

House Engrossed

FILED

**KEN BENNETT
SECRETARY OF STATE**

State of Arizona
House of Representatives
Forty-ninth Legislature
Second Regular Session
2010

CHAPTER 2

HOUSE BILL 2427

AN ACT

AMENDING SECTIONS 16-543 AND 19-124, ARIZONA REVISED STATUTES; RELATING TO ELECTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 16-543, Arizona Revised Statutes, is amended to
3 read:

4 16-543. Application for ballot; United States service;
5 emergency procedures

6 A. Any absent uniformed services voter or overseas voter as defined in
7 the uniformed and overseas citizens absentee voting act of 1986 (P.L. 99-410;
8 42 United States Code section 1973ff-6), as amended by the Ronald W. Reagan
9 national defense authorization act for fiscal year 2005 (P.L. 108-375), may
10 request an early ballot with a federal postcard application that contains
11 both an early voter registration application and an early ballot application.
12 The secretary of state shall provide for a centralized system for receiving
13 federal postcard applications by way of the internet or fax and shall provide
14 for transmitting appropriate ballot materials in response to fax, telephone
15 and internet requests for federal postcard applications. THE ABSENT
16 UNIFORMED SERVICES VOTER OR OVERSEAS VOTER SHALL DESIGNATE THE MEANS OF
17 COMMUNICATION FOR RECEIVING VOTING MATERIALS, WHETHER BY WAY OF THE INTERNET,
18 FAX TRANSMITTAL OR OTHER ELECTRONIC MEANS OR BY MAIL, AND THE COUNTY RECORDER
19 OR OTHER OFFICER IN CHARGE OF ELECTIONS SHALL PROVIDE RESPONSES AND MATERIALS
20 IN THE FORMAT DESIGNATED BY THE REQUESTING VOTER. On receipt of such
21 application, the county recorder or other officer in charge of elections
22 shall determine whether or not the elector is registered. If the applicant
23 is so registered, the recorder or other officer in charge of elections shall
24 forward to the applicant an official early ballot USING THE MEANS OF
25 COMMUNICATION DESIGNATED BY THE VOTER PURSUANT TO THIS SECTION. IF NO MEANS
26 OF COMMUNICATION IS DESIGNATED, THE BALLOT SHALL BE TRANSMITTED AS PROVIDED
27 IN THE INSTRUCTIONS AND PROCEDURES MANUAL ISSUED PURSUANT TO SECTION 16-452.
28 FOR ALL REQUESTS RECEIVED FROM REGISTERED ABSENT UNIFORMED SERVICES VOTERS OR
29 OVERSEAS VOTERS ON OR BEFORE THE FORTY-EIGHTH DAY BEFORE THE ELECTION, THE
30 BALLOT SHALL BE TRANSMITTED NO LATER THAN THE FORTY-FIFTH DAY BEFORE THE
31 ELECTION. If the applicant is not registered, and the request is for a
32 ballot for use in a county election but the federal postcard application is
33 complete, the recorder shall forward an official early ballot to the
34 applicant WITHIN TWENTY-FOUR HOURS AFTER RECEIPT OF THE REQUEST, EXCLUDING
35 SATURDAYS, SUNDAYS AND OTHER LEGAL HOLIDAYS. If the applicant is not
36 registered to vote and the federal postcard application is not used or
37 complete, the recorder shall forward an affidavit of registration as provided
38 in section 16-103 and shall forward at the same time to the unregistered
39 applicant an official early ballot and affidavit WITHIN TWENTY-FOUR HOURS
40 AFTER RECEIPT OF THE REQUEST, EXCLUDING SATURDAYS, SUNDAYS AND OTHER LEGAL
41 HOLIDAYS. FOR ANY VOTER WHO IS SENT AN OFFICIAL EARLY BALLOT BY ELECTRONIC
42 MEANS PURSUANT TO THIS SECTION, THE COUNTY RECORDER OR OTHER OFFICER IN
43 CHARGE OF ELECTIONS IS NOT REQUIRED TO SEND A PAPER BALLOT FOR THE SAME
44 ELECTION.

45 B. The county recorder or other officer in charge of elections shall
46 transmit by fax or by other electronic format approved by the secretary of

1 state early ballot request forms, unvoted ballots and ballot information to
2 eligible absent uniformed services voters and overseas voters. The county
3 recorder or other officer in charge of elections shall provide for receipt of
4 completed early ballot requests and voted early ballots by fax or other
5 electronic format as prescribed by the secretary of state in the instructions
6 and procedures manual issued pursuant to section 16-452. THE COUNTY RECORDER
7 OR OTHER OFFICER IN CHARGE OF ELECTIONS SHALL PROVIDE FOR A METHOD FOR THE
8 VOTER TO VERIFY AT NO COST TO THE VOTER THAT THE VOTER'S BALLOT HAS BEEN
9 RECEIVED.

10 C. The secretary of state shall provide in the instructions and
11 procedures manual issued pursuant to section 16-452 for emergency procedures
12 regarding the early balloting process for persons who are subject to the
13 uniformed and overseas citizens absentee voting act of 1986 (P.L. 99-410; 42
14 United States Code section 1973ff), as amended by the Ronald W. Reagan
15 national defense authorization act for fiscal year 2005 (P.L. 108-375).
16 These emergency procedures may be implemented only on the occurrence of a
17 national or local emergency that makes substantial compliance with the
18 uniformed and overseas citizens absentee voting act impracticable, including
19 occurrences of natural disasters or armed conflict or mobilization of the
20 national guard or military reserve units of this state.

21 D. This section applies only to any absent uniformed services voter or
22 overseas voter as defined in the uniformed and overseas citizens absentee
23 voting act of 1986 (P.L. 99-410; 42 United States Code section 1973ff-6), as
24 amended by the Ronald W. Reagan national defense authorization act for fiscal
25 year 2005 (P.L. 108-375).

26 Sec. 2. Section 19-124, Arizona Revised Statutes, is amended to read:
27 19-124. Arguments and analyses on measures; cost; submission at
28 special election

29 A. The person filing an initiative petition may at the same time file
30 with the secretary of state an argument advocating the measure or
31 constitutional amendment proposed in the petition. Not later than
32 ~~fifty-three~~ FORTY-EIGHT days preceding the regular primary election a person
33 may file with the secretary of state an argument advocating or opposing the
34 measure or constitutional amendment proposed in the petition. Not later than
35 ~~fifty-three~~ FORTY-EIGHT days preceding the regular primary election a person
36 may file with the secretary of state an argument advocating or opposing any
37 measure with respect to which the referendum has been invoked, or any measure
38 or constitutional amendment referred by the legislature. Each argument filed
39 shall contain the original notarized signature of each person sponsoring it.
40 If the argument is sponsored by an organization, it shall contain the
41 notarized signature of two executive officers of the organization or if
42 sponsored by a political committee it shall contain the notarized signature
43 of the committee's chairman or treasurer. Payment of the deposit required by
44 subsection D or reimbursement of the payor constitutes sponsorship of the
45 argument for purposes of this subsection. The person or persons signing the
46 argument shall identify themselves by giving their residence or post office

1 address and a telephone number, which information shall not appear in the
2 publicity pamphlet. Each argument filed pursuant to this subsection shall
3 not exceed three hundred words in length.

4 B. Not later than sixty days preceding the regular primary election
5 the legislative council, after providing reasonable opportunity for comments
6 by all legislators, shall prepare and file with the secretary of state an
7 impartial analysis of the provisions of each ballot proposal of a measure or
8 proposed amendment. The analysis shall include a description of the measure
9 and shall be written in clear and concise terms avoiding technical terms
10 wherever possible. The analysis may contain background information,
11 including the effect of the measure on existing law, or any legislative
12 enactment suspended by referendum, if the measure or referendum is approved
13 or rejected.

14 C. The analyses and arguments shall be included in the publicity
15 pamphlet immediately following the measure or amendment to which they refer.
16 Arguments in the affirmative shall be placed first in order, and first among
17 the affirmative or negative arguments shall be placed the arguments filed by
18 the person filing the initiative petition or the person who introduced the
19 measure or constitutional amendment referred. The remaining affirmative and
20 negative arguments shall be placed in the order in which they were filed with
21 the secretary of state.

22 D. The person filing an argument shall deposit with the secretary of
23 state, at the time of filing, an amount of money as prescribed by the
24 secretary of state for the purpose of offsetting a portion of the
25 proportionate cost of the purchase of the paper and the printing of the
26 argument. If the person filing an argument requests that the argument appear
27 in connection with more than one proposition, a deposit shall be made for
28 each placement requested. No such deposit or payment shall be required for
29 the analyses prepared and filed by the legislative council. Any proportional
30 balance remaining of the deposit, after paying the cost, shall be returned to
31 the depositor.

32 E. When a measure is submitted at a special election, and time will
33 not permit full compliance with this article, the charter provision or
34 ordinance providing for the special election shall make provision for
35 printing and distribution of the publicity pamphlet.

36 F. In the case of referendum petitions that are not required to be
37 filed until after the primary election or at a time so close to the primary
38 election that a referendum cannot be certified for the ballot before the
39 deadline for filing ballot arguments pursuant to subsection A, the secretary
40 of state may establish a separate deadline for filing the referendum ballot
41 arguments pursuant to rules adopted by the secretary of state.

42 Sec. 3. Emergency

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

APPROVED BY THE GOVERNOR FEBRUARY 11, 2010.

FILED IN THE OFFICE OF THE SECRETARY OF STATE FEBRUARY 11, 2010.

Passed the House February 2, 2010

Passed the Senate February 4, 2010

by the following vote: 57 Ayes,

by the following vote: 24 Ayes,

0 Nays, 2 Not Voting
1 Vacancies with Emergency

0 Nays, 4 Not Voting
2 VACANT with Emergency

[Signature]
Speaker of the House

[Signature]
President of the Senate

[Signature]
Chief Clerk of the House

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

8th day of February, 20 10

at 2:15 o'clock P. M.

[Signature]
Secretary to the Governor

Approved this 11th day of

February

at 3:50 o'clock P. M.

[Signature]
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 11th day of February, 20 10

at 4:10 o'clock P. M.

[Signature]
Secretary of State

H.B. 2427