

House Engrossed Senate Bill

FILED

KEN BENNETT

SECRETARY OF STATE

State of Arizona
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First Regular Session
2009

CHAPTER 114

SENATE BILL 1091

AN ACT

AMENDING SECTIONS 16-168, 16-321, 16-322, 16-341, 16-602, 16-663, 16-905, 16-941, 16-959, 19-111 AND 19-112, ARIZONA REVISED STATUTES; AMENDING TITLE 19, CHAPTER 1, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 19-119.01; AMENDING SECTIONS 19-121.03, 19-122, 19-142, 41-121, 41-121.02, 41-1304.06, 41-1330, 41-1331, 41-1332, 41-1333, 41-1334, 41-1345 AND 41-1353, ARIZONA REVISED STATUTES; RELATING TO THE DUTIES OF 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 16-168, Arizona Revised Statutes, is amended to
3 read:

4 16-168. Precinct registers; date of preparation; contents;
5 copies; reports; statewide database; violation;
6 classification

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

12 B. The official precinct registers for use at the polling place shall
13 contain at least the names in full, party preference, date of registration
14 and residence address of each qualified elector in the respective precincts.
15 The names shall be in alphabetical order and, in a column to the left of the
16 names, shall be numbered consecutively beginning with number 1 in each
17 precinct register.

18 C. For the purposes of transmitting voter registration information as
19 prescribed by this subsection, electronic media in counties with a population
20 over five hundred thousand persons in the last decennial census shall be the
21 principal media. A county or state chairman who is eligible to receive
22 copies of precinct lists as prescribed by this subsection may request that
23 the recorder provide a paper copy of the precinct lists. The county
24 recorder, in addition to preparing the official precinct lists, shall provide
25 a means for mechanically or electronically reproducing the precinct lists and
26 unless otherwise agreed shall deliver within eight days after the close of
27 registration for the primary and general elections, without charge, on the
28 same day one electronic media copy of each precinct list within the county to
29 the county chairman and one electronic media copy to the state chairman of
30 each party that has at least four candidates other than presidential electors
31 appearing on the ballot in that county at the current election. ~~The county~~
32 ~~recorder shall also deliver, on request and without charge, one electronic~~
33 ~~media copy of the precinct list to the Arizona legislative council.~~ The
34 county recorder of a county with a population of five hundred thousand or
35 fewer persons, on the same day precinct lists are delivered to county
36 chairmen, shall deliver one electronic media copy of each precinct list
37 within the county to the state chairman of each party that has at least four
38 candidates other than presidential electors appearing on the ballot in this
39 state at the current election. The copies of the precinct lists shall be
40 electronic media and shall include for each elector the following
41 information:

- 42 1. Name in full and appropriate title.
- 43 2. Party preference.
- 44 3. Date of registration.
- 45 4. Residence address.

- 1 5. Mailing address, if different from residence address.
- 2 6. Zip code.
- 3 7. Telephone number if given.
- 4 8. Birth year.
- 5 9. Occupation if given.
- 6 10. Voting history for all elections in the prior four years and any
- 7 other information regarding registered voters that the county recorder or
- 8 city or town clerk maintains electronically and that is public information.

9 D. The names on the precinct lists shall be in alphabetical order and
10 the precinct lists in their entirety, unless otherwise agreed, shall be
11 delivered to each county chairman and each state chairman within ten business
12 days of the close of each date for counting registered voters prescribed by
13 subsection G of this section other than the primary and general election
14 registered voter counts in the same format and media as prescribed by
15 subsection C of this section. During the thirty-three days immediately
16 preceding an election and on request from a county or state chairman, the
17 county recorder shall provide a daily list of persons who have requested an
18 early ballot and shall provide a weekly listing of persons who have returned
19 their early ballots. The recorder shall provide the daily and weekly
20 information through the third day preceding the election.

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

36 F. Any person in possession of a precinct register or list, in whole
37 or part, or any reproduction of a precinct register or list, shall not permit
38 the register or list to be used, bought, sold or otherwise transferred for
39 any purpose except for uses otherwise authorized by this section. A person
40 in possession of information derived from voter registration forms or
41 precinct registers shall not distribute, post or otherwise provide access to
42 any portion of that information through the internet except as authorized by
43 subsection I of this section. Nothing in this section shall preclude public
44 inspection of voter registration records at the office of the county recorder
45 for the purposes prescribed by this section, except that the month and day of

1 birth date, the social security number or any portion thereof, the driver
2 license number or nonoperating identification license number, the Indian
3 census number, the father's name or mother's maiden name, the state or
4 country of birth and the records containing a voter's signature shall not be
5 accessible or reproduced by any person other than the voter, by an authorized
6 government official in the scope of the official's duties, for signature
7 verification on petitions and candidate filings, for election purposes and
8 for news gathering purposes by a person engaged in newspaper, radio,
9 television or reportorial work, or connected with or employed by a newspaper,
10 radio or television station or pursuant to a court order. A person who
11 violates this subsection or subsection E of this section is guilty of a class
12 6 felony.

13 G. The county recorder shall count the registered voters by political
14 party by precinct, legislative district and congressional district as
15 follows:

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

18 (a) January 1.

19 (b) March 1.

20 (c) June 1.

21 (d) The last day on which a person may register to be eligible to vote
22 in the next primary election.

23 (e) The last day on which a person may register to be eligible to vote
24 in the next general election.

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

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

29 (a) January 1.

30 (b) April 1.

31 (c) July 1.

32 (d) October 1.

33 H. The county recorder shall report the totals to the secretary of
34 state as soon as is practicable following each of the dates prescribed in
35 subsection G of this section. The report shall include completed
36 registration forms returned in accordance with section 16-134, subsection B.
37 The county recorder shall also provide the report in a uniform electronic
38 computer media format that shall be agreed upon between the secretary of
39 state and all county recorders. The secretary of state shall then prepare a
40 summary report for the state and shall maintain that report as a permanent
41 record.

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

1 J. The secretary of state shall develop and administer a statewide
2 database of voter registration information that contains the name and
3 registration information of every registered voter in this state. THE
4 STATEWIDE DATABASE IS A MATTER OF STATEWIDE CONCERN AND IS NOT SUBJECT TO
5 MODIFICATION OR FURTHER REGULATION BY A POLITICAL SUBDIVISION. The database
6 shall include an identifier that is unique for each individual voter. The
7 database shall provide for access by voter registration officials and shall
8 allow expedited entry of voter registration information after it is received
9 by county recorders. As a part of the statewide voter registration database,
10 county recorders shall provide for the electronic transmittal of that
11 information to the secretary of state on a daily REAL TIME basis. The
12 secretary of state shall provide for maintenance of the database, including
13 provisions regarding removal of ineligible voters that are consistent with
14 the national voter registration act of 1993 (P.L. 103-31; 107 Stat. 77; 42
15 United States Code section 394) and the help America vote act of 2002
16 (P.L. 107-252; 116 Stat. 1666; 42 United States Code sections 15301 through
17 15545), provisions regarding removal of duplicate registrations and
18 provisions to ensure that eligible voters are not removed in error. FOR THE
19 PURPOSE OF MAINTAINING COMPLIANCE WITH THE HELP AMERICA VOTE ACT OF 2002,
20 EACH COUNTY VOTER REGISTRATION SYSTEM IS SUBJECT TO APPROVAL BY THE SECRETARY
21 OF STATE FOR COMPATIBILITY WITH THE STATEWIDE VOTER REGISTRATION DATABASE
22 SYSTEM.

23 K. Except as provided in subsection L of this section, for requests
24 for the use of registration forms and access to information as provided in
25 subsections E and F of this section, the county recorder shall receive and
26 respond to requests regarding federal, state and county elections.

27 L. Beginning January 1, 2008, recognized political parties shall
28 request precinct lists and access to information as provided in subsections E
29 and F of this section during the time periods prescribed in subsection C or D
30 of this section and the county recorder shall receive and respond to those
31 requests. If the county recorder does not provide the requested materials
32 within the applicable time prescribed for the county recorder pursuant to
33 subsection C or D of this section, a recognized political party may request
34 that the secretary of state provide precinct lists and access to information
35 as provided in subsections E and F of this section for federal, state and
36 county elections. The secretary of state shall not provide access to
37 precinct lists and information for recognized political parties unless the
38 county recorder has failed or refused to provide the lists and materials as
39 prescribed by this section. The secretary of state may charge the county
40 recorder a fee determined by rule for each name or record produced.

41 M. For municipal registration information in those municipalities in
42 which the county administers the municipal elections, county and state party
43 chairmen shall request and obtain voter registration information and precinct
44 lists from the city or town clerk during the time periods prescribed in
45 subsection C or D of this section. If the city or town clerk does not

1 provide that information within the same time prescribed for county recorders
2 pursuant to subsection C or D of this section, the county or state party
3 chairman may request and obtain the information from the county recorder.
4 The county recorder shall provide the municipal voter registration and
5 precinct lists within the time prescribed in subsection C or D of this
6 section.

7 Sec. 2. Section 16-321, Arizona Revised Statutes, is amended to read:
8 16-321. Signing and certification of nomination petition

9 A. Each signer of a nomination petition shall sign only one petition
10 for the same office unless more than one candidate is to be elected to such
11 office, and in that case not more than the number of nomination petitions
12 equal to the number of candidates to be elected to the office. A signature
13 shall not be counted on a nomination petition unless the signature is upon ON
14 a sheet bearing the form prescribed by section 16-314.

15 B. For the purposes of petitions filed pursuant to sections 16-312,
16 16-313, 16-314 and 16-341, each signer of a nomination petition shall be a
17 voter who at the time of signing is a registered voter in the electoral
18 district of the office the candidate is seeking.

19 C. If an elector signs more nomination petitions than permitted by
20 subsection A of this section, the earlier signatures of the elector are
21 deemed valid, as determined by the date of the signature as shown on the
22 petitions. If the signatures by the elector are dated on the same day, all
23 signatures by that elector on that day are deemed invalid. Any signature by
24 that elector on a nomination petition on or after the date of the last
25 otherwise valid signature is deemed invalid and shall not be counted.

26 D. EXCEPT AS PRESCRIBED IN SECTION 16-341 FOR CIRCULATORS OF PETITIONS
27 FOR CERTAIN CANDIDATES FOR THE OFFICE OF PRESIDENTIAL ELECTOR, the person
28 before whom the signatures were written on the signature sheet shall be
29 qualified to register to vote in this state pursuant to section 16-101 and
30 shall verify that each of the names on the petition was signed in his
31 presence on the date indicated, and that in his belief each signer was a
32 qualified elector who resides at the address given as the signer's residence
33 on the date indicated and, if for a partisan election, that each signer is a
34 member of the party from which the candidate is seeking nomination, or the
35 signer is a member of a political party that is not entitled to continued
36 representation on the ballot pursuant to section 16-804 or the signer is
37 registered as independent or no party preferred. The way the name appears on
38 the petition shall be the name used in determining the validity of the name
39 for any legal purpose pursuant to the election laws of this state. Signature
40 and handwriting comparisons may be made.

41 Sec. 3. Section 16-322, Arizona Revised Statutes, is amended to read:
42 16-322. Number of signatures required on nomination petitions

43 A. Nomination petitions shall be signed:

44 1. If for a candidate for the office of United States senator or for a
45 state office, excepting members of the legislature and superior court judges,

1 by a number of qualified electors who are qualified to vote for the candidate
2 whose nomination petition they are signing equal to at least one-half of one
3 per cent of the voter registration of the party of the candidate in at least
4 three counties in the state, but not less than one-half of one per cent nor
5 more than ten per cent of the total voter registration of ~~his~~ THE CANDIDATE'S
6 party in the state.

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

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

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

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

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

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

44 8. If for a candidate for mayor or other office nominated by a city at
45 large, by a number of qualified electors who are qualified to vote for the

1 candidate whose nomination petition they are signing equal to at least five
2 per cent and not more than ten per cent of the designated party vote in the
3 city, EXCEPT THAT A CITY THAT CHOOSES TO HOLD NONPARTISAN ELECTIONS MAY BY
4 ORDINANCE PROVIDE THAT THE MINIMUM NUMBER OF SIGNATURES REQUIRED FOR THE
5 CANDIDATE BE ONE THOUSAND SIGNATURES OR FIVE PER CENT OF THE VOTE IN THE
6 CITY, WHICHEVER IS LESS, BUT NOT MORE THAN TEN PER CENT OF THE VOTE IN THE
7 CITY.

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

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

17 11. If for a candidate for a governing board of a school district, by a
18 number of qualified electors who are qualified to vote for the candidate
19 whose nomination petition they are signing equal to at least one-half of one
20 per cent of the total voter registration in the school district if the
21 governing board members are elected at large or one per cent of the total
22 voter registration in the single member district if governing board members
23 or joint technological education district board members are elected from
24 single member districts. Notwithstanding the total voter registration in the
25 school district or single member district, the maximum number of signatures
26 required by this paragraph is four hundred.

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

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

1 general election is held shall be the basis for the calculation of total
2 voter registration for school districts.

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

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

18 Sec. 4. Section 16-341, Arizona Revised Statutes, is amended to read:

19 16-341. Nomination petition; method and time of filing; form;
20 qualifications and number of petitioners required

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

25 B. This article shall not be used to place on the general election
26 ballot the name of a political party which fails to meet the qualifications
27 specified in section 16-802 or 16-804, or the name of any candidate
28 representing such party or the name of a candidate who has filed a nomination
29 petition in the immediately preceding primary election and has failed to
30 qualify as the result of an insufficient number of valid signatures.

31 C. A nomination petition stating the name of the office to be filled,
32 the name and residence of the candidate and other information required by
33 this section shall be filed ~~at the same time and~~ with the same officer with
34 whom primary nomination papers and petitions are required to be filed as
35 prescribed in section 16-311. EXCEPT FOR CANDIDATES FOR THE OFFICE OF
36 PRESIDENTIAL ELECTOR FILED PURSUANT TO THIS SECTION, THE PETITION SHALL BE
37 FILED AT THE SAME TIME AS PRIMARY NOMINATION PAPERS AND PETITIONS ARE
38 REQUIRED TO BE FILED AS PRESCRIBED BY SECTION 16-311. The petition shall be
39 signed only by voters who have not signed the nomination petitions of a
40 candidate for the office 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 the number of persons who
20 are registered to vote determined by calculating three per cent of the
21 persons who are registered to vote of the state, county, subdivision or
22 district for which the candidate is nominated who are not members of a
23 political party that is qualified to be represented by an official party
24 ballot at the next ensuing primary election and accorded representation on
25 the general election ballot.

26 F. The percentage of persons who are registered to vote necessary to
27 sign the nomination petition shall be determined by the total number of
28 registered voters from other than political parties that are qualified to be
29 represented by an official party ballot at the next ensuing primary election
30 and accorded representation on the general election ballot in the state,
31 county, subdivision or district on March 1 of the year in which the general
32 election is held. Notwithstanding the method prescribed by subsection E of
33 this section and this subsection for calculating the minimum number of
34 signatures necessary, any person who is registered to vote in the state,
35 county, subdivision or district for which the candidate is nominated is
36 eligible to sign the nomination petition without regard to the signer's party
37 affiliation.

38 G. For the purposes of this section, a nomination petition for the
39 office of presidential elector MAY BE CIRCULATED BY A PERSON WHO IS NOT A
40 RESIDENT OF THIS STATE BUT WHO IS OTHERWISE ELIGIBLE TO REGISTER TO VOTE IN
41 THIS STATE. THE NOMINATION PETITION shall include a group of names of
42 candidates equal to the number of United States senators and representatives
43 in Congress from this state instead of separate nomination petitions for each
44 candidate for the office of presidential elector. A valid signature on a
45 petition containing a group of presidential electors candidates is counted as

1 a signature for the nomination of each of the candidates. The presidential
2 candidate whom the candidates for presidential elector will represent shall
3 designate in writing to the secretary of state the names of the candidates
4 who will represent the presidential candidate before any signatures for the
5 candidate can be accepted for filing. A NOMINATION PETITION FOR THE OFFICE
6 OF PRESIDENTIAL ELECTOR SHALL BE FILED NOT LESS THAN SIXTY NOR MORE THAN
7 NINETY DAYS BEFORE THE GENERAL ELECTION. THE PETITION SHALL BE SIGNED ONLY
8 BY QUALIFIED ELECTORS WHO HAVE NOT SIGNED THE NOMINATION PETITIONS OF A
9 CANDIDATE FOR THE OFFICE OF PRESIDENTIAL ELECTOR TO BE VOTED FOR AT THAT
10 ELECTION.

11 H. THE SECRETARY OF STATE SHALL REQUIRE IN THE INSTRUCTIONS AND
12 PROCEDURES MANUAL ISSUED PURSUANT TO SECTION 16-452 THAT PERSONS WHO
13 CIRCULATE NOMINATION PETITIONS PURSUANT TO THIS SECTION FOR THE OFFICE OF
14 PRESIDENTIAL ELECTOR AND WHO ARE NOT RESIDENTS OF THIS STATE BUT WHO ARE
15 OTHERWISE ELIGIBLE TO REGISTER TO VOTE IN THIS STATE SHALL REGISTER AS
16 CIRCULATORS WITH THE OFFICE OF THE SECRETARY OF STATE BEFORE CIRCULATING
17 PETITIONS. THE SECRETARY OF STATE SHALL PROVIDE FOR A METHOD OF RECEIVING
18 SERVICE OF PROCESS FOR THOSE PETITION CIRCULATORS WHO ARE REGISTERED.

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

29 H. J. A candidate who does not file a timely nomination petition that
30 complies with this section is not eligible to have the candidate's name
31 printed on the official ballot for that office. The filing officer shall not
32 accept the nomination paper of a candidate for state or local office unless
33 the candidate provides or has provided all of the following:

- 34 1. The nomination petition required by this title.
- 35 2. A political committee statement of organization or the five hundred
36 dollar threshold exemption statement for that office.
- 37 3. The financial disclosure statement as prescribed for candidates for
38 that office.

39 Sec. 5. Section 16-602, Arizona Revised Statutes, is amended to read:
40 16-602. Removal of ballots from ballot boxes; designated
41 margin; hand counts; vote count verification
42 committee

43 A. ~~The ballots cast in the election shall first be removed from the~~
44 ~~ballot box and counted without being opened, except as may be necessary to~~
45 ~~ascertain that the number of ballots cast corresponds with the number of~~

1 ~~names on the poll lists.~~ For any primary or general election in which the
2 votes are cast on an electronic voting machine or tabulator, the election
3 judge shall compare the number of votes cast as indicated on the machine or
4 tabulator with the number of votes cast as indicated on the poll list and the
5 number of provisional ballots cast and that information shall be noted in a
6 written report prepared and submitted to the officer in charge of elections
7 along with other tally reports.

8 ~~B. If two or more ballots are found folded together appearing as a~~
9 ~~single ballot, they shall be laid aside until the count of the ballots is~~
10 ~~completed. If it then appears by comparison of the count with the number of~~
11 ~~names on the poll lists that the ballots thus folded together were cast by~~
12 ~~one elector, they shall be destroyed. If the ballots in the box are still~~
13 ~~found to exceed in number the names on the poll lists, the ballots, except~~
14 ~~those destroyed, shall be replaced in the box, and one of the judges, without~~
15 ~~looking in the box, shall draw therefrom, one at a time, and destroy~~
16 ~~unopened, a number of ballots equal to the excess, and the election board~~
17 ~~shall record on the poll lists the number of ballots so destroyed and shall~~
18 ~~then sign the poll list.~~

19 ~~G. B.~~ For each countywide primary, general and presidential
20 preference election, the county officer in charge of the election shall
21 conduct a hand count at the central counting center in the following order:

22 1. At least two per cent of the precincts in that county, or two
23 precincts, whichever is greater, shall be selected at random from a pool
24 consisting of every precinct in that county. The county political party
25 chairman for each political party that is entitled to continued
26 representation on the state ballot or the chairman's designee shall conduct
27 the selection of the precincts to be hand counted. The precincts shall be
28 selected by lot without the use of a computer, and the order of selection by
29 the county political party chairmen shall also be by lot. The selection of
30 the precincts shall not begin until all ballots voted in the precinct polling
31 places have been delivered to the central counting center. The unofficial
32 vote totals from all precincts shall be made public before selecting the
33 precincts to be hand counted. Only the ballots cast in the polling places
34 and ballots from direct recording electronic machines shall be included in
35 the hand counts conducted pursuant to this section. Provisional ballots,
36 conditional provisional ballots and write-in votes shall not be included in
37 the hand counts and the early ballots shall be grouped separately by the
38 officer in charge of elections for purposes of a separate manual audit
39 pursuant to subsection ~~G- F~~ of this section.

40 2. The races to be counted on the ballots from the precincts that were
41 selected pursuant to paragraph 1 of this subsection for each primary and
42 general election shall include up to five contested races. After the county
43 recorder or other officer in charge of elections separates the primary
44 ballots by political party, the races to be counted shall be determined by
45 selecting by lot without the use of a computer from those ballots as follows:

1 (a) For a general election, one statewide ballot measure, unless there
2 are no measures on the ballot.

3 (b) One contested statewide race for statewide office.

4 (c) One contested race for federal office, either United States senate
5 or United States house of representatives. If the United States house of
6 representatives race is selected, the names of the candidates may vary among
7 the sampled precincts.

8 (d) One contested race for state legislative office, either state
9 house of representatives or state senate. In either case, the names of the
10 candidates may vary among the sampled precincts.

11 (e) If there are fewer than four contested races resulting from the
12 selections made pursuant to subdivisions (a) through (d) and if there are
13 additional contested federal, statewide or legislative races or ballot
14 measures, additional contested races shall be selected by lot not using a
15 computer until four races have been selected or until no additional contested
16 federal, statewide or legislative races or ballot measures are available for
17 selection.

18 (f) If there are no contested races as prescribed by this paragraph, a
19 hand count shall not be conducted for that precinct for that election.

20 3. For the presidential preference election, select by lot two per
21 cent of the polling places designated and used pursuant to section 16-248 and
22 perform the hand count of those ballots.

23 4. For the purposes of this section, a write-in candidacy in a race
24 does not constitute a contested race.

25 5. In elections in which there are candidates for president, the
26 presidential race shall be added to the four categories of hand counted
27 races.

28 6. Each county chairman of a political party that is entitled to
29 continued representation on the state ballot or the chairman's designee shall
30 select by lot the individual races to be hand counted pursuant to this
31 section.

32 7. The county chairman of each political party shall designate and
33 provide the number of election board members as designated by the county
34 officer in charge of elections who shall perform the hand count under the
35 supervision of the county officer in charge of elections. For each precinct
36 that is to be audited, the county chairmen shall designate at least two board
37 workers who are registered members of any or no political party to assist
38 with the audit. Any qualified elector from this state may be a board worker
39 without regard to party designation. The county election officer shall
40 provide for compensation for those board workers, not to include travel, meal
41 or lodging expenses. If there are less than two persons for each audited
42 precinct available to participate on behalf of each recognized political
43 party, the recorder or officer in charge of elections, with the approval of
44 at least two county party chairpersons in the county in which the shortfall
45 occurs, shall substitute additional individual electors who are provided by

1 any political party from anywhere in the state without regard to party
2 designation to conduct the hand count. A county party chairman shall approve
3 only those substitute electors who are provided by the county chairman's
4 political party. The political parties shall provide to the recorder or
5 officer in charge of elections in writing the names of those persons
6 intending to participate in the hand count at the audited precincts not later
7 than 5:00 p.m. on the Tuesday preceding the election. If the total number of
8 board workers provided by all parties is less than four times the number of
9 precincts to be audited, the recorder or officer in charge of elections shall
10 notify the parties of the shortage by 9:00 a.m. on the Wednesday preceding
11 the election. The hand count shall not proceed unless the political parties
12 provide the recorder or officer in charge of elections, in writing, a
13 sufficient number of persons by 5:00 p.m. on the Thursday preceding the
14 election and a sufficient number of persons, pursuant to this paragraph,
15 arrive to perform the hand count. The recorder or officer in charge of
16 elections may prohibit persons from participating in the hand count if they
17 are taking actions to disrupt the count or are unable to perform the duties
18 as assigned. For the hand count to proceed, no more than seventy-five per
19 cent of the persons performing the hand count shall be from the same
20 political party.

21 8. If a political party is not represented by a designated chairperson
22 within a county, the state chairperson for that political party, or a person
23 designated by the state chairperson, may perform the actions required by the
24 county chairperson as specified in this section.

25 ~~B.~~ C. If the randomly selected races result in a difference in any
26 race that is less than the designated margin when compared to the electronic
27 tabulation of those same ballots, the results of the electronic tabulation
28 constitute the official count for that race. If the randomly selected races
29 result in a difference in any race that is equal to or greater than the
30 designated margin when compared to the electronic tabulation of those same
31 ballots, a second hand count of those same ballots and races shall be
32 performed. If the second hand count results in a difference in any race that
33 is less than the designated margin when compared to the electronic tabulation
34 for those same ballots, the electronic tabulation constitutes the official
35 count for that race. If the second hand count results in a difference in any
36 race that is equal to or greater than the designated margin when compared to
37 the electronic tabulation for those same ballots, the hand count shall be
38 expanded to include a total of twice the original number of randomly selected
39 precincts. Those additional precincts shall be selected by lot without the
40 use of a computer.

41 ~~C.~~ D. In any expanded count of randomly selected precincts, if the
42 randomly selected precinct hand counts result in a difference in any race
43 that is equal to or greater than the designated margin when compared to the
44 electronic tabulation of those same ballots, the final hand count shall be
45 extended to include the entire jurisdiction for that race. If the

1 jurisdictional boundary for that race would include any portion of more than
2 one county, the final hand count shall not be extended into the precincts of
3 that race that are outside of the county that is conducting the expanded hand
4 count. If the expanded hand count results in a difference in that race that
5 is less than the designated margin when compared to the electronic tabulation
6 of those same ballots, the electronic tabulation constitutes the official
7 count for that race.

8 ~~F.~~ E. If a final hand count is performed for an entire jurisdiction
9 for a race, the final hand count shall be repeated for that race until a hand
10 count for that race for the entire jurisdiction results in a count that is
11 identical to one other hand count for that race for the entire jurisdiction
12 and that hand count constitutes the official count for that race.

13 ~~G.~~ F. After the electronic tabulation of early ballots and at one or
14 more times selected by the chairman of the political parties entitled to
15 continued representation on the ballot or the chairman's designee, the
16 chairmen or the chairmen's designees shall randomly select one or more
17 batches of early ballots that have been tabulated to include at least one
18 batch from each machine used for tabulating early ballots and those ballots
19 shall be securely sequestered by the county recorder or officer in charge of
20 elections along with their unofficial tally reports for a postelection manual
21 audit. The chairmen or the chairmen's designees shall randomly select from
22 those sequestered early ballots a number equal to one per cent of the total
23 number of early ballots cast or five thousand early ballots, whichever is
24 less. From those randomly selected early ballots, the county officer in
25 charge of elections shall conduct a manual audit of the same races that are
26 being hand counted pursuant to subsection ~~C~~ B of this section. If the
27 manual audit of the early ballots results in a difference in any race that is
28 equal to or greater than the designated margin when compared to the
29 electronically tabulated results for those same early ballots, the manual
30 audit shall be repeated for those same early ballots. If the second manual
31 audit results in a difference in that race that is equal to or greater than
32 the designated margin when compared to the electronically tabulated results
33 for those same early ballots, the manual audit shall be expanded only for
34 that race to a number of additional early ballots equal to one per cent of
35 the total early ballots cast or an additional five thousand ballots,
36 whichever is less, to be randomly selected from the batch or batches of
37 sequestered early ballots. If the expanded early ballot manual audit results
38 in a difference for that race that is equal to or greater than the designated
39 margin when compared to any of the earlier manual counts for that race, the
40 manual counts shall be repeated for that race until a manual count results in
41 a difference in that race that is less than the designated margin. If at any
42 point in the manual audit of early ballots the difference between any manual
43 count of early ballots is less than the designated margin when compared to
44 the electronic tabulation of those ballots, the electronic tabulation shall

1 be included in the canvass and no further manual audit of the early ballots
2 shall be conducted.

3 ~~H.~~ G. During any hand count of early ballots, the county officer in
4 charge of elections and election board workers shall attempt to determine the
5 intent of the voter in casting the ballot.

6 ~~I.~~ H. Notwithstanding any other law, the county officer in charge of
7 elections shall retain custody of the ballots for purposes of performing any
8 required hand counts and the officer shall provide for security for those
9 ballots.

10 ~~J.~~ I. The hand counts prescribed by this section shall begin within
11 twenty-four hours after the closing of the polls and shall be completed
12 before the canvassing of the election for that county. The results of those
13 hand counts shall be provided to the secretary of state, who shall make those
14 results publicly available on the secretary of state's web site.

15 ~~K.~~ J. For any county in which a hand count has been expanded to all
16 precincts in the jurisdiction, the secretary of state shall make available
17 the escrowed source code for that county to the superior court. The superior
18 court shall appoint a special master to review the computer software. The
19 special master shall have expertise in software engineering, and shall not be
20 affiliated with an election software vendor nor with a candidate, and shall
21 sign and be bound by a nondisclosure agreement regarding the source code
22 itself, and shall issue a public report to the court and to the secretary of
23 state regarding the special master's findings on the reasons for the
24 discrepancies. The secretary of state shall consider the reports for
25 purposes of reviewing the certification of that equipment and software for
26 use in this state.

27 ~~L.~~ K. The vote count verification committee is established in the
28 office of the secretary of state and all of the following apply:

29 1. At least thirty days before the 2006 primary election, the
30 secretary of state shall appoint seven persons to the committee, no more than
31 three of whom are members of the same political party.

32 2. Members of the committee shall have expertise in any two or more of
33 the areas of advanced mathematics, statistics, random selection methods,
34 systems operations or voting systems.

35 3. A person is not eligible to be a committee member if that person
36 has been affiliated with or received any income in the preceding five years
37 from any person or entity that provides election equipment or services in
38 this state.

39 4. The vote count verification committee shall meet and establish one
40 or more designated margins to be used in reviewing the hand counting of votes
41 as required pursuant to this section. The committee shall review and
42 consider revising the designated margins every two years for use in the
43 applicable elections. The committee shall provide the designated margins to
44 the secretary of state at least ten days before the primary election and at
45 least ten days before the general election, and the secretary of state shall

1 make that information publicly available on the secretary of state's web
2 site.

3 5. Members of the vote count verification committee are not eligible
4 to receive compensation but are eligible for reimbursement of expenses
5 pursuant to title 38, chapter 4, article 2. The committee is a public body
6 and its meetings are subject to title 38, chapter 3, article 3.1 and its
7 reports and records are subject to title 39, chapter 1.

8 Sec. 6. Section 16-663, Arizona Revised Statutes, is amended to read:
9 16-663. Recount of votes; method

10 A. The superior court to which the facts requiring a recount are
11 certified shall forthwith make and enter an order requiring a recount of the
12 votes cast for such office, measure or proposal. The recount shall be
13 conducted in accordance with the laws pertaining to contests of elections.

14 B. When the court orders a recount of votes which were cast and
15 tabulated on electronic voting equipment, such recount shall be pursuant to
16 section 16-664. On completion of the recount, and for legislative, statewide
17 and federal candidate races only, the county chairmen of the political
18 parties entitled to continued representation on the ballot or the chairman's
19 designee shall select at random without the use of a computer five per cent
20 of the precincts for the recounted race for a hand count, and if the results
21 of that hand count when compared to the electronic tabulation of that same
22 race are less than the designated margins calculated pursuant to section
23 16-602, the recount is complete and the electronic tabulation is the official
24 result. If the hand count results in a difference that is equal to or
25 greater than the designated margin for that race, the procedure established
26 in section 16-602, subsections ~~D, E, F~~ C, D, E and ~~G~~ F applies.

27 Sec. 7. Section 16-905, Arizona Revised Statutes, is amended to read:
28 16-905. Contribution limitations; civil penalty; complaint

29 A. For an election other than for a statewide office, a contributor
30 shall not give and an exploratory committee, a candidate or a candidate's
31 campaign committee shall not accept contributions of more than:

32 1. For an election for a legislative office, four hundred eighty-eight
33 dollars from an individual.

34 2. For an election other than for a legislative office, three hundred
35 ninety dollars from an individual.

36 3. For an election for a legislative office, four hundred eighty-eight
37 dollars from a single political committee, excluding a political party, not
38 certified under subsection ~~I~~ G of this section to make contributions at the
39 higher limits prescribed by paragraph 5 of this subsection and subsection B,
40 paragraph 3 of this section.

41 4. For an election other than for a legislative office, three hundred
42 ninety dollars from a single political committee, excluding a political
43 party, not certified under subsection ~~I~~ G of this section to make
44 contributions at the higher limits prescribed by subsection B, paragraph 3 of
45 this section.

1 5. Two thousand dollars from a single political committee, excluding a
2 political party, certified pursuant to subsection ~~F~~ G of this section.

3 B. For an election for a statewide office, a contributor shall not
4 give and an exploratory committee, a candidate or a candidate's committee
5 shall not accept contributions of more than:

6 1. One thousand ten dollars from an individual.

7 2. One thousand ten dollars from a single political committee,
8 excluding a political party, not certified under subsection ~~F~~ G of this
9 section to make contributions at the higher limits prescribed by subsection
10 A, paragraph 5 of this section and paragraph 3 of this subsection.

11 3. Five thousand ten dollars from a single political committee
12 excluding political parties certified pursuant to subsection ~~F~~ G of this
13 section.

14 C. A candidate shall not accept contributions from all political
15 committees, excluding political parties, combined totaling more than:

16 1. For an election for a legislative office, sixteen thousand one
17 hundred fifty dollars.

18 2. For an office other than a legislative office or a statewide
19 office, ten thousand twenty dollars.

20 3. For a statewide office, one hundred thousand one hundred ten
21 dollars.

22 D. A nominee of a political party shall not accept contributions from
23 all political parties or political organizations combined totaling more than
24 ten thousand twenty dollars for an election for an office other than a
25 statewide office, and one hundred thousand one hundred ten dollars for an
26 election for a statewide office.

27 E. An individual shall not make contributions totaling more than five
28 thousand six hundred ten dollars in a calendar year to state and local
29 candidates, political committees contributing to state or local candidates,
30 and political committees advocating the election or defeat of state or local
31 candidates. Contributions to political parties are exempt from the
32 limitations of this subsection.

33 ~~F. The use of a candidate's personal monies is not subject to the~~
34 ~~limitations of this section but affects the application of these limitations~~
35 ~~to the candidate's opponents as follows:~~

36 ~~1. For a candidate for an office other than a statewide office:~~

37 ~~(a) If a candidate contributes or promises amounts of more than~~
38 ~~fifteen thousand six hundred seventy dollars of those personal monies, the~~
39 ~~candidate, within twenty-four hours, excluding Saturdays, Sundays and other~~
40 ~~legal holidays, shall give written notice by certified mail of the amount~~
41 ~~contributed or promised as of the date of the notice to all other candidates~~
42 ~~and the candidates' campaign committees for the same office at the address on~~
43 ~~file with the filing officer and to the filing officer. Other candidates for~~
44 ~~the same office and contributors to those candidates are not subject to the~~
45 ~~limitations of subsections A, C and E of this section after receiving the~~

1 ~~notice until these candidates receive contributions totaling the amount of~~
2 ~~personal monies contributed or promised by the candidate giving this notice.~~

3 ~~(b) For each additional accumulation of contributions or promises of~~
4 ~~that candidate's personal monies that totals at least seven thousand eight~~
5 ~~hundred fifty dollars, the candidate, within twenty four hours, excluding~~
6 ~~Saturdays, Sundays and other legal holidays, shall give written notice by~~
7 ~~certified mail of the amount contributed or promised as of the date of the~~
8 ~~notice. The notice shall be given as prescribed in subdivision (a) of this~~
9 ~~paragraph. Other candidates for the same office and contributors to those~~
10 ~~candidates are not subject to the limitations of subsections A, C and E of~~
11 ~~this section after receiving the notice until these candidates receive~~
12 ~~contributions totaling the amount of personal monies contributed or promised~~
13 ~~by the candidate giving this notice.~~

14 ~~2. For a candidate for a statewide office:~~

15 ~~(a) If a candidate contributes or promises amounts of more than~~
16 ~~thirty one thousand three hundred thirty dollars of those personal monies,~~
17 ~~the candidate, within twenty four hours, excluding Saturdays, Sundays and~~
18 ~~other legal holidays, shall give written notice by certified mail of the~~
19 ~~amount contributed or promised as of the date of the notice to all other~~
20 ~~candidates and the candidates' campaign committees for the same office at the~~
21 ~~address on file with the filing officer and to the secretary of state. Other~~
22 ~~candidates for the same office and contributors to those candidates are not~~
23 ~~subject to the limitations of subsections B, C and E of this section after~~
24 ~~receiving the notice until these candidates receive contributions totaling~~
25 ~~the amount of personal monies contributed or promised by the candidate giving~~
26 ~~this notice.~~

27 ~~(b) For each additional accumulation of contributions or promises of~~
28 ~~that candidate's personal monies that totals at least fifteen thousand six~~
29 ~~hundred seventy dollars, the candidate, within twenty four hours, excluding~~
30 ~~Saturdays, Sundays and other legal holidays, shall give written notice of the~~
31 ~~amount contributed or promised as of the date of the notice. The notice~~
32 ~~shall be given as prescribed in subdivision (a) of this paragraph. Other~~
33 ~~candidates for the same office and contributors to those candidates are not~~
34 ~~subject to the limitations of subsections B, C and E of this section after~~
35 ~~receiving the notice until these candidates receive contributions totaling~~
36 ~~the amount of personal monies contributed or promised by the candidate giving~~
37 ~~this notice.~~

38 ~~3. If any notice prescribed by this subsection is not timely given the~~
39 ~~other candidates are not subject to the limitations of subsections A, B and C~~
40 ~~of this section for an additional five hundred ninety dollars for each day~~
41 ~~the notice was delinquent.~~

42 ~~4. Notwithstanding any other provision of this subsection, the amount~~
43 ~~of contributions that a candidate may receive and that is not subject to the~~
44 ~~limitations of subsections A, B and C of this section shall not be greater~~
45 ~~than the largest amount of personal contributions, plus any additional~~

1 ~~amounts due to delinquent notices, made by any other single candidate for the~~
2 ~~same office.~~

3 ~~G. The use of personal monies by an individual who designates an~~
4 ~~exploratory committee is not subject to the limitations of this section but~~
5 ~~is subject to the following:~~

6 ~~1. If an individual who has designated a committee for other than~~
7 ~~statewide office contributes or promises to the committee an amount of~~
8 ~~personal monies that is more than fifteen thousand six hundred seventy~~
9 ~~dollars, the individual, within twenty four hours excluding Saturdays,~~
10 ~~Sundays and other legal holidays, shall give written notice by certified mail~~
11 ~~of the amount contributed or promised as of the date of the notice to the~~
12 ~~filing officer.~~

13 ~~2. For each additional accumulation of contributions or promises of~~
14 ~~the designating individual's personal monies that totals at least seven~~
15 ~~thousand nine hundred thirty dollars, the individual, within twenty four~~
16 ~~hours, excluding Saturdays, Sundays and other legal holidays, shall give~~
17 ~~written notice by certified mail of the amount contributed or promised as of~~
18 ~~the date of the notice to the filing officer.~~

19 ~~3. If an individual who has designated a committee for statewide~~
20 ~~office contributes or promises to the committee an amount of personal monies~~
21 ~~that is more than thirty one thousand three hundred thirty dollars, the~~
22 ~~individual, within twenty four hours, excluding Saturdays, Sundays and other~~
23 ~~legal holidays, shall give written notice by certified mail of the amount~~
24 ~~contributed or promised as of the date of the notice to the filing officer.~~

25 ~~4. For each additional accumulation of contributions or promises of~~
26 ~~the designating individual's personal monies that totals at least fifteen~~
27 ~~thousand nine hundred fifty dollars, the individual, within twenty four~~
28 ~~hours, excluding Saturdays, Sundays and other legal holidays, shall give~~
29 ~~written notice by certified mail of the amount contributed or promised as of~~
30 ~~the date of the notice to the filing officer.~~

31 ~~H. F. A candidate's campaign committee or an individual's exploratory~~
32 ~~committee shall not make a loan and shall not transfer or contribute money to~~
33 ~~any other campaign or exploratory committee that is designated pursuant to~~
34 ~~this chapter or 2 United States Code section 431 except as follows:~~

35 ~~1. An exploratory committee may transfer monies to a subsequent~~
36 ~~candidate's campaign committee of the individual designating the exploratory~~
37 ~~committee, subject to the limits of subsection B of this section.~~

38 ~~2. A candidate's campaign committee may transfer or contribute monies~~
39 ~~to another campaign committee designated by the same candidate as follows:~~

40 ~~(a) Subject to the contribution limits of this section, transfer or~~
41 ~~contribute monies from one committee to another if both committees have been~~
42 ~~designated for an election in the same year.~~

43 ~~(b) Without application of the contribution limits of this section,~~
44 ~~transfer or contribute monies from one committee to another designated for an~~
45 ~~election in a subsequent year.~~

1 ~~F~~ G. Only political committees that received monies from five
2 hundred or more individuals in amounts of ten dollars or more in the one year
3 period immediately before application to the secretary of state for
4 qualification as a political committee pursuant to this section may make
5 contributions to candidates under subsection A, paragraph 5 of this section
6 and subsection B, paragraph 3 of this section. The secretary of state shall
7 obtain information necessary to make the determination that a committee meets
8 the requirements of this subsection and shall provide written certification
9 of the fact to the committee. A political committee certification is valid
10 for two years. A candidate's campaign committee shall not accept a
11 contribution pursuant to this subsection unless it is accompanied by a copy
12 of the certification. All political committees that do not meet the
13 requirements of this subsection are subject to the individual campaign
14 contribution limits of subsection A, paragraphs 1 and 2 of this section and
15 subsection B, paragraph 1 of this section.

16 ~~G~~ H. The secretary of state biennially shall adjust to the nearest
17 ten dollars the amounts in subsections A through ~~G~~ E of this section by the
18 percentage change in the consumer price index and publish the new amounts for
19 distribution to election officials, candidates and campaign committees. For
20 the purposes of this subsection, "consumer price index" means the consumer
21 price index for all urban consumers, United States city average, that is
22 published by the United States department of labor, bureau of labor
23 statistics.

24 ~~H~~ I. The following specific limitations and procedures apply:

25 1. The limits of subsections A through ~~D, F and G~~ E of this section
26 apply to each election for any office or offices which the candidate seeks.

27 2. The limits of subsections A, B and C of this section apply to the
28 total contributions from all separate segregated funds established, as
29 provided in section 16-920, by a corporation, labor organization, trade
30 association, cooperative or corporation without capital stock.

31 3. A contribution by an unemancipated minor child shall be treated as
32 a contribution by the child's custodial parent or parents for determining
33 compliance with subsection A, paragraphs 1 and 2, subsection B, paragraph 1
34 and subsection E of this section.

35 4. A contribution by an individual or a single political committee to
36 two or more candidates in connection with a joint fund-raising effort shall
37 be divided among the candidates in direct proportion to each candidate
38 campaign committee's share of the expenses for the fund-raising effort.

39 5. A candidate shall sign and file with the candidate's nomination
40 paper a statement that the candidate has read all applicable laws relating to
41 campaign financing and reporting.

42 6. An individual or political committee shall not use economic
43 influence to induce members of an organization to make contributions to a
44 candidate, collect contributions from members of an organization for
45 transmittal to a candidate, make payments to candidates for public

1 appearances or services which are ordinarily uncompensated or use any similar
2 device to circumvent any of the limitations of this section.

3 ~~I~~ J. A person who violates this section is subject to a civil
4 penalty imposed as prescribed in section 16-924 of three times the amount of
5 money that has been received, expended or promised in violation of this
6 section or three times the value in money for an equivalent of money or other
7 things of value that have been received, expended or promised in violation of
8 this section.

9 ~~M~~ K. Any qualified elector may file a sworn complaint with the
10 attorney general or the county attorney of the county in which a violation of
11 this section is believed to have occurred, and the attorney general or the
12 county attorney shall investigate the complaint for possible action.

13 ~~N~~ L. If the filing officer, attorney general or county attorney
14 fails to institute an action within forty-five working days after receiving a
15 complaint under subsection ~~M~~ K of this section, the individual filing the
16 complaint may bring a civil action in the individual's own name and at the
17 individual's own expense, with the same effect as if brought by the filing
18 officer, attorney general or county attorney. The individual shall execute a
19 bond payable to the defendant if the individual fails to prosecute the action
20 successfully. The court shall award to the prevailing party costs and
21 reasonable attorney fees.

22 ~~O~~ M. If a provision of this section or its application to any person
23 or circumstance is held invalid, the invalidity does not affect other
24 provisions or applications of the section which can be given effect without
25 the invalid provision or application, and to this end the provisions of this
26 section are severable.

27 N. THE USE OF A CANDIDATE'S PERSONAL MONIES, OR THE USE OF PERSONAL
28 MONIES BY AN INDIVIDUAL WHO DESIGNATES AN EXPLORATORY COMMITTEE, IS NOT
29 SUBJECT TO THE LIMITATIONS OF THIS SECTION.

30 ~~P. If any notice prescribed by subsection F or G of this section is
31 not given in a timely manner, the designating individual, in the case of an
32 exploratory committee, or the candidate, in the case of a candidate's
33 campaign committee, is subject to a civil penalty of three times the amount
34 of personal monies that were contributed, expended or promised in violation.
35 The civil penalty shall be imposed as prescribed by section 16-924.~~

36 Sec. 8. Subject to the requirements of article IV, part 1, section 1,
37 Constitution of Arizona, section 16-941, Arizona Revised Statutes, is amended
38 to read:

39 16-941. Limits on spending and contributions for political
40 campaigns

41 A. Notwithstanding any law to the contrary, a participating candidate:
42 1. Shall not accept any contributions, other than a limited number of
43 five-dollar qualifying contributions as specified in section 16-946 and early
44 contributions as specified in section 16-945, except in the emergency
45 situation specified in section 16-954, subsection F.

1 2. Shall not make expenditures of more than a total of five hundred
2 dollars of the candidate's personal monies for a candidate for the
3 legislature or more than one thousand dollars for a candidate for statewide
4 office.

5 3. Shall not make expenditures in the primary election period in
6 excess of the adjusted primary election spending limit.

7 4. Shall not make expenditures in the general election period in
8 excess of the adjusted general election spending limit.

9 5. Shall comply with section 16-948 regarding campaign accounts and
10 section 16-953 regarding returning unused monies to the citizens clean
11 elections fund described in this article.

12 B. Notwithstanding any law to the contrary, a nonparticipating
13 candidate:

14 1. Shall not accept contributions in excess of an amount that is
15 twenty per cent less than the limits specified in section 16-905, subsections
16 A through G— E, as adjusted by the secretary of state pursuant to section
17 16-905, subsection J— H. Any violation of this paragraph shall be subject to
18 the civil penalties and procedures set forth in section 16-905, subsections
19 L— J through P— M and section 16-924.

20 2. Shall comply with section 16-958 regarding reporting, including
21 filing reports with the secretary of state indicating whenever
22 (a) expenditures other than independent expenditures on behalf of the
23 candidate, from the beginning of the election cycle to any date up to primary
24 election day, exceed seventy per cent of the original primary election
25 spending limit applicable to a participating candidate seeking the same
26 office, or (b) contributions to a candidate, from the beginning of the
27 election cycle to any date during the general election period, less
28 expenditures made from the beginning of the election cycle through primary
29 election day, exceed seventy per cent of the original general election
30 spending limit applicable to a participating candidate seeking the same
31 office. A nonparticipating candidate is exempt from this paragraph if there
32 is no participating candidate running against that nonparticipating
33 candidate.

34 C. Notwithstanding any law to the contrary, a candidate, whether
35 participating or nonparticipating:

36 1. If specified in a written agreement signed by the candidate and one
37 or more opposing candidates and filed with the citizens clean elections
38 commission, shall not make any expenditure in the primary or general election
39 period exceeding an agreed-upon amount lower than spending limits otherwise
40 applicable by statute.

41 2. Shall continue to be bound by all other applicable election and
42 campaign finance statutes and rules, with the exception of those provisions
43 in express or clear conflict with this article.

44 D. Notwithstanding any law to the contrary, any person who makes
45 independent expenditures related to a particular office cumulatively

1 exceeding five hundred dollars in an election cycle, with the exception of
2 any expenditure listed in section 16-920 and any independent expenditure by
3 an organization arising from a communication directly to the organization's
4 members, shareholders, employees, affiliated persons and subscribers, shall
5 file reports with the secretary of state in accordance with section 16-958 so
6 indicating, identifying the office and the candidate or group of candidates
7 whose election or defeat is being advocated and stating whether the person is
8 advocating election or advocating defeat.

9 Sec. 9. Subject to the requirements of article IV, part 1, section 1,
10 Constitution of Arizona, section 16-959, Arizona Revised Statutes, is amended
11 to read:

12 16-959. Inflationary and other adjustments of dollar values

13 A. Every two years, the secretary of state shall modify the dollar
14 values specified in the following parts of this article, in the manner
15 specified by section 16-905, subsection ~~J~~ H, to account for inflation:
16 section 16-941, subsection A, paragraph 2 or subsection D; section 16-942,
17 subsection B; section 16-945, subsection A, paragraphs 1 and 2; section
18 16-948, subsection C; section 16-954, subsection B; section 16-955,
19 subsection G; and section 16-961, subsections G and H. In addition, the
20 secretary of state shall make a similar inflation adjustment by modifying the
21 dollar values in section 16-949, subsection A and section 16-954, subsection
22 A to the nearest dollar. In addition, every two years, the secretary of
23 state shall change the dollar values in section 16-961, subsections G and H
24 in proportion to the change in the number of Arizona resident personal income
25 tax returns filed during the previous calendar year.

26 B. Based on the results of the elections in the year 2002 or any
27 quadrennial election thereafter, and within six months after such election,
28 the commission may adopt rules in a public meeting reallocating funds
29 available to all candidates between the primary and general elections by
30 selecting a fraction for primary election spending limits that is between one
31 third and one half of the spending limits for the election as a whole. For
32 each office, the primary election spending limit shall be modified to be the
33 sum of the primary and general spending limits times the selected fraction,
34 and the general election spending limit shall be modified to be the same sum
35 times one less the selected fraction.

36 Sec. 10. Section 19-111, Arizona Revised Statutes, is amended to read:

37 19-111. Number for petition

38 A. A person or organization intending to propose a law or
39 constitutional amendment by initiative petition or to file a referendum
40 petition against a measure, item, section or part of a measure, before
41 causing the petition to be printed and circulated, shall file with the
42 secretary of state an application, on a form to be provided by the secretary
43 of state, setting forth his name or, if an organization, its name and the
44 names and titles of its officers, address, his intention to circulate and
45 file a petition, a description of no more than one hundred words of the

1 principal provisions of the proposed law, constitutional amendment or measure
 2 and the text of the proposed law, constitutional amendment or measure to be
 3 initiated or referred in no less than eight point type, and applying for
 4 issuance of an official serial number. At the same time as the person or
 5 organization files its application, the person or organization shall file
 6 with the secretary of state its statement of organization or its signed
 7 exemption statement as prescribed by section 16-902.01. The secretary of
 8 state shall not accept an application for initiative or referendum without an
 9 accompanying statement of organization or signed exemption statement as
 10 prescribed by this subsection.

11 B. On receipt of the application, the secretary of state shall assign
 12 an official serial number to the petition, which number shall appear in the
 13 lower right-hand corner of each side of each copy thereof, and issue that
 14 number to the applicant. Numbers shall be assigned to petitions by the
 15 secretary of state in numerical sequence, and a record shall be maintained in
 16 his office of each application received and of the numbers assigned and
 17 issued to the applicant.

18 C. The secretary of state shall ~~print in pamphlet form and shall~~
 19 ~~furnish~~ MAKE AVAILABLE to each applicant, ~~at the time the application is~~
 20 ~~submitted,~~ BY ELECTRONIC MEANS a copy of the text of this article governing
 21 the initiative and referendum and all rules adopted by the secretary of state
 22 pursuant to this title. In addition, the secretary of state shall ~~at this~~
 23 ~~time furnish the applicant with~~ PROVIDE THE APPLICANT BY ELECTRONIC MEANS THE
 24 ABILITY TO FILE a statement of organization ~~form~~ OR FIVE HUNDRED DOLLAR
 25 THRESHOLD EXEMPTION STATEMENT and a notice stating: "This statement must be
 26 filed before valid signatures can be collected." The secretary of state
 27 shall ~~furnish a sufficient supply of these pamphlets~~ MAKE AVAILABLE BY
 28 ELECTRONIC MEANS A COPY OF THE TEXT OF THIS ARTICLE GOVERNING THE INITIATIVE
 29 AND REFERENDUM AND ALL RULES ADOPTED BY THE SECRETARY OF STATE PURSUANT TO
 30 THIS TITLE to the county, city and town clerks who shall similarly furnish
 31 ~~the pamphlet~~ A COPY to each applicant BY ELECTRONIC MEANS. IF A MEMBER OF
 32 THE PUBLIC SO REQUESTS, THE SECRETARY OF STATE AND THE COUNTY, CITY AND TOWN
 33 CLERKS SHALL PROVIDE A COPY IN PAMPHLET FORM.

34 D. The eight point type required by subsection A of this section shall
 35 not apply to maps, charts or other graphics.

36 Sec. 11. Section 19-112, Arizona Revised Statutes, is amended to read:
 37 19-112. Signatures and verification; attachment

38 A. Every qualified elector signing a petition shall do so in the
 39 presence of the person who is circulating the petition and who is to execute
 40 the affidavit of verification. At the time of signing, the qualified elector
 41 shall sign his first and last names in the spaces provided and the elector so
 42 signing ~~or the person circulating the petition~~ shall print his first and last
 43 names and write, in the appropriate spaces following the signature, the
 44 signer's residence address, giving street and number, and if he has no street
 45 address, a description of his residence location. The elector so signing ~~or~~

1 ~~the person circulating the petition~~ shall write, in the appropriate spaces
2 following the elector's address, the date on which the elector signed the
3 petition.

4 B. The signature sheets shall be attached at all times during
5 circulation to a full and correct copy of the title and text of the measure
6 or constitutional amendment proposed or referred by the petition. The title
7 and text shall be in at least eight point type and shall include both the
8 original and the amended text. The text shall indicate material deleted, if
9 any, by printing the material with a line drawn through the center of the
10 letters of the material and shall indicate material added or new material by
11 printing the letters of the material in capital letters.

12 C. The person before whom the signatures and addresses were written on
13 the signature sheet shall, on the affidavit form pursuant to this section,
14 subscribe and swear before a notary public that each of the names on the
15 sheet was signed and the name and address were printed in the presence of the
16 elector and the circulator on the date indicated, and that in his belief each
17 signer was a qualified elector of a certain county of the state, or, in the
18 case of a city, town or county measure, of the city, town or county affected
19 by the measure on the date indicated, and that at all times during
20 circulation of the signature sheet a copy of the title and text was attached
21 to the signature sheet. All signatures of petitioners on a signature sheet
22 shall be those of qualified electors who are registered to vote in the same
23 county. However, if signatures from more than one county appear on the same
24 signature sheet, only the valid signatures from the same county which are
25 most numerous on the signature sheet shall be counted. Signature and
26 handwriting comparisons may be made.

27 D. The affidavit shall be in the following form printed on the reverse
28 side of each signature sheet:

29 Affidavit of Circulator

30 State of Arizona)
31) ss.:
32 County of _____)
33 (Where notarized)

34 I, (print name), a person who is qualified to register to
35 vote in the county of _____, in the state of Arizona at all
36 times during my circulation of this petition sheet, and under
37 the penalty of a class 1 misdemeanor, depose and say that each
38 individual signed this sheet of the foregoing petition in my
39 presence on the date indicated and I believe that each signer's
40 name and residence address or post office address are correctly
41 stated and that each signer is a qualified elector of the state
42 of Arizona (or in the case of a city, town or county measure, of
43 the city, town or county affected by the measure proposed to be
44 initiated or referred to the people) and that at all times

1 during circulation of this signature sheet a copy of the title
2 and text was attached to the signature sheet.

3 (Signature of affiant) _____

4 (Residence address, street
5 and number of affiant, or
6 if no street address, a
7 description of residence
8 location) _____

9 _____

10 Subscribed and sworn to before me on _____
11 (date)

12 _____

13 Notary Public

14 _____, Arizona.

15 My commission expires on _____

16 (date)

17 E. The eight point type required by subsection B shall not apply to
18 maps, charts or other graphics.

19 Sec. 12. Title 19, chapter 1, article 2, Arizona Revised Statutes, is
20 amended by adding section 19-119.01, to read:

21 19-119.01. Petition signature fraud; classification; prohibited
22 persons

23 A. FOR THE PURPOSES OF THIS TITLE, A PERSON COMMITS PETITION SIGNATURE
24 FRAUD IF THE PERSON DOES EITHER OF THE FOLLOWING WITH THE INTENT TO DEFRAUD:

25 1. INTENTIONALLY SUBMITS PETITION SIGNATURE SHEETS WITH THE KNOWLEDGE
26 THAT THE PERSON WHOSE NAME APPEARS ON THE SIGNATURE SHEET DID NOT ACTUALLY
27 SIGN THE PETITION.

28 2. USES ANY FRAUDULENT MEANS, METHOD, TRICK, DEVICE OR ARTIFICE TO
29 OBTAIN SIGNATURES ON A PETITION.

30 B. A PERSON WHO VIOLATES SUBSECTION A IS GUILTY OF A CLASS 1
31 MISDEMEANOR, EXCEPT THAT A PERSON WHO ENGAGES OR PARTICIPATES IN A PATTERN OF
32 PETITION SIGNATURE FRAUD IS GUILTY OF A CLASS 4 FELONY AND SHALL BE
33 PROHIBITED FROM PARTICIPATING FOR FIVE YEARS IN ANY ELECTION, INITIATIVE,
34 REFERENDUM OR RECALL CAMPAIGN. FOR THE PURPOSES OF THIS SUBSECTION, "PATTERN
35 OF PETITION SIGNATURE FRAUD" MEANS THAT THE PERSON EMPLOYS OR SUBCONTRACTS
36 WITH PERSONS TO OBTAIN SIGNATURES AND AT LEAST FIVE OF THE EMPLOYEES OR
37 SUBCONTRACTOR'S EMPLOYEES HAVE BEEN CONVICTED OF A VIOLATION OF THIS SECTION
38 FOR ONE OR MORE ELECTIONS OR RECALL CAMPAIGNS IN AN ELECTION CYCLE.

39 C. THE SECRETARY OF STATE SHALL MAINTAIN A LIST OF PERSONS WHO HAVE
40 BEEN CONVICTED OF PARTICIPATING IN A PATTERN OF PETITION SIGNATURE FRAUD IN
41 VIOLATION OF THIS SECTION AND WHO ARE BARRED FROM PARTICIPATING IN ANY
42 ELECTION, INITIATIVE, REFERENDUM OR RECALL CAMPAIGN FOR FIVE YEARS FROM THE
43 DATE OF CONVICTION. THE LIST SHALL BE PUBLISHED ON THE SECRETARY OF STATE'S
44 WEBSITE. THE SECRETARY OF STATE SHALL REMOVE A PERSON FROM THE LIST ON

1 EXPIRATION OF THE FIVE-YEAR PROHIBITION. IF A MEMBER OF THE PUBLIC REQUESTS
2 A COPY OF THE LIST, THE SECRETARY SHALL PROVIDE IT.

3 Sec. 13. Section 19-121.03, Arizona Revised Statutes, is amended to
4 read:

5 19-121.03. Judicial review of actions by county recorder; venue

6 A. If the county recorder fails or refuses to comply with the
7 provisions of section 19-121.02, any citizen may apply, within ~~ten~~ FIVE
8 calendar days after such failure or refusal, to the superior court for a writ
9 of mandamus. If the court finds that the county recorder has not complied
10 with the provisions of section 19-121.02, the court shall issue an order for
11 the county recorder to comply.

12 B. Any citizen may challenge in the superior court the certification
13 made by a county recorder pursuant to section 19-121.02 within ~~ten~~ FIVE
14 calendar days of the receipt thereof by the secretary of state. The action
15 shall be advanced on the calendar and heard as a trial de novo and decided by
16 the court as soon as possible. Either party may appeal to the supreme court
17 within ~~ten~~ FIVE calendar days after judgment.

18 C. An action commenced under this section shall be brought in the
19 county of such recorder, except that any such action involving more than one
20 recorder shall be brought in Maricopa county.

21 Sec. 14. Section 19-122, Arizona Revised Statutes, is amended to read:

22 19-122. Refusal of secretary of state to file petition or
23 transmit facsimiles of signature sheets or affidavits
24 of circulators; writ of mandamus; venue

25 A. If the secretary of state refuses to accept and file a petition for
26 the initiative or referendum, or proposal for a constitutional amendment
27 which has been presented within the time prescribed, or if he refuses to
28 transmit the facsimiles of a signature sheet or sheets or affidavits of
29 circulators to the county recorders for certification under section
30 19-121.01, he shall provide the person who submitted the petition, proposal,
31 signature sheet or affidavit with a written statement of the reason for the
32 refusal. Within ~~ten~~ FIVE calendar days after the refusal any citizen may
33 apply to the superior court for a writ of mandamus to compel the secretary of
34 state to file the petition or proposal or transmit the facsimiles, or the
35 citizen may file a complaint with the county attorney or attorney general.
36 The county attorney or attorney general may apply, within ~~ten~~ FIVE calendar
37 days after the complaint is made, to the superior court for a writ of
38 mandamus to compel the secretary of state to file the petition or proposal or
39 transmit the facsimiles. The action shall be advanced on the calendar and
40 heard and decided by the court as soon as possible. Either party may appeal
41 to the supreme court within ~~ten~~ FIVE calendar days after judgment. If the
42 court finds that the petition is legally sufficient, the secretary of state
43 shall then file it, with a certified copy of the judgment attached as of the
44 date on which it was originally offered for filing in his office.

1 B. The most current version of the general county register at the time
 2 of filing a court action challenging an initiative or referendum petition
 3 shall constitute the official record to be used to determine on a prima facie
 4 basis by the challenger that the signer of a petition was not registered to
 5 vote at the address given on the date of signing the petition. If the
 6 address of the signer given on the date of signing the petition is different
 7 from that on the most current version of the general county register, the
 8 county recorder shall examine the version of the general county register
 9 which was current on the date the signer signed the petition to determine the
 10 validity of the signature. This subsection does not preclude introducing
 11 into evidence a certified copy of the affidavit or registration of any signer
 12 dated prior to the signing of the petition if the affidavit is in the
 13 possession of the county recorder but has not yet been filed in the general
 14 county register.

15 C. Notwithstanding section 19-121.04, if any petition filed is not
 16 legally sufficient, the court may, in an action brought by any citizen,
 17 enjoin the secretary or other officers from certifying or printing on the
 18 official ballot for the ensuing election the amendment or measure proposed or
 19 referred. The action shall be advanced on the calendar and heard and decided
 20 by the court as soon as possible. Either party may appeal to the supreme
 21 court within ~~ten~~ FIVE days after judgment.

22 D. The superior court in Maricopa county shall have jurisdiction of
 23 actions relating to measures and amendments to be submitted to the electors
 24 of the state at large. With respect to actions relating to local and special
 25 measures, the superior court in the county, or in one of the counties, in
 26 which the measures are to be voted upon shall have jurisdiction.

27 Sec. 15. Section 19-142, Arizona Revised Statutes, is amended to read:

28 19-142. Referendum petitions against municipal actions;
 29 emergency measures; zoning actions

30 A. The whole number of votes cast at the ~~city~~ CITYWIDE or ~~town~~
 31 TOWNWIDE election at which a mayor or councilmen were chosen last preceding
 32 the submission of the application for a referendum petition against an
 33 ordinance, franchise or resolution shall be the basis on which the number of
 34 electors of the city or town required to file a referendum petition shall be
 35 computed. FOR THE PURPOSES OF THIS SECTION, A CITYWIDE OR TOWNWIDE ELECTION
 36 IS AN ELECTION AT WHICH ALL OF THE QUALIFIED ELECTORS OF A CITY OR TOWN ARE
 37 ELIGIBLE TO VOTE FOR A MAYOR OR MEMBERS OF THE CITY OR TOWN COUNCIL. The
 38 petition shall be filed with the city or town clerk within thirty days after
 39 passage of the ordinance, resolution or franchise.

40 B. A city or town ordinance, resolution or franchise shall not become
 41 operative until thirty days after its passage by the council and approval by
 42 the mayor, unless it is passed over the mayor's veto, and then it shall not
 43 become operative until thirty days after final approval and until
 44 certification by the clerk of the city or town of the minutes of the meeting
 45 at which the action was taken, except emergency measures necessary for the

1 immediate preservation of the peace, health or safety of the city or town.
2 An emergency measure shall not become immediately operative unless it states
3 in a separate section the reason why it is necessary that it should become
4 immediately operative, and unless it is approved by the affirmative vote of
5 three-fourths of all the members elected to the city or town council, taken
6 by ayes and noes, and also approved by the mayor.

7 C. At the time a person or organization intending to file a referendum
8 petition against an ordinance or resolution applies for the issuance of an
9 official number pursuant to section 19-111, the city or town clerk shall
10 provide such person or organization with a full and correct copy of the
11 ordinance or resolution in the form as finally adopted. If the copy of the
12 ordinance or resolution proposed as a referendum is not available to such
13 person or organization at the time of making application for an official
14 number or on the same business day as the application is submitted, the
15 thirty-day period prescribed in subsection A of this section begins on the
16 day that the ordinance or resolution is available from the city or town
17 clerk, and the ordinance or resolution shall not become operative until
18 thirty days after the ordinance or resolution is available.

19 D. Notwithstanding subsection C of this section, a person or
20 organization may file a referendum petition against the rezoning of a parcel
21 of property on the approval by the city or town council of the ordinance that
22 adopts the rezoning or on the approval of that portion of the minutes of the
23 city or town council that includes the council's approval of the rezoning,
24 whichever occurs first. The thirty day period prescribed in subsection A of
25 this section begins on the day that the rezoning ordinance or approved
26 minutes or portion of the approved minutes are available from the city or
27 town clerk and the ordinance is not operative until thirty days after the
28 ordinance or minutes are available.

29 Sec. 16. Section 41-121, Arizona Revised Statutes, is amended to read:

30 41-121. Duties

31 A. The secretary of state shall:

32 1. Receive bills and resolutions from the legislature, and perform
33 such other duties as devolve upon the secretary of state by resolution of the
34 two houses or either of them.

35 2. Keep a register of and attest the official acts of the governor.

36 3. Act as custodian of the great seal of this state.

37 4. Affix the great seal, with the secretary of state's attestation, to
38 public instruments to which the official signature of the governor is
39 attached.

40 5. File in the secretary of state's office receipts for all books
41 distributed by the secretary of state and direct the county recorder of each
42 county to do the same.

43 6. Certify to the governor the names of those persons who have
44 received at any election the highest number of votes for any office, the
45 incumbent of which is commissioned by the governor.

1 7. Publish slip laws of each act of the legislature promptly upon
2 passage and approval of such act, make such acts available to interested
3 persons for a reasonable fee to compensate for the cost of printing and
4 provide each house of the legislature and the legislative council with a
5 certified copy of each bill or resolution, showing the chapter or resolution
6 number of each, as each is filed in the secretary of state's office.

7 8. Keep a fee book of fees and compensation of whatever kind and
8 nature earned, collected or charged by the secretary of state, with the date,
9 the name of the payer and the nature of the service in each case. The fee
10 book shall be verified annually by the secretary of state's affidavit entered
11 in the fee book.

12 9. Perform other duties imposed on the secretary of state by law.

13 10. Report to the governor on January 2 each year, and at such other
14 times as provided by law, a detailed account of the secretary of state's
15 official actions taken since the secretary of state's previous report
16 together with a detailed statement of the manner in which all appropriations
17 for the secretary of state's office have been expended.

18 11. Transfer all noncurrent or inactive books, records, deeds and other
19 papers otherwise required to be filed with or retained by the secretary of
20 state to the custody of the Arizona state library, archives and public
21 records.

22 12. Make available to the public, without charge, title 33, ~~chapter~~
23 CHAPTERS 10 AND 11 on the secretary of state's ~~web-site~~ WEBSITE.

24 13. Accept, and approve for use, electronic and digital signatures that
25 comply with section 41-132, for documents filed with and by all state
26 agencies, boards and commissions. In consultation with the government
27 information technology agency, the department of administration and the state
28 treasurer, the secretary of state shall adopt rules pursuant to chapter 6 of
29 this title establishing policies and procedures for the use of electronic and
30 digital signatures by all state agencies, boards and commissions for
31 documents filed with and by all state agencies, boards and commissions.

32 14. Meet at least annually with personnel from the federal voting
33 assistance office of the United States department of defense and with county
34 recorders and other county election officials in this state to coordinate the
35 delivery and return of registrations, ballot requests, voted ballots and
36 other election materials to and from absent uniformed and overseas citizens.

37 B. THE SECRETARY OF STATE MAY REFUSE TO PERFORM A SERVICE OR REFUSE A
38 FILING BASED ON A REASONABLE BELIEF THAT THE SERVICE OR FILING IS BEING
39 REQUESTED FOR AN UNLAWFUL, ILLEGITIMATE, FALSE OR FRAUDULENT PURPOSE OR IS
40 BEING REQUESTED OR SUBMITTED IN BAD FAITH OR FOR THE PURPOSE OF HARASSING OR
41 DEFRAUDING A PERSON OR ENTITY.

1 Sec. 17. Section 41-121.02, Arizona Revised Statutes, is amended to
2 read:

3 41-121.02. Department of state

4 A. There is established the department of state, which shall be
5 composed of the office of the secretary of state.

6 B. The secretary of state shall have charge of and direct the
7 department of state.

8 C. EXCEPT AS OTHERWISE PROVIDED BY LAW, EMPLOYEES OF THE DEPARTMENT
9 ARE EXEMPT FROM CHAPTER 4, ARTICLES 5 AND 6 OF THIS TITLE.

10 D. PURCHASES AND CONTRACTS FOR GOODS AND SERVICES ENTERED INTO BY THE
11 ARIZONA STATE LIBRARY, ARCHIVES AND PUBLIC RECORDS ARE EXEMPT FROM CHAPTER 23
12 OF THIS TITLE.

13 Sec. 18. Section 41-1304.06, Arizona Revised Statutes, is amended to
14 read:

15 41-1304.06. Authorization for collection of rental; basis of
16 payment; exception; definition

17 A. Each state department and each state agency when using space under
18 the jurisdiction of the legislative council or the speaker of the state house
19 of representatives or the president of the state senate shall pay a rental as
20 prescribed in subsection B to the legislative council, speaker or president,
21 as appropriate, for deposit in the capital outlay stabilization fund.

22 B. The rental authorized by the terms of subsection A shall be
23 determined by the joint legislative budget committee after recommendation by
24 the speaker and president prior to the beginning of each fiscal year. The
25 agency shall pay rent in one annual payment regardless of whether the
26 department or agency is funded in whole or in part by state monies.

27 C. THIS SECTION DOES NOT APPLY TO THE SECRETARY OF STATE IF THE SPACE
28 USED PURSUANT TO THIS SECTION IS PRIMARILY BEING USED BY THE ARIZONA STATE
29 LIBRARY, ARCHIVES AND PUBLIC RECORDS FOR THE PURPOSES PRESCRIBED BY STATUTE.

30 ~~C.~~ D. For the purposes of this section, "state department" or "state
31 agency" means any department or agency of the executive or judicial branch of
32 state government.

33 Sec. 19. Section 41-1330, Arizona Revised Statutes, is amended to
34 read:

35 41-1330. Definitions

36 In this article, unless the context otherwise requires:

37 ~~1. "Board" means the board of the state library.~~

38 ~~2.~~ 1. "Director" means the director of the state library.

39 ~~3.~~ 2. "State library" means the Arizona state library, archives and
40 public records.

1 Sec. 20. Section 41-1331, Arizona Revised Statutes, is amended to
2 read:

3 41-1331. Arizona state library, archives and public records

4 A. The Arizona state library, archives and public records is
5 established in the ~~legislative branch of state government~~ OFFICE OF THE
6 SECRETARY OF STATE.

7 B. The state library shall:

8 1. Acquire and provide access to materials relating to the following
9 in print, in an electronic format or in any other format:

- 10 (a) Law.
- 11 (b) Political science.
- 12 (c) Economics.
- 13 (d) Sociology.
- 14 (e) Subjects pertaining to the theory and practice of government.
- 15 (f) Genealogy.
- 16 (g) Arizona history.

17 2. Provide the following:

- 18 (a) A general and legal reference service.
- 19 (b) A records management and archives program.
- 20 (c) A state and federal government documents depository program.
- 21 (d) A library development service.
- 22 (e) Museums for educational purposes as approved by the board
23 SECRETARY OF STATE.

24 (f) A service, including materials, for persons who are visually or
25 physically unable to use traditional print materials.

26 Sec. 21. Section 41-1332, Arizona Revised Statutes, is amended to
27 read:

28 41-1332. Advisory board of the Arizona state library, archives
29 and public records

30 A. ~~A~~ AN ADVISORY board of the Arizona state library, archives and
31 public records is established consisting of the president of the senate OR
32 THE PRESIDENT'S DESIGNEE, THE speaker of the house of representatives OR THE
33 SPEAKER'S DESIGNEE, one member of the senate WHO IS appointed by the
34 president of the senate AND WHO IS A MEMBER OF A DIFFERENT POLITICAL PARTY
35 THAN THE PRESIDENT, ~~and~~ one member of the house of representatives WHO IS
36 appointed by the speaker of the house of representatives AND WHO IS A MEMBER
37 OF A DIFFERENT POLITICAL PARTY THAN THE SPEAKER AND FIVE MEMBERS WHO ARE
38 APPOINTED BY THE SECRETARY OF STATE.

39 B. THE ADVISORY BOARD SHALL ANNUALLY ELECT A CHAIRPERSON AND
40 VICE-CHAIRPERSON FROM AMONG ITS MEMBERS AT THE FIRST MEETING OF THE FISCAL
41 YEAR. Meetings of the ADVISORY board shall be held at the call of the
42 ~~chairman~~ CHAIRPERSON OR A MAJORITY OF THE MEMBERS OF THE ADVISORY BOARD. ~~The~~
43 ~~speaker of the house of representatives shall serve as chairman in~~
44 ~~even numbered years and the president of the senate shall serve as chairman~~
45 ~~in odd numbered years.~~

1 C. MEMBERS WHO ARE APPOINTED BY THE SECRETARY OF STATE SHALL SERVE
2 THREE YEAR STAGGERED TERMS BEGINNING ON JULY 1. IF THERE IS A VACANCY, THE
3 SECRETARY OF STATE SHALL APPOINT ANOTHER PERSON TO SERVE THE REMAINDER OF THE
4 TERM. THE SECRETARY OF STATE MAY APPOINT MEMBERS TO SUCCEEDING TERMS. THE
5 SECRETARY OF STATE MAY REMOVE A MEMBER FOR GOOD AND SUFFICIENT CAUSE.
6 MEMBERS OF THE ADVISORY BOARD WHO ARE APPOINTED BY THE SECRETARY OF STATE ARE
7 NOT ELIGIBLE TO RECEIVE COMPENSATION BUT ARE ELIGIBLE FOR REIMBURSEMENT OF
8 EXPENSES PURSUANT TO TITLE 38, CHAPTER 4, ARTICLE 2.

9 ~~E. D. The ADVISORY board shall exercise general supervision over the
10 state library and shall appoint the director of the state library. The
11 director shall serve at the pleasure of the board~~ ADVISE THE SECRETARY OF
12 STATE IN THE SUPERVISION OF THE STATE LIBRARY.

13 Sec. 22. Section 41-1333, Arizona Revised Statutes, is amended to
14 read:

15 41-1333. Director of the state library; qualifications

16 A. The state library shall be under the charge and control of a
17 director, subject to ~~board~~ supervision OF THE SECRETARY OF STATE. THE
18 SECRETARY OF STATE SHALL APPOINT THE DIRECTOR OF THE STATE LIBRARY. THE
19 DIRECTOR SHALL SERVE AT THE PLEASURE OF THE SECRETARY OF STATE.

20 B. The director shall be a person WHO IS technically trained in
21 library work ~~or have~~ WITH AT LEAST A MASTER'S DEGREE IN LIBRARY SCIENCE OR
22 THE EQUIVALENT AND WHO HAS at least five years' actual experience as chief
23 administrator of a major library.

24 Sec. 23. Section 41-1334, Arizona Revised Statutes, is amended to
25 read:

26 41-1334. Compensation of director

27 The compensation of the director shall be as determined by the ~~board~~
28 SECRETARY OF STATE.

29 Sec. 24. Section 41-1345, Arizona Revised Statutes, is amended to
30 read:

31 41-1345. Records; records management; powers and duties of
32 director; fees; records services fund

33 A. The director is responsible for the preservation and management of
34 records. In addition to other powers and duties, the director shall:

35 1. Establish standards, procedures and techniques for effective
36 management of records.

37 2. Make continuing surveys of record keeping operations and recommend
38 improvements in current record management practices, including the use of
39 space, equipment and supplies employed in creating, maintaining, storing and
40 servicing records.

41 3. Establish standards and procedures for the preparation of schedules
42 providing for the retention of records of continuing value and for the prompt
43 and orderly disposal of records no longer possessing sufficient
44 administrative, legal or fiscal value to warrant their further keeping.

1 4. Establish criteria for designation of essential records within the
2 following general categories:

3 (a) Records containing information necessary to the operations of
4 government in the emergency created by a disaster.

5 (b) Records containing information necessary to protect the rights and
6 interests of persons or to establish and affirm the powers and duties of
7 governments in the resumption of operations after a disaster.

8 5. Reproduce or cause to be reproduced essential records and prescribe
9 the place and manner of their safekeeping.

10 6. Obtain such reports and documentation from agencies as are required
11 for the administration of this program.

12 7. Request transmittal of the originals of records produced or
13 reproduced by agencies of the state or its political subdivisions pursuant to
14 section 41-1348 or certified negatives, films or electronic media of such
15 originals, or both, if in the director's judgment such records may be of
16 historical or other value.

17 8. On request, assist and advise in the establishment of records
18 management programs in the legislative and judicial branches of the state and
19 provide program services similar to those available to the executive branch
20 of state government pursuant to this article.

21 9. Establish a fee schedule to systematically charge state agencies,
22 political subdivisions of this state and other governmental units of this
23 state for services described in this section and section 41-1345.01 and
24 deposit monies received from fees in the records services fund established by
25 subsection B of this section.

26 10. Subject to approval of the ~~board~~ SECRETARY OF STATE, establish a
27 fee schedule to charge state agencies, political subdivisions of this state
28 and other governmental units of this state for services and expenses incurred
29 by the state library in obtaining copies of those reports, documents and
30 publications that are required to be delivered, supplied or provided pursuant
31 to sections 35-103, 41-1335 and 41-1338 and deposit these monies in the
32 records services fund established by subsection B of this section.

33 B. A records services fund is established consisting of monies
34 deposited pursuant to subsection A, paragraphs 9 and 10 of this section. The
35 director shall administer the fund for the purposes provided in subsection A
36 of this section. Monies in the fund are subject to legislative appropriation
37 and are exempt from the provisions of section 35-190 relating to lapsing of
38 appropriations.

39 Sec. 25. Section 41-1353, Arizona Revised Statutes, is amended to
40 read:

41 41-1353. Review and transfer of certain historic property;
42 exemption; definition

43 A. An agency shall notify the state library on forms prescribed by the
44 director if the agency has or acquires furniture, equipment or other personal
45 property ~~which~~ THAT is fifty or more years of age or of known historical

1 interest, including property escheated to the state under title 12, chapter
2 7, article 5.

3 B. The director may authorize a person to inspect the personal
4 property reported under subsection A and recommend to the state library
5 whether the personal property is of an historic interest or value as would in
6 the public interest require it to be made available permanently for placement
7 on public display in any restored executive, legislative or judicial facility
8 or museum area.

9 C. If the state library determines the personal property should be
10 made available for display purposes it shall provide written notice to the
11 agency requesting prompt transfer of the personal property to the state
12 library.

13 D. An agency may apply to the ~~board~~ SECRETARY OF STATE for an
14 exemption from the transfer required under subsection C by filing a prompt
15 written response ~~to the board~~ stating:

16 1. The length of time the agency has used the personal property.

17 2. Why the value of the personal property to the agency is greater
18 than the educational and historic value in displaying the personal property.

19 3. What harm the agency would suffer if the personal property is
20 transferred to the department.

21 4. That the use of federal monies in the initial acquisition of the
22 personal property legally precludes its transfer to the ~~board~~ STATE LIBRARY.

23 E. The ~~board~~ SECRETARY OF STATE shall grant an exemption to a
24 requested property transfer if ~~it~~ THE SECRETARY OF STATE finds that the
25 transfer of the property would result in significant cost or disruption to
26 the agency ~~which~~ THAT would outweigh the educational and historic value in
27 displaying the property.

28 F. For the purposes of this section, "agency" means any branch,
29 department, commission, board or other unit of the state organization ~~which~~
30 THAT receives, disburses or expends state monies or incurs obligations
31 against this state.

32 Sec. 26. Current employees of the secretary of state; purchase
33 of telephone system

34 A. Any person who is employed on the effective date of this act by the
35 secretary of state in a position that is subject to title 41, chapter 4,
36 articles 5 and 6, Arizona Revised Statutes, continues to be subject to title
37 41, chapter 4, articles 5 and 6, Arizona Revised Statutes.

38 B. The secretary of state may purchase a voice over internet protocol
39 system for use by the department of state to replace the department's
40 existing telephone system.

41 Sec. 27. Department of administration; sale or lease of certain
42 state property; review; deposit of monies

43 A. The department of administration shall sell or lease to the highest
44 and best bidder at a public auction held for that purpose the state property
45 located at 14 N. 18th avenue, Phoenix, Arizona. The sale or lease shall

1 include the building and appurtenant land, personal property and other
2 improvements required for the operation of the property. The property is
3 subject to two current independent appraisals and an independent title search
4 before the property is offered for sale.

5 B. Sale or lease of the property shall begin as soon as possible after
6 the effective date of this act and shall be completed before July 1, 2010.

7 C. The sale or lease is subject to review by the joint committee on
8 capital review.

9 D. All proceeds of the sale or lease shall be deposited in the capital
10 outlay stabilization fund established by section 41-792.01, Arizona Revised
11 Statutes.

12 Sec. 28. State library; transfer

13 All personnel, property, records and appropriated monies remaining
14 unspent and unencumbered of the Arizona state library, archives and public
15 records are transferred to the secretary of state and may be used for the
16 purposes of this act.

17 Sec. 29. Requirements for enactment; three-fourths vote

18 Pursuant to article IV, part 1, section 1, Constitution of Arizona,
19 sections 16-941 and 16-959, Arizona Revised Statutes, as amended by this act,
20 are effective only on the affirmative vote of at least three-fourths of the
21 members of each house of the legislature.

APPROVED BY THE GOVERNOR JULY 10, 2009.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JULY 13, 2009.

Passed the House July 1, 2009,

by the following vote: 47 Ayes,

8 Nays, 5 Not Voting
*Article IV, Part 1, Section 1
(Sections 8, 9)*

[Signature]
Speaker of the House
[Signature]
Chief Clerk of the House

Passed the Senate June 22, 2009,

by the following vote: 18 Ayes,

11 Nays, 1 Not Voting
*Secs. 8 & 9 Failed pursuant to Art. IV, part 1
pursuant to Section 1*

[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
_____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

_____, 20____,

at _____ o'clock _____ M.

Governor of Arizona

S.B. 1091

**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

SENATE CONCURS IN HOUSE
AMENDMENTS AND FINAL PASSAGE

Passed the Senate July 1, 2009

by the following vote: 24 Ayes,

1 Nays, 3 Not Voting
Art. IV, part 1, Sec. 1, Secs 8 & 9 only

Robert L. Burnett
President of the Senate

Chermin Bellington
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

15th day of July, 2009

at 10:15 o'clock A. M.

Susan K. Myers
Secretary to the Governor

Approved this 10th day of

July 2009

at 4:40 o'clock P. M.

Janice K. Brewer
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 13 day of July, 2009

S.B. 1091

at 9:15 o'clock A. M.

Ken Blumeth
Secretary of State