connected with or employed by a newspaper, radio or television station or
16 pursuant to a court order. A person who violates this subsection or
17 subsection E of this section is guilty of a class 6 felony.

18 G. The county recorder shall count the registered voters by political
19 party by precinct, legislative district and congressional district as
20 follows:

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

23 (a) January 1.

24 (b) March 1.

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

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

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

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

33 (a) January 1.

34 (b) April 1.

35 (c) July 1.

36 (d) October 1.

37 H. The county recorder shall report the totals to the secretary of
38 state as soon as is practicable following each of the dates prescribed in
39 subsection G of this section. The report shall include completed
40 registration forms returned in accordance with section 16-134, subsection

41 B. The county recorder shall also provide the report in a uniform electronic
42 computer media format that shall be agreed upon between the secretary of
43 state and all county recorders. The secretary of state shall then prepare a
44 summary report for the state and shall maintain that report as a permanent
45 record.

1 I. The county recorder and the secretary of state shall protect access
2 to voter registration information in an auditable format and method specified
3 in the secretary of state's electronic voting system instructions and
4 procedures manual that is adopted pursuant to section 16-452.

5 J. The secretary of state shall develop and administer a statewide
6 database of voter registration information that contains the name and
7 registration information of every registered voter in this state. The
8 database shall include an identifier that is unique for each individual
9 voter. The database shall provide for access by voter registration officials
10 and shall allow expedited entry of voter registration information after it is
11 received by county recorders. As a part of the statewide voter registration
12 database, county recorders shall provide for the electronic transmittal of
13 that information to the secretary of state on a daily basis. The secretary
14 of state shall provide for maintenance of the database, including provisions
15 regarding removal of ineligible voters that are consistent with the national
16 voter registration act of 1993 (42 United States Code section 394) and the
17 help America vote act of 2002 (P.L. 107-252), provisions regarding removal of
18 duplicate registrations and provisions to ensure that eligible voters are not
19 removed in error.

20 K. For requests for the use of registration forms and access to
21 information as provided in subsections E and F of this section, the county
22 recorder shall receive and respond to requests regarding federal, state and
23 county elections.

24 Sec. 6. Section 16-312, Arizona Revised Statutes, is amended to read:
25 16-312. Filing of nomination papers for write-in candidates

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

31 B. A write-in candidate shall file the nomination paper no later than
32 5:00 p.m. on the fortieth day prior to the election, except that a candidate
33 running as a write-in candidate as provided in section 16-343, subsection D,
34 shall file the nomination paper no later than 5:00 p.m. on the fifth day
35 before the election. The write-in filing procedure shall be in the same
36 manner as prescribed in section 16-311. Any person who does not file a
37 timely nomination paper shall not be counted in the tally of ballots. The
38 filing officer shall not accept the nomination paper of a candidate for state
39 or local office unless the candidate provides or has provided both of the
40 following:

41 1. A political committee statement of organization or the five hundred
42 dollar threshold exemption statement for that office.

43 2. The financial disclosure statement as prescribed for candidates for
44 that office.

1 C. The secretary of state shall notify the various boards of
2 supervisors as to write-in candidates filing with the secretary of state's
3 office. The county school superintendent shall notify the appropriate board
4 of supervisors as to write-in candidates filing with the superintendent's
5 office. The board of supervisors shall notify the appropriate election board
6 inspector of all candidates who have properly filed such statements. In the
7 case of a city or town election, the city or town clerk shall notify the
8 appropriate election board inspector of candidates properly filed. No other
9 write-ins shall be counted. The election board inspector shall post the
10 notice of official write-in candidates in a conspicuous location within the
11 polling place.

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

14 1. For a candidate in the general election, the candidate ran in the
15 immediately preceding primary election and failed to be nominated to the
16 office sought in the current election.

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

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

25 4. FOR A CANDIDATE IN THE GENERAL ELECTION, THE CANDIDATE FILED A
26 NOMINATION PETITION FOR NOMINATION OTHER THAN BY PRIMARY FOR THE OFFICE
27 SOUGHT AND FAILED TO PROVIDE A SUFFICIENT NUMBER OF VALID PETITION SIGNATURES
28 AS PRESCRIBED BY SECTION 16-341.

29 E. A person who files a nomination paper pursuant to this section for
30 the office of president of the United States shall designate in writing to
31 the secretary of state at the time of filing the name of the candidate's
32 vice-presidential running mate, the names of presidential electors who will
33 represent that candidate and a statement signed by the vice-presidential
34 running mate and designated presidential electors that indicates their
35 consent to be designated. A nomination paper for each presidential elector
36 designated shall be filed with the candidate's nomination paper. The number
37 of presidential electors shall equal the number of United States senators and
38 representatives in Congress from this state.

39 Sec. 7. Section 16-321, Arizona Revised Statutes, is amended to read:
40 16-321. Signing and certification of nomination petition

41 A. Each signer of a nomination petition shall sign only one petition
42 for the same office unless more than one candidate is to be elected to such
43 office, and in that case not more than the number of nomination petitions
44 equal to the number of candidates to be elected to the office. A signature

1 shall not be counted on a nomination petition unless the signature is upon a
2 sheet bearing the form prescribed by section 16-314.

3 B. FOR THE PURPOSES OF PETITIONS FILED PURSUANT TO SECTIONS 16-312,
4 16-313, 16-314 AND 16-341, EACH SIGNER OF A NOMINATION PETITION SHALL BE A
5 VOTER WHO AT THE TIME OF SIGNING IS A REGISTERED VOTER IN THE ELECTORAL
6 DISTRICT OF THE OFFICE THE CANDIDATE IS SEEKING.

7 ~~B.~~ C. If an elector signs more nomination petitions than permitted by
8 subsection A of this section, the earlier signatures of the elector are
9 deemed valid, as determined by the date of the signature as shown on the
10 petitions. If the signatures by the elector are dated on the same day, all
11 signatures by that elector on that day are deemed invalid. Any signature by
12 that elector on a nomination petition on or after the date of the last
13 otherwise valid signature is deemed invalid and shall not be counted.

14 ~~C.~~ D. The person before whom the signatures were written on the
15 signature sheet shall be qualified to register to vote in this state pursuant
16 to section 16-101 and shall verify that each of the names on the petition was
17 signed in his presence on the date indicated, and that in his belief each
18 signer was a qualified elector who resides at the address given as the
19 signer's residence on the date indicated and, if for a partisan election,
20 that each signer is a member of the party the nomination of which the
21 candidate whose name appears on the nomination petition is seeking. The way
22 the name appears on the petition shall be the name used in determining the
23 validity of the name for any legal purpose pursuant to the election laws of
24 this state. Signature and handwriting comparisons may be made.

25 Sec. 8. Section 16-341, Arizona Revised Statutes, is amended to read:

26 16-341. Nomination petition; method and time of filing; form;
27 qualifications and number of petitioners required

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

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

39 C. A nomination petition stating the name of the office to be filled,
40 the name and residence of the candidate and other information required by
41 this section shall be filed at the same time and with the same officer with
42 whom primary nomination papers and petitions are required to be filed as
43 prescribed in section 16-311. The petition shall be signed only by voters
44 who have not signed the nomination petitions of a candidate for the office to
45 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 THE NUMBER OF PERSONS WHO
20 ARE REGISTERED TO VOTE DETERMINED BY CALCULATING three per cent of the
21 ~~qualified electors~~ PERSONS WHO ARE REGISTERED TO VOTE of the state, county,
22 subdivision or district for which the candidate is nominated who are not
23 members of a political party that is qualified to be represented by an
24 official party ballot at the next ensuing primary election and accorded
25 representation on the general election ballot.

26 F. The percentage of ~~qualified electors~~ PERSONS WHO ARE REGISTERED TO
27 VOTE necessary to sign the nomination petition shall be determined by the
28 total number of registered voters from other than political parties that are
29 qualified to be represented by an official party ballot at the next ensuing
30 primary election and accorded representation on the general election ballot
31 in the state, county, subdivision or district ~~at the last general election~~ ON
32 MARCH 1 OF THE YEAR IN WHICH THE GENERAL ELECTION IS HELD. NOTWITHSTANDING
33 THE METHOD PRESCRIBED BY SUBSECTION E OF THIS SECTION AND THIS SUBSECTION FOR
34 CALCULATING THE MINIMUM NUMBER OF SIGNATURES NECESSARY, ANY PERSON WHO IS
35 REGISTERED TO VOTE IN THE STATE, COUNTY, SUBDIVISION OR DISTRICT FOR WHICH
36 THE CANDIDATE IS NOMINATED IS ELIGIBLE TO SIGN THE NOMINATION PETITION
37 WITHOUT REGARD TO THE SIGNER'S PARTY AFFILIATION.

38 G. For the purposes of this section, a nomination petition for the
39 office of presidential elector shall include a group of names of candidates
40 equal to the number of United States senators and representatives in Congress
41 from this state instead of separate nomination petitions for each candidate
42 for the office of presidential elector. A valid signature on a petition
43 containing a group of presidential electors candidates is counted as a
44 signature for the nomination of each of the candidates. The presidential
45 candidate whom the candidates for presidential elector will represent shall

1 designate in writing to the secretary of state the names of the candidates
2 who will represent the presidential candidate before any signatures for the
3 candidate can be accepted for filing.

4 H. A person who files a nomination paper pursuant to this section for
5 the office of president of the United States shall designate in writing to
6 the secretary of state at the time of filing the name of the candidate's
7 vice-presidential running mate, the names of the presidential electors who
8 will represent that candidate and a statement that is signed by the
9 vice-presidential running mate and the designated presidential electors and
10 that indicates their consent to be designated. A nomination paper for each
11 presidential elector designated shall be filed with the candidate's
12 nomination paper. The number of presidential electors shall equal the number
13 of United States senators and representatives in Congress from this state.

14 I. A candidate who does not file a timely nomination petition that
15 complies with this section is not eligible to have the candidate's name
16 printed on the official ballot for that office. The filing officer shall not
17 accept the nomination paper of a candidate for state or local office unless
18 the candidate provides or has provided all of the following:

19 1. The nomination petition required by this title.

20 2. A political committee statement of organization or the five hundred
21 dollar threshold exemption statement for that office.

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

24 Sec. 9. Section 16-902.01, Arizona Revised Statutes, is amended to
25 read:

26 16-902.01. Registration of political committees; contents;
27 amendment

28 A. Each political committee that intends to accept contributions or
29 make expenditures of more than five hundred dollars shall file a statement of
30 organization with the filing officer before accepting contributions, making
31 expenditures, distributing any campaign literature or circulating
32 petitions. Each political committee that intends to accept contributions or
33 make expenditures of five hundred dollars or less shall file a signed
34 exemption statement IN A FORM PRESCRIBED BY THE FILING OFFICER that states
35 that intention before making any expenditures, accepting any contributions,
36 distributing any campaign literature or circulating petitions. If a
37 political committee that has filed a five hundred dollar THRESHOLD exemption
38 statement receives contributions or makes expenditures of more than five
39 hundred dollars, that political committee shall file a statement of
40 organization with the filing officer within five business days after
41 exceeding the five hundred dollar limit.

42 B. The statement of organization of a political committee shall
43 include all of the following:

- 1 1. The name, address and type of committee.
- 2 2. The name, address, relationship and type of any sponsoring
3 organization.
- 4 3. The names, addresses, telephone numbers, occupations and employers
5 of the chairman and treasurer of the committee.
- 6 4. In the case of a candidate's campaign committee, the name, address,
7 office sought and party affiliation of the candidate.
- 8 5. A listing of all banks, safety deposit boxes or other depositories
9 used by the committee.
- 10 C. Except as prescribed by subsection E ~~of this section~~, on the filing
11 of a statement of organization, a political committee shall be issued an
12 identification number.
- 13 D. The political committee shall file an amended statement of
14 organization reporting any change in the information prescribed in subsection
15 B ~~of this section~~ within five business days after the change.
- 16 E. A standing political committee shall file a statement of
17 organization with the secretary of state and in each jurisdiction in which
18 the committee is active, and only the secretary of state shall issue an
19 identification number for the committee. The statement of organization shall
20 include a statement with the notarized signature of the chairman or treasurer
21 of the standing political committee that declares the committee's status as a
22 standing political committee. The secretary of state may charge an annual
23 fee for the filing.
- 24 F. For a political committee that makes expenditures in an attempt to
25 influence the results of a ballot proposition election, the statement of
26 organization shall include in the name of the political committee, ~~the~~
27 ~~official serial number for the petition and~~ a statement as to whether the
28 political committee supports or opposes the passage of the ballot measure.
29 WITHIN FIVE DAYS AFTER RECEIPT OF AN OFFICIAL SERIAL NUMBER FOR THE PETITION,
30 THE POLITICAL COMMITTEE SHALL FILE AN AMENDED STATEMENT OF ORGANIZATION THAT
31 CONTAINS THE OFFICIAL SERIAL NUMBER FOR THE PETITION.
- 32 Sec. 10. Section 16-916, Arizona Revised Statutes, is amended to read:
33 16-916. Filing statements of contributions and expenditures;
34 public inspection
- 35 A. Except as provided in subsection B of this section, the statements,
36 designations and reports required to be filed pursuant to this article shall
37 be filed as follows:
- 38 1. In the office of the secretary of state for political committees
39 supporting or opposing the recall of a public officer elected statewide or to
40 the legislature, supporting the circulation of petitions for ballot measures,
41 questions and propositions appearing on a state general election ballot or
42 recall of public officials elected statewide or to the legislature or
43 supporting or opposing candidates for state offices and members of the
44 legislature, for justices of the supreme court, for judges of the court of

1 appeals and for a statewide initiative or referendum or any measure or
2 proposition appearing on a state general election ballot.

3 2. With the county officer in charge of elections for political
4 committees supporting or opposing the recall of public officers elected to
5 county offices, school district governing boards, community college district
6 governing boards or judges of the superior court, supporting the circulation
7 of petitions for ballot measures, questions and propositions appearing on a
8 county election ballot or for the recall of a public officer elected to
9 county offices, school district governing boards, community college district
10 governing boards or judges of the superior court or supporting or opposing
11 candidates for county offices, school district governing board members or
12 ballot questions, community college district governing board members or
13 ballot questions, judges of the superior court seeking retention, special
14 taxing districts and a county initiative or referendum or any measure or
15 proposition appearing on a county election ballot.

16 3. With the city or town clerk for political committees supporting or
17 opposing the recall of public officers elected to city or town offices,
18 supporting the circulation of petitions for ballot measures, questions and
19 propositions appearing on a city or town election ballot or recall of public
20 officers elected for city or town offices or supporting or opposing
21 candidates for city or town offices and for a city or town initiative or
22 referendum or any measure or proposition appearing on a city or town election
23 ballot.

24 B. An original and one copy of the reports required pursuant to
25 section 16-913 for the office of member of the legislature shall be filed
26 with either the officer in charge of elections of the county of the
27 candidate's residence or with the secretary of state. If the candidate files
28 with the officer in charge of elections, the officer shall transmit the copy
29 to the secretary of state within five days, excluding Saturdays, Sundays and
30 other legal holidays. If the candidate files with the secretary of state,
31 the secretary of state shall transmit the copy to the officer in charge of
32 elections of the county of the candidate's residence within five days,
33 excluding Saturdays, Sundays and other legal holidays. THE SECRETARY OF
34 STATE MAY PROVIDE THROUGH THE PROCEDURES MANUAL ADOPTED PURSUANT TO SECTION
35 16-452 FOR AN ALTERNATIVE METHOD FOR PROVIDING PUBLIC ACCESS TO THE REPORTS
36 PRESCRIBED BY THIS SECTION.

37 C. For all statements, designations and reports, the date of filing is
38 the date of actual receipt by the officer with whom the document is required
39 to be filed unless EXCEPT AS FOLLOWS:

40 1. FOR DOCUMENTS filed by certified mail. ~~For filings made by~~
41 ~~certified mail~~ with a United States mail postmark, the date of mailing
42 constitutes the date of filing.

43 2. FOR DOCUMENTS FILED BY COMMERCIAL DELIVERY SERVICES THAT PROVIDE A
44 STANDARDIZED DELIVERY CONFIRMATION PROCESS, THE DATE OF DELIVERY CONFIRMATION
45 CONSTITUTES THE DATE OF FILING.

1 3. FOR DOCUMENTS FILED BY COMMERCIAL DELIVERY SERVICES THAT PROVIDE
2 FOR ELECTRONIC TRACKING OF SPECIFIC DELIVERY PACKAGES, THE DATE OF ELECTRONIC
3 CONFIRMATION OF DELIVERY CONSTITUTES THE DATE OF FILING.

4 D. If the date for filing any statement, designation or report
5 required by this article is a Saturday, a Sunday or another legal holiday,
6 the filing deadline is the next day that is not a Saturday, a Sunday or
7 another legal holiday.

8 Sec. 11. Section 16-916.01, Arizona Revised Statutes, is amended to
9 read:

10 16-916.01. Electronic filing; statements of contributions and
11 expenditures

12 A. Statements, designations and reports that are filed pursuant to
13 this article in the office of the secretary of state in electronic format
14 shall be filed using computer software that is provided or approved by the
15 secretary of state. The secretary of state shall provide computer software
16 to accommodate electronic filings and shall implement and maintain a system
17 for the electronic collection, filing and dissemination of materials filed
18 pursuant to section 16-916, subsection A, paragraph 1. A county officer in
19 charge of elections may implement an electronic filing system for statements,
20 designations and reports that are required by this article to be filed with
21 the county officer in charge of elections. Subsections B through ~~E~~ F of
22 this section apply to an electronic filing program operated by a county.

23 B. If the filings are complete and correct, any statements,
24 designations or reports that are filed in the secretary of state's electronic
25 filing format are deemed to comply with:

26 1. The filing requirements of this chapter.

27 2. The requirement that a filing be made under oath or be submitted
28 with a written signature.

29 C. A statement, designation or report that is filed in electronic
30 format is deemed to be filed under penalty of perjury if the printed format
31 version of that document is required to be filed under penalty of perjury.

32 D. A person or political committee that submits any statement,
33 designation or report pursuant to this chapter that is not properly formatted
34 or that does not contain the information prescribed by this chapter has not
35 complied with the reporting requirements of this chapter and is subject to
36 penalties and enforcement as otherwise provided by law.

37 E. During the implementation of an electronic filing system, ~~the~~
38 ~~secretary of state~~ and the county officer in charge of elections may require
39 that statements, designations or reports be filed with an additional written
40 or printed copy.

41 F. FOR AN ELECTRONIC FILING SYSTEM IMPLEMENTED BY THE SECRETARY OF
42 STATE OR OTHER FILING OFFICER, THE FILING OFFICER SHALL DESIGNATE ONE OR MORE
43 APPROVED TRANSMITTAL FORMATS AND METHODS.

1 Sec. 12. Section 16-1017, Arizona Revised Statutes, is amended to
2 read:

3 16-1017. Unlawful acts by voters with respect to voting;
4 classification

5 A voter who knowingly commits any of the following acts is guilty of a
6 class 2 misdemeanor:

7 1. Makes a false statement as to his THE VOTER'S inability to mark his
8 A ballot.

9 2. Interferes with a voter within the seventy-five foot limit of the
10 polling place as posted by the election marshal or within seventy-five feet
11 of the main outside entrance to an on-site early voting location established
12 by a county recorder pursuant to section 16-542, subsection A.

13 3. Endeavors while within the seventy-five foot limit for a polling
14 place or on-site early voting location to induce a voter to vote for or
15 against a particular candidate or issue.

16 4. Prior to the close of an election defaces or destroys a sample
17 ballot posted by election officers, or defaces, tears down, removes or
18 destroys a card of instructions posted for the instruction of voters.

19 5. Removes or destroys supplies or conveniences furnished to enable a
20 voter to prepare the voter's ballot.

21 6. Hinders the voting of others.

22 7. Votes in a preeinct COUNTY in which the voter no longer resides,
23 except as provided in section 16-125.

APPROVED BY THE GOVERNOR APRIL 18, 2005.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 18, 2005.

Passed the House April 12, 20 05,

by the following vote: 48 Ayes,

10 Nays, 2 Not Voting

Speaker of the House
Pro Tempore

Chief Clerk of the House

Passed the Senate March 2, 20 05,

by the following vote: 30 Ayes,

0 Nays, 0 Not Voting

President of the Senate

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

13th day of April, 20 05

at 12:46 o'clock P. M.

Secretary to the Governor

Approved this 18 day of

April, 2005,

at 1:50 o'clock P. M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 18 day of April, 2005,

at 4:42 o'clock P. M.

Secretary of State

S.B. 1218