

House Engrossed

FILED

**JANICE K. BREWER
SECRETARY OF STATE**

State of Arizona
House of Representatives
Forty-eighth Legislature
First Regular Session
2007

CHAPTER 105

HOUSE BILL 2440

AN ACT

AMENDING SECTIONS 48-3041 AND 48-3043, ARIZONA REVISED STATUTES; RELATING TO IRRIGATION DISTRICT ELECTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 48-3041, Arizona Revised Statutes, is amended to
3 read:

4 48-3041. Adoption of acreage system of voting

5 A. Instead of the personal and individual system of district voting as
6 provided by article 4 of this chapter, the bona fide landowners of a district
7 who reside in the state may petition the board of directors of the district
8 to adopt an acreage system of voting within the district. The petition shall
9 be dated and signed personally by bona fide record landowners residing in the
10 state, representing the acreage in the district for which title or evidence
11 of title of record is held by each, and shall be filed with the secretary of
12 the board. If the board of directors determines that not less than fifty-one
13 per cent of the total acreage of the district is represented by the signers
14 of the petition, the board may adopt a resolution changing the manner of
15 voting in the district from an individual and personal ballot system to an
16 acreage system of voting, and thereafter all elections within the district
17 shall be held and conducted on the acreage system provided by this article.

18 B. FOR A DISTRICT IN A COUNTY WITH A POPULATION OF MORE THAN TWO
19 MILLION PERSONS:

20 1. IF MORE THAN FIFTY PER CENT OF THE TOTAL ACREAGE OF THE DISTRICT IS
21 USED FOR OTHER THAN AGRICULTURAL PURPOSES, AS DETERMINED BY THE BOARD OF
22 DIRECTORS, THE BOARD MAY ADOPT BY RESOLUTION AN ACREAGE SYSTEM OF VOTING.
23 THE RESOLUTION SHALL DECLARE THAT BONA FIDE OWNERS OF LAND IN THE DISTRICT,
24 INCLUDING OWNERS OF LAND NOT USED FOR AGRICULTURAL PURPOSES WHO WOULD
25 OTHERWISE QUALIFY AS ELECTORS PURSUANT TO SECTION 48-3043, ARE ENTITLED TO
26 VOTE UNDER THE ACREAGE SYSTEM FOR EACH OFFICE AND ON EACH QUESTION AS
27 PROVIDED BY THIS ARTICLE.

28 2. THE BOARD OF DIRECTORS OF A DISTRICT THAT CURRENTLY OPERATES UNDER
29 THE ACREAGE SYSTEM OF VOTING MAY PROVIDE THAT BONA FIDE OWNERS OF LAND IN THE
30 DISTRICT, INCLUDING OWNERS OF LAND NOT USED FOR AGRICULTURAL PURPOSES WHO
31 WOULD OTHERWISE QUALIFY AS ELECTORS PURSUANT TO SECTION 48-3043, ARE ENTITLED
32 TO VOTE UNDER THE ACREAGE SYSTEM FOR EACH OFFICE AND ON EACH QUESTION AS
33 PROVIDED BY THIS ARTICLE.

34 Sec. 2. Section 48-3043, Arizona Revised Statutes, is amended to read:
35 48-3043. Qualifications of electors

36 A. In the acreage system of voting every bona fide owner of land
37 within the district holding title or evidence of title of record, including
38 entrymen upon public lands under the public land laws of the United States or
39 a certificate of purchase from the state, who has held such title for ninety
40 days and who is a resident of the state, shall be an elector of the district
41 and, UNLESS OTHERWISE PROVIDED BY SUBSECTION E, IS entitled to one vote on
42 each question submitted and to one vote for each office to be filled for each
43 acre of land OWNED in the district ~~owned by him~~, but not ~~exceeding~~ MORE THAN
44 one thousand two hundred eighty votes. When the holder of record title is a
45 married person, only the spouse in whose name the title stands may vote at

1 such election. If record title is held in more than one name, each owner
2 otherwise possessing the qualifications of an elector may vote the number or
3 fractions of acres represented by ~~his~~ THE legal interest or proportionate
4 share of and in the lands.

5 B. The administrator or executor of a deceased person, and the
6 guardian of a minor or an incompetent person, appointed and qualified under
7 the laws of the state, may represent and cast the vote of the person or
8 estate ~~which he represents~~. An officer of a corporation designated and
9 authorized by a resolution of the board of directors of the corporation may
10 represent and cast the vote of the corporation.

11 C. The general partner of a partnership in whose name title to
12 property within the district is vested as a holder of title or evidence of
13 title, who is designated and authorized in writing by all of the general
14 partners, may register and cast the vote of the partnership.

15 D. The trustee of a trust, and the trustee who is designated and
16 authorized in writing by all of the trustees of a trust in which there are
17 more than one trustee, in whose name title to property within the district is
18 vested as a holder of title or evidence of title, may register and cast the
19 vote of the trust.

20 E. FOR A DISTRICT IN A COUNTY WITH A POPULATION OF MORE THAN TWO
21 MILLION PERSONS, UNDER AN ACREAGE SYSTEM OF VOTING THE BOARD OF DIRECTORS MAY
22 DETERMINE BY RESOLUTION THAT EACH QUALIFIED ELECTOR OF THE DISTRICT IS
23 ENTITLED TO THE NUMBER OF VOTES OR FRACTIONAL VOTES EQUAL TO THE NUMBER OF
24 ACRES OR FRACTIONAL ACRES, ROUNDED TO THE NEXT ONE-TENTH ACRE, OWNED BY THAT
25 OWNER, BUT NOT MORE THAN ONE THOUSAND TWO HUNDRED EIGHTY VOTES.

APPROVED BY THE GOVERNOR APRIL 20, 2007.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 20, 2007.

Passed the House February 19, 2007

Passed the Senate April 16, 2007

by the following vote: 55 Ayes,
0 Nays, 5 Not Voting

by the following vote: 24 Ayes,
1 Nays, 5 Not Voting

[Signature]
Speaker of the House

[Signature]
President of the Senate

[Signature]
Chief Clerk of the House

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

16th day of April, 2007

at 4:31 o'clock p. M.

[Signature]
Secretary to the Governor

Approved this 20 day of

April

at 11¹⁰ o'clock A. M.

[Signature]
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 20 day of April, 2007

at 12:09 o'clock p. M.

[Signature]
Secretary of State

H.B. 2440