

House Engrossed Senate Bill

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KEN BENNETT
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CHAPTER 209

SENATE BILL 1393

AN ACT

AMENDING SECTIONS 16-163, 16-164, 16-166, 16-168, 16-171, 16-312, 16-543.02, 16-583, 16-902.01, 16-902.02, 16-903, 16-904, 16-905, 16-912.01, 16-913, 16-914, 16-916, 16-916.01 AND 16-918, ARIZONA REVISED STATUTES; CHANGING THE DESIGNATION OF TITLE 16, CHAPTER 8, ARIZONA REVISED STATUTES, TO "ESTABLISHMENT OF LEGISLATIVE AND CONGRESSIONAL DISTRICTS"; REPEALING SECTIONS 16-1101 AND 16-1102, ARIZONA REVISED STATUTES; AMENDING SECTIONS 19-121.01, 19-122, 19-125, 41-121, 41-1232, 41-1232.01, 41-1232.05 AND 41-1348, ARIZONA REVISED STATUTES; RELATING TO ELECTIONS, ELECTORS AND LOBBYISTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 16-163, Arizona Revised Statutes, is amended to
3 read:

4 16-163. Assignment of registrations to general county register;
5 exception; notification to elector; filing of
6 registration forms

7 A. The county recorder, upon ON receipt of a registration in proper
8 form, shall assign the registration record to its proper precinct and
9 alphabetical arrangement in the general county register. The general county
10 register shall be preserved permanently to reflect the registration as of
11 each general election. After the general county register is revised to
12 reflect the valid registrations for the general election, the county recorder
13 shall provide the Arizona state library, archives and public records with a
14 copy of the revised county register.

15 B. After placing the record of registration in the county general
16 register, the county recorder shall notify the elector within thirty days in
17 writing that the elector's name appears in the general register.

18 C. If the notice that is sent is returned undeliverable, the county
19 recorder may send an additional notice as prescribed by section 16-166,
20 subsection A and that notice shall indicate that the elector must respond no
21 later than thirty-five days after the mailing of the notice.

22 D. ~~All current~~ IMAGES OF original registration forms shall be filed
23 ~~countywide or by precinct in alphabetical order by surname of elector~~ STORED
24 ELECTRONICALLY IN THE VOTER REGISTRATION DATABASE. All original registration
25 forms THAT ARE canceled, and all original applications for cancellation of
26 registration received since the preceding general election, ~~ALSO~~ shall be
27 ~~separately filed and~~ maintained IN THE VOTER REGISTRATION DATABASE. Computer
28 output microfilm, listings or other electronic format media containing the
29 information from the general county register after each general election
30 shall be provided to the Arizona state library, archives and public records
31 and shall serve to fulfill the requirements of this ~~subsection~~ SECTION and
32 section 16-164, subsection A.

33 Sec. 2. Section 16-164, Arizona Revised Statutes, is amended to read:

34 16-164. Change of registration on new registration form
35 effecting change of precinct, party, address or name

36 A. Upon ON receipt of a new registration form ~~which~~ THAT effects a
37 change of precinct, political party, address or name, the county recorder
38 shall ~~remove the registration form to which it relates from the general~~
39 ~~county register,~~ indicate ELECTRONICALLY IN THE COUNTY VOTER REGISTRATION
40 DATABASE that the registration has been canceled and the date and reason for
41 cancellation. ~~, and place the form in a cancellation file. In lieu of such~~
42 ~~procedure,~~ The county recorder may modify the record of registration to
43 reflect any changes of address, name or party upon ON receipt of a
44 registration form reflecting such changes.

1 B. All records of cancelled registration shall be arranged and
2 retained ELECTRONICALLY IN THE VOTER REGISTRATION DATABASE in like manner as
3 voter registrations.

4 Sec. 3. Section 16-166, Arizona Revised Statutes, is amended to read:
5 16-166. Verification of registration

6 A. Except for the mailing of sample ballots, a county recorder who
7 mails an item to any elector shall send the mailing by nonforwardable first
8 class mail marked with the statement required by the postmaster to receive an
9 address correction notification. If the item is returned undelivered, the
10 county recorder shall send a follow-up notice to that elector within three
11 weeks of receipt of the returned notice. The county recorder shall send the
12 follow-up notice to the address that appears ~~on~~ IN the general county
13 register or to the forwarding address provided by the United States postal
14 service. The follow-up notice shall include a registration form and the
15 information prescribed by section 16-131, subsection C and shall state that
16 if the elector does not complete and return a new registration form with
17 current information to the county recorder within thirty-five days, the ~~name~~
18 ~~of the elector will be removed from the general register and transferred to~~
19 ~~the inactive voter list~~ ELECTOR'S REGISTRATION STATUS SHALL BE CHANGED FROM
20 ACTIVE TO INACTIVE.

21 B. If the elector provides the county recorder with a new registration
22 form, the county recorder shall change the general register to reflect the
23 changes indicated on the new registration. If the elector indicates a new
24 residence address outside that county, the county recorder shall forward the
25 voter registration form to the county recorder of the county in which the
26 elector's address is located. If the elector provides a new residence
27 address that is located outside this state, the county recorder shall cancel
28 the elector's registration.

29 C. The county recorder shall maintain on the inactive voter list the
30 names of electors who have been removed from the general register pursuant to
31 subsection A or E of this section for a period of four years or through the
32 date of the second general election for federal office following the date of
33 the notice from the county recorder that is sent pursuant to subsection E of
34 this section.

35 D. On notice that a government agency has changed the name of any
36 street, route number, post office box number or other address designation,
37 the county recorder shall revise the registration records and shall send a
38 new verification of registration notice to the electors whose records were
39 changed.

40 E. The county recorder on or before May 1 of each year preceding a
41 state primary and general election or more frequently as the recorder deems
42 necessary may use the change of address information supplied by the postal
43 service through its licensees to identify registrants whose addresses may
44 have changed. If it appears from information provided by the postal service
45 that a registrant has moved to a different residence address in the same

1 county, the county recorder shall change the registration records to reflect
2 the new address and shall send the registrant a notice of the change by
3 forwardable mail and a postage prepaid preaddressed return form by which the
4 registrant may verify or correct the registration information. If the
5 registrant fails to return the form postmarked not later than thirty-five
6 days after the mailing of the notice, ~~the elector shall be removed from the~~
7 ~~general register and transferred to the inactive voter list~~ ELECTOR'S
8 REGISTRATION STATUS SHALL BE CHANGED FROM ACTIVE TO INACTIVE. If the notice
9 sent by the recorder is not returned, the registrant may be required to
10 provide affirmation or confirmation of the registrant's address in order to
11 vote. If the registrant does not vote in an election during the period after
12 the date of the notice from the recorder through the date of the second
13 general election for federal office following the date of that notice, the
14 registrant's name shall be removed from the list of inactive voters. If the
15 registrant has changed residence to a new county, the county recorder shall
16 provide information on how the registrant can continue to be eligible to
17 vote.

18 F. The county recorder shall reject any application for registration
19 that is not accompanied by satisfactory evidence of United States
20 citizenship. Satisfactory evidence of citizenship shall include any of the
21 following:

22 1. The number of the applicant's driver license or nonoperating
23 identification license issued after October 1, 1996 by the department of
24 transportation or the equivalent governmental agency of another state within
25 the United States if the agency indicates on the applicant's driver license
26 or nonoperating identification license that the person has provided
27 satisfactory proof of United States citizenship.

28 2. A legible photocopy of the applicant's birth certificate that
29 verifies citizenship to the satisfaction of the county recorder.

30 3. A legible photocopy of pertinent pages of the applicant's United
31 States passport identifying the applicant and the applicant's passport number
32 or presentation to the county recorder of the applicant's United States
33 passport.

34 4. A presentation to the county recorder of the applicant's United
35 States naturalization documents or the number of the certificate of
36 naturalization. If only the number of the certificate of naturalization is
37 provided, the applicant shall not be included in the registration rolls until
38 the number of the certificate of naturalization is verified with the United
39 States immigration and naturalization service by the county recorder.

40 5. Other documents or methods of proof that are established pursuant
41 to the immigration reform and control act of 1986.

42 6. The applicant's bureau of Indian affairs card number, tribal treaty
43 card number or tribal enrollment number.

44 G. Notwithstanding subsection F of this section, any person who is
45 registered in this state on the effective date of this amendment to this

1 section is deemed to have provided satisfactory evidence of citizenship and
2 shall not be required to resubmit evidence of citizenship unless the person
3 is changing voter registration from one county to another.

4 H. For the purposes of this section, proof of voter registration from
5 another state or county is not satisfactory evidence of citizenship.

6 I. A person who modifies voter registration records with a new
7 residence ballot shall not be required to submit evidence of citizenship.
8 After citizenship has been demonstrated to the county recorder, the person is
9 not required to resubmit satisfactory evidence of citizenship in that county.

10 J. After a person has submitted satisfactory evidence of citizenship,
11 the county recorder shall indicate this information in the person's permanent
12 voter file. After two years the county recorder may destroy all documents
13 that were submitted as evidence of citizenship.

14 Sec. 4. Section 16-168, Arizona Revised Statutes, is amended to read:

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

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

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

29 C. For the purposes of transmitting voter registration information as
30 prescribed by this subsection, ~~electronic media in counties with a population~~
31 ~~over five hundred thousand persons in the last decennial census shall be the~~
32 ~~principal media. A county or state chairman who is eligible to receive~~
33 ~~copies of precinct lists as prescribed by this subsection may request that~~
34 ~~the recorder provide a paper copy of the precinct lists. IN ADDITION TO~~
35 ~~PREPARING THE OFFICIAL PRECINCT LISTS, the county recorder, in addition to~~
36 ~~preparing the official precinct lists, shall provide a means for mechanically~~
37 ~~or electronically reproducing the precinct lists. and Unless otherwise~~
38 ~~agreed, THE COUNTY RECORDER shall deliver ONE ELECTRONIC MEDIA COPY OF EACH~~
39 ~~PRECINCT LIST IN THE COUNTY WITHOUT CHARGE AND ON THE SAME DAY within eight~~
40 ~~days after the close of registration for the primary and general~~
41 ~~elections, without charge, on the same day one electronic media copy of each~~
42 ~~precinct list within the county to the county chairman and one electronic~~
43 ~~media copy to the state chairman of each party that has at least four~~
44 ~~candidates other than presidential electors appearing on the ballot in that~~
45 ~~county at the current election. The county recorder of a county with a~~

1 ~~population of five hundred thousand or fewer persons, on the same day~~
2 ~~precinct lists are delivered to county chairmen, shall deliver one electronic~~
3 ~~media copy of each precinct list within the county to the state chairman of~~
4 ~~each party that has at least four candidates other than presidential electors~~
5 ~~appearing on the ballot in this state at the current election. The secretary~~
6 ~~of state shall prescribe the manner, format and template in which all county~~
7 ~~recorders provide this data to the secretary of state to ensure that the~~
8 ~~submissions are uniform from all counties in this state. The ELECTRONIC~~
9 ~~MEDIA copies of the precinct lists shall be electronic media and THAT ARE~~
10 ~~DELIVERED TO THE PARTY CHAIRMEN shall include for each elector the following~~
11 ~~information:~~

- 12 1. Name in full and appropriate title.
- 13 2. Party preference.
- 14 3. Date of registration.
- 15 4. Residence address.
- 16 5. Mailing address, if different from residence address.
- 17 6. Zip code.
- 18 7. Telephone number if given.
- 19 8. Birth year.
- 20 9. Occupation if given.
- 21 10. Voting history for all elections in the prior four years and any
- 22 other information regarding registered voters that the county recorder or
- 23 city or town clerk maintains electronically and that is public information.
- 24 11. All data relating to permanent early voters and nonpermanent early
- 25 voters, including ballot requests and ballot returns.

26 D. The names on the precinct lists shall be in alphabetical order and
27 the precinct lists in their entirety, unless otherwise agreed, shall be
28 delivered to each county chairman and each state chairman within ten business
29 days of the close of each date for counting registered voters prescribed by
30 subsection G of this section other than the primary and general election
31 registered voter counts in the same format and media as prescribed by
32 subsection C of this section. During the thirty-three days immediately
33 preceding an election and on request from a county or state chairman, the
34 county recorder shall provide at no cost a daily list of persons who have
35 requested an early ballot and shall provide at no cost a weekly listing of
36 persons who have returned their early ballots. The recorder shall provide
37 the daily and weekly information through the Friday preceding the election.
38 On request from a county chairman or state chairman, the county recorder of a
39 county with a population of more than eight hundred thousand persons shall
40 provide at no cost a daily listing of persons who have returned their early
41 ballots. The daily listing shall be provided Mondays through Fridays,
42 beginning with the first Monday following the start of early voting and
43 ending on the Monday before the election.

44 E. Precinct registers and other lists and information derived from
45 registration forms may be used only for purposes relating to a political or

1 political party activity, a political campaign or an election, for revising
2 election district boundaries or for any other purpose specifically authorized
3 by law and may not be used for a commercial purpose as defined in section
4 39-121.03. The sale of registers, lists and information derived from
5 registration forms to a candidate or a registered political committee for a
6 use specifically authorized by this subsection does not constitute use for a
7 commercial purpose. The county recorder, on a request for an authorized use
8 and within thirty days from receipt of the request, shall prepare additional
9 copies of an official precinct list and furnish them to any person requesting
10 them on payment of a fee equal to five cents for each name appearing on the
11 register for a printed list and one cent for each name for an electronic data
12 medium, plus the cost of the blank computer disk or computer software if
13 furnished by the recorder, for each copy so furnished.

14 F. Any person in possession of a precinct register or list, in whole
15 or part, or any reproduction of a precinct register or list, shall not permit
16 the register or list to be used, bought, sold or otherwise transferred for
17 any purpose except for uses otherwise authorized by this section. A person
18 in possession of information derived from voter registration forms or
19 precinct registers shall not distribute, post or otherwise provide access to
20 any portion of that information through the internet except as authorized by
21 subsection J of this section. Nothing in this section shall preclude public
22 inspection of voter registration records at the office of the county recorder
23 for the purposes prescribed by this section, except that the month and day of
24 birth date, the social security number or any portion thereof, the driver
25 license number or nonoperating identification license number, the Indian
26 census number, the father's name or mother's maiden name, the state or
27 country of birth and the records containing a voter's signature shall not be
28 accessible or reproduced by any person other than the voter, by an authorized
29 government official in the scope of the official's duties, for signature
30 verification on petitions and candidate filings, for election purposes and
31 for news gathering purposes by a person engaged in newspaper, radio,
32 television or reportorial work, or connected with or employed by a newspaper,
33 radio or television station or pursuant to a court order. A person who
34 violates this subsection or subsection E of this section is guilty of a class
35 6 felony.

36 G. The county recorder shall count the registered voters by political
37 party by precinct, legislative district and congressional district as
38 follows:

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

41 (a) January 1.

42 (b) March 1.

43 (c) June 1.

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

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

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

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

7 (a) January 1.

8 (b) April 1.

9 (c) July 1.

10 (d) October 1.

11 H. The county recorder shall report the totals to the secretary of
12 state as soon as is practicable following each of the dates prescribed in
13 subsection G of this section. The report shall include completed
14 registration forms returned in accordance with section 16-134, subsection B.
15 The county recorder shall also provide the report in a uniform electronic
16 computer media format that shall be agreed upon ON between the secretary of
17 state and all county recorders. The secretary of state shall then prepare a
18 summary report for the state and shall maintain that report as a permanent
19 record.

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

24 J. The secretary of state shall develop and administer a statewide
25 database of voter registration information that contains the name and
26 registration information of every registered voter in this state. The
27 statewide database is a matter of statewide concern and is not subject to
28 modification or further regulation by a political subdivision. The database
29 shall include an identifier that is unique for each individual voter. The
30 database shall provide for access by voter registration officials and shall
31 allow expedited entry of voter registration information after it is received
32 by county recorders. As a part of the statewide voter registration database,
33 county recorders shall provide for the electronic transmittal of that
34 information to the secretary of state on a real time basis. The secretary of
35 state shall provide for maintenance of the database, including provisions
36 regarding removal of ineligible voters that are consistent with the national
37 voter registration act of 1993 (P.L. 103-31; 107 Stat. 77; 42 United States
38 Code section 394) and the help America vote act of 2002 (P.L. 107-252; 116
39 Stat. 1666; 42 United States Code sections 15301 through 15545), provisions
40 regarding removal of duplicate registrations and provisions to ensure that
41 eligible voters are not removed in error. For the purpose of maintaining
42 compliance with the help America vote act of 2002, each county voter
43 registration system is subject to approval by the secretary of state for
44 compatibility with the statewide voter registration database system.

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

5 L. Beginning January 1, 2008, recognized political parties shall
6 request precinct lists and access to information as provided in subsections E
7 and F of this section during the time periods prescribed in subsection C or D
8 of this section and the county recorder shall receive and respond to those
9 requests. If the county recorder does not provide the requested materials
10 within the applicable time prescribed for the county recorder pursuant to
11 subsection C or D of this section, a recognized political party may request
12 that the secretary of state provide precinct lists and access to information
13 as provided in subsections E and F of this section for federal, state and
14 county elections. The secretary of state shall not provide access to
15 precinct lists and information for recognized political parties unless the
16 county recorder has failed or refused to provide the lists and materials as
17 prescribed by this section. The secretary of state may charge the county
18 recorder a fee determined by rule for each name or record produced.

19 M. For municipal registration information in those municipalities in
20 which the county administers the municipal elections, county and state party
21 chairmen shall request and obtain voter registration information and precinct
22 lists from the city or town clerk during the time periods prescribed in
23 subsection C or D of this section. If the city or town clerk does not
24 provide that information within the same time prescribed for county recorders
25 pursuant to subsection C or D of this section, the county or state party
26 chairman may request and obtain the information from the county recorder.
27 The county recorder shall provide the municipal voter registration and
28 precinct lists within the time prescribed in subsection C or D of this
29 section.

30 N. The county recorders and the secretary of state shall not prohibit
31 any person or entity prescribed in subsection C of this section from
32 distributing a precinct list to any person or entity that is deemed to be
33 using the precinct list in a lawful manner as prescribed in subsections E and
34 F of this section.

35 Sec. 5. Section 16-171, Arizona Revised Statutes, is amended to read:

36 16-171. Preservation of signature rosters as permanent records

37 The signature roster of a precinct register shall be retained ~~for at~~
38 ~~least six years from the date of the election~~ PERMANENTLY, and transfer ~~or~~
39 ~~disposal~~ shall be pursuant to sections 41-1347 and 41-1351. SIGNATURE
40 ROSTERS MAY BE RETAINED PURSUANT TO THIS SECTION IN AN ELECTRONIC FORMAT.

41 Sec. 6. Section 16-312, Arizona Revised Statutes, is amended to read:

42 16-312. Filing of nomination papers for write-in candidates

43 A. Any person desiring to become a write-in candidate for an elective
44 office in any election shall file a nomination paper, signed by the
45 candidate, giving the person's actual residence address or description of

1 place of residence and post office address, age, length of residence in the
2 state and date of birth.

3 B. A write-in candidate shall file the nomination paper not later than
4 5:00 p.m. on the fortieth day prior to the election, except that:

5 1. A candidate running as a write-in candidate as provided in section
6 16-343, subsection D shall file the nomination paper not later than 5:00 p.m.
7 on the fifth day before the election.

8 2. A candidate running as a write-in candidate for an election that
9 may be canceled pursuant to section 15-424, 15-1442, 16-822, 48-802, 48-1012,
10 48-1082, 48-1208, 48-1404, 48-1908, 48-2010, 48-2107 or 48-2208 shall file
11 the nomination paper not later than 5:00 p.m. on the seventy-sixth day before
12 the election.

13 C. The write-in filing procedure shall be in the same manner as
14 prescribed in section 16-311. Any person who does not file a timely
15 nomination paper shall not be counted in the tally of ballots. The filing
16 officer shall not accept the nomination paper of a candidate for state or
17 local office unless the candidate provides or has provided both of the
18 following:

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

21 2. The financial disclosure statement as prescribed for candidates for
22 that office.

23 D. The secretary of state shall notify the various boards of
24 supervisors as to write-in candidates filing with the secretary of state's
25 office. The county school superintendent shall notify the appropriate board
26 of supervisors as to write-in candidates filing with the superintendent's
27 office. The board of supervisors shall notify the appropriate election board
28 inspector of all candidates who have properly filed such statements. In the
29 case of a city or town election, the city or town clerk shall notify the
30 appropriate election board inspector of candidates properly filed. No other
31 write-ins shall be counted. The election board inspector shall post the
32 notice of official write-in candidates in a conspicuous location within the
33 polling place.

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

36 1. For a candidate in the general election, the candidate ran in the
37 immediately preceding primary election and failed to be nominated to the
38 office sought in the current election.

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

43 3. For a candidate in the primary election, the candidate filed a
44 nomination petition for the current primary election for the office sought

1 and failed to provide a sufficient number of valid petition signatures as
2 prescribed by section 16-322.

3 4. For a candidate in the general election, the candidate filed a
4 nomination petition for nomination other than by primary for the office
5 sought and failed to provide a sufficient number of valid petition signatures
6 as prescribed by section 16-341.

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

17 Sec. 7. Section 16-543.02, Arizona Revised Statutes, is amended to
18 read:

19 16-543.02. Federal write-in early ballots; procedure;
20 registration form

21 A. An overseas voter as defined in the uniformed and overseas citizens
22 absentee voting act of 1986 (P.L. 99-410; 42 United States Code section
23 1973ff-6), as amended by the Ronald W. Reagan national defense authorization
24 act for fiscal year 2005 (P.L. 108-375), who is absent from the place of
25 residence in this state where the voter is otherwise qualified to vote may
26 use a federal write-in early ballot in a primary, general or special election
27 for the offices of presidential elector and United States senator and
28 representative in Congress if the voter applies for an early ballot by 7:00
29 p.m. on election day and does not receive that early ballot.

30 B. A federal write-in early ballot of an overseas voter shall not be
31 counted if either of the following conditions is met:

32 1. The application of the overseas voter for an early ballot is
33 received by the county recorder or other officer in charge of elections after
34 7:00 p.m. on election day.

35 2. An early ballot from the overseas voter is received by the county
36 recorder or other officer in charge of elections by 7:00 p.m. on election
37 day.

38 C. An overseas voter who completes a federal write-in early ballot may
39 designate a candidate by writing in the name of the candidate or by writing
40 in the name of a political party, in which case the ballot shall be counted
41 for the candidate of that political party. In the case of the offices of
42 president and vice-president, a vote for a named candidate or in the name of
43 the political party shall be counted as a vote for that candidate's or
44 party's presidential electors. Any abbreviation, misspelling or other minor
45 variation in the form of the name of a candidate or political party shall be

1 disregarded in determining the validity of the ballot if the intention of the
2 voter can be ascertained.

3 D. For an overseas voter who completes a federal write-in early ballot
4 transmission envelope with the federal write-in early ballot request, the
5 transmission envelope shall serve as a voter registration form and the voter
6 is registered to vote on completion and receipt of the transmission envelope
7 and the federal write-in early ballot if all of the following apply:

8 1. The information submitted on the transmission envelope includes the
9 information prescribed in section 16-121.01.

10 2. The voter is otherwise eligible to register and vote in this state.

11 3. The request is received by the county recorder by 7:00 p.m. on
12 election day.

13 E. For any request received after 7:00 p.m. on election day, an
14 otherwise valid transmission envelope constitutes a voter registration form
15 that is valid for any subsequent election.

16 Sec. 8. Section 16-583, Arizona Revised Statutes, is amended to read:

17 16-583. Voter not on precinct register; inactive voter list;
18 procedure

19 A. On or before election day, the county recorder shall provide to
20 each precinct the names of electors on the inactive voter list. If a person
21 whose name is not on the precinct register appears at a polling place, an
22 election official shall determine whether the person is on the inactive voter
23 list. If the person is on the inactive voter list, the registrant, on
24 affirmation by the registrant before an election official at the polling
25 place that the registrant continues to reside at the address indicated on the
26 inactive voter list, shall be permitted to vote at that polling place. The
27 elector's name shall be entered on a separate signature roster page at the
28 end of the signature roster, and voters' names shall be numbered
29 consecutively. If the registrant indicates that ~~he~~ THE REGISTRANT lives at a
30 new residence, the election official shall direct the registrant to the
31 polling place for the new address.

32 B. Following the election, the county recorder shall remove from ~~the~~
33 ~~inactive voter list the names of~~ STATUS all electors who voted pursuant to
34 subsection A, ~~and~~ shall place the electors' names back on the general
35 register AND SHALL RETURN THE ELECTORS' STATUS TO ACTIVE.

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

38 16-902.01. Registration of political committees; contents;
39 amendment

40 A. Each political committee that intends to accept contributions or
41 make expenditures of more than five hundred dollars shall file a statement of
42 organization with the filing officer IN THE FORMAT PRESCRIBED BY THE FILING
43 OFFICER before accepting contributions, making expenditures, distributing any
44 campaign literature or circulating petitions. Each political committee that
45 intends to accept contributions or make expenditures of five hundred dollars

1 or less shall file a signed exemption statement in a form prescribed by the
2 filing officer that states that intention before making any expenditures,
3 accepting any contributions, distributing any campaign literature or
4 circulating petitions. If a political committee that has filed a five
5 hundred dollar threshold exemption statement receives contributions or makes
6 expenditures of more than five hundred dollars, that political committee
7 shall file a statement of organization with the filing officer IN THE FORMAT
8 PRESCRIBED BY THE FILING OFFICER within five business days after exceeding
9 the five hundred dollar limit.

10 B. The statement of organization of a political committee shall
11 include all of the following:

12 1. The name, address and type of committee.

13 2. The name, address, relationship and type of any sponsoring
14 organization.

15 3. The names, addresses, telephone numbers, occupations and employers
16 of the chairman and treasurer of the committee.

17 4. In the case of a candidate's campaign committee, the name, address,
18 office sought and party affiliation of the candidate.

19 5. A listing of all banks, safety deposit boxes or other depositories
20 used by the committee.

21 C. Except as prescribed by subsection E of this section, on the filing
22 of a statement of organization, a political committee shall be issued an
23 identification number IN THE FORMAT PRESCRIBED BY THE FILING OFFICER.

24 D. The political committee shall file an amended statement of
25 organization reporting any change in the information prescribed in ~~subsection~~
26 SUBSECTIONS B AND F of this section within five business days after the
27 change.

28 E. A standing political committee shall file a statement of
29 organization with the secretary of state and in each jurisdiction in which
30 the committee is active, and only the secretary of state shall issue an
31 identification number for the committee. The statement of organization shall
32 include a statement with the notarized signature of the chairman or treasurer
33 of the standing political committee that declares the committee's status as a
34 standing political committee. The secretary of state may charge an annual
35 fee for the filing.

36 F. For a political committee that makes expenditures in an attempt to
37 influence the results of a ballot proposition election, the statement of
38 organization shall include in the name of the political committee the
39 official serial number for the petition, IF ASSIGNED, and a statement as to
40 whether the political committee supports or opposes the passage of the ballot
41 measure. On completion of the designation of statewide ballot propositions
42 by number as prescribed in section 19-125, the secretary of state is
43 authorized TO and shall amend the name of the political committee by
44 attaching to the statement of organization the ballot proposition number as a
45 substitute for the official serial number in the name of the political

1 committee. The secretary of state shall promptly notify the political
2 committee of the amended political committee name and shall make that
3 information available to the public.

4 Sec. 10. Section 16-902.02, Arizona Revised Statutes, is amended to
5 read:

6 16-902.02. Out-of-state political committees; registration;
7 initial reporting

8 A political committee that files a statement of organization in this
9 state as prescribed by section 16-902.01, that is registered in another state
10 or pursuant to federal law and that intends to use in this state monies
11 raised before filing its statement of organization shall also file IN THE
12 FORMAT PRESCRIBED BY THE FILING OFFICER complete copies of its previous
13 campaign finance or other similar reports filed in those other jurisdictions
14 that cover all contributions or receipts for the preceding two years.

15 Sec. 11. Section 16-903, Arizona Revised Statutes, is amended to read:

16 16-903. Candidate's campaign committees; exploratory
17 committees; designation; candidate as agent; civil
18 penalty

19 A. Each candidate who intends to receive contributions or make
20 expenditures of more than five hundred dollars in connection with a campaign
21 for office shall designate in writing THE FORMAT PRESCRIBED BY THE FILING
22 OFFICER a political committee for each election to serve as the candidate's
23 campaign committee. The candidate shall make the designation pursuant to
24 this subsection by filing a statement of organization before making any
25 expenditures, accepting any contributions, distributing any campaign
26 literature or circulating any petitions. Each candidate who intends to
27 receive contributions or make expenditures of five hundred dollars or less
28 shall file a signed exemption statement IN THE FORMAT PRESCRIBED BY THE
29 FILING OFFICER that states that intention before making any expenditures,
30 accepting any contributions, distributing any campaign literature or
31 circulating petitions. If a candidate who has filed a five hundred dollar
32 exemption statement receives contributions or makes expenditures of more than
33 five hundred dollars, that candidate shall file a statement of organization
34 with the filing officer within five business days after exceeding the five
35 hundred dollar limit.

36 B. An individual who receives contributions or makes expenditures of
37 more than five hundred dollars for the purpose of determining whether the
38 individual will become a candidate for election to an office in this state
39 shall designate in writing THE FORMAT PRESCRIBED BY THE FILING OFFICER a
40 political committee to serve as the individual's exploratory committee. The
41 individual shall make the designation pursuant to this subsection before
42 making any expenditures, accepting any contributions or distributing any
43 campaign literature.

44 C. An individual may have only one exploratory committee in existence
45 at one time. A candidate may have only one campaign committee designated for

1 each election, but a candidate may have more than one campaign committee
2 simultaneously in existence.

3 D. A political committee that supports or has supported another
4 candidate or more than one candidate may not be designated as a candidate's
5 campaign committee.

6 E. Any candidate who receives a contribution or any loan for use in
7 connection with the campaign of that candidate for election or who makes a
8 disbursement in connection with that campaign shall be deemed as having
9 received the contribution or loan or as having made the disbursement as an
10 agent of the candidate's campaign committee for purposes of this article.

11 F. An elected official is not deemed to have offered himself for
12 nomination or election to an office or to have made a formal, public
13 declaration of candidacy within the meaning of section 38-296 solely by his
14 designation of a candidate campaign committee.

15 G. A person who violates this section is subject to a civil penalty
16 imposed as prescribed in section 16-924 of up to three times the amount of
17 money that has been received, expended or promised in violation of this
18 section or up to three times the value in money for an equivalent of money or
19 other things of value that have been received, expended or promised in
20 violation of this section.

21 Sec. 12. Section 16-904, Arizona Revised Statutes, is amended to read:

22 16-904. Treasurer; duties; records; civil penalty

23 A. No expenditure may be made for or on behalf of a political
24 committee without the authorization of the treasurer or ~~his~~ THE TREASURER'S
25 designated agent.

26 B. The treasurer shall maintain a record of all petty cash
27 disbursements pursuant to subsection E, paragraph 4 of this section.

28 C. All receipts received by a political committee shall be deposited
29 in an account designated pursuant to section 16-902, subsection C. All
30 monies of a political committee shall be segregated from, and may not be
31 commingled with, the monies of any individual other than contributions by an
32 individual.

33 D. A political committee shall exercise its best efforts to obtain the
34 required information for any incomplete contribution received that is
35 required to be itemized on a campaign finance report pursuant to section
36 16-915, subsection A, paragraph 3. A political committee will not be deemed
37 to have exercised best efforts to obtain the required information unless the
38 treasurer or ~~his~~ THE TREASURER'S agent has made at least one effort after the
39 receipt of the contribution to obtain the missing information by a written
40 request sent to the contributor or by oral contact with the contributor
41 documented in writing and shall comply with the following:

42 1. The request must clearly ask for the missing information and inform
43 the contributor that the committee is required by law to obtain the mailing
44 address, occupation and employer of each individual contributor and the

1 mailing address and identification number of each political committee
2 contributor.

3 2. Any information required for the identification of a contributor
4 received by the political committee after the contribution has been disclosed
5 on a campaign finance report required pursuant to section 16-913 shall be
6 reported on an amended report.

7 E. The treasurer of a political committee is the custodian of the
8 committee's books and accounts and shall keep an account of all of the
9 following:

10 1. All contributions or other monies received by or on behalf of the
11 political committee.

12 2. The identification of any individual or political committee that
13 makes any contribution together with the date and amount of each contribution
14 and the date of deposit into a designated account.

15 3. Cumulative totals contributed by each individual or political
16 committee.

17 4. The name and address of every person to whom any expenditure is
18 made, the date, amount and purpose or reason for the expenditure and, except
19 in the case of an expenditure by a candidate's campaign committee, the name
20 of the candidate and the office sought by the candidate if the expenditure
21 was made on behalf of or in opposition to a candidate.

22 5. All periodic or other statements for each account designated
23 pursuant to section 16-902, subsection C.

24 F. FOR ANY COMMITTEE THAT HAS FILED A FIVE HUNDRED DOLLAR THRESHOLD
25 EXEMPTION STATEMENT:

26 1. THE COMMITTEE AND TREASURER SHALL MAINTAIN A RECORD OF ALL
27 CONTRIBUTIONS RECEIVED AND EXPENDITURES MADE BY THE COMMITTEE. IF THE
28 COMMITTEE EXCEEDS THE FIVE HUNDRED DOLLAR LIMIT, THE COMMITTEE SHALL AMEND
29 ITS STATEMENT OF ORGANIZATION, FILE A REPORT OF ITS CONTRIBUTIONS AND
30 EXPENDITURES PURSUANT TO SECTION 16-913 AND COMPLY WITH ALL REPORTING
31 REQUIREMENTS.

32 2. FOR A COMMITTEE THAT DOES NOT EXCEED ITS FIVE HUNDRED DOLLAR
33 THRESHOLD, THE COMMITTEE TERMINATES AT THE END OF THE ELECTION CYCLE FOR
34 WHICH IT WAS FORMED, SHALL FILE A TERMINATION STATEMENT AS PRESCRIBED BY
35 SECTION 16-914 AND SHALL DISPOSE OF ANY SURPLUS MONIES AS OTHERWISE PROVIDED
36 BY LAW.

37 3. A COMMITTEE THAT FAILS TO FILE ITS TERMINATION STATEMENT PURSUANT
38 TO PARAGRAPH 2 OF THIS SUBSECTION IS TERMINATED BY OPERATION OF LAW NINETY
39 DAYS AFTER THE END OF THE ELECTION CYCLE FOR WHICH IT WAS FORMED AND SHALL
40 PAY A CIVIL PENALTY OF ONE HUNDRED DOLLARS.

41 ~~F.~~ G. Unless specified by the contributor or contributors to the
42 contrary, the treasurer shall record a contribution made by check, money
43 order or other written instrument as a contribution by the person whose
44 signature or name appears on the bottom of the instrument or who endorses the
45 instrument before delivery to the committee. If a contribution is made by

1 more than one person in a single written instrument, the treasurer shall
2 record the amount to be attributed to each contributor as specified.

3 ~~G.~~ H. All contributions other than in-kind contributions must be made
4 by a check drawn on the account of the actual contributor or by a money order
5 or a cashier's check containing the name of the actual contributor or must be
6 evidenced by a written receipt with a copy of the receipt given to the
7 contributor and a copy maintained in the contribution records of the
8 recipient.

9 ~~H.~~ I. The treasurer shall preserve all records required to be kept by
10 this section and copies of all finance reports required to be filed by this
11 article for three years after the filing of the finance report covering the
12 receipts and disbursements evidenced by the records.

13 ~~I.~~ J. On request of the attorney general, the county, city or town
14 attorney or the filing officer, the treasurer shall provide any of the
15 records required to be kept pursuant to this section.

16 ~~J.~~ K. A person who violates this section is subject to a civil
17 penalty imposed as prescribed in section 16-924 of three times the amount of
18 money that has been received, expended or promised in violation of this
19 section or three times the value in money for an equivalent of money or other
20 things of value that has been received, expended or promised in violation of
21 this section.

22 Sec. 13. Section 16-905, Arizona Revised Statutes, is amended to read:
23 16-905. Contribution limitations; civil penalty; complaint

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

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

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

31 3. For an election for a legislative office, four hundred eighty-eight
32 dollars from a single political committee, excluding a political party, not
33 certified under subsection G of this section to make contributions at the
34 higher limits prescribed by paragraph 5 of this subsection and subsection B,
35 paragraph 3 of this section.

36 4. For an election other than for a legislative office, three hundred
37 ninety dollars from a single political committee, excluding a political
38 party, not certified under subsection G of this section to make contributions
39 at the higher limits prescribed by subsection B, paragraph 3 of this section.

40 5. Two thousand dollars from a single political committee, excluding a
41 political party, certified pursuant to subsection G of this section.

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

45 1. One thousand ten dollars from an individual.

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

5 3. Five thousand ten dollars from a single political committee
6 excluding political parties certified pursuant to subsection G of this
7 section.

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

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

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

14 3. For a statewide office, one hundred thousand one hundred ten
15 dollars.

16 D. A nominee of a political party shall not accept contributions from
17 all political parties or political organizations combined totaling more than
18 ten thousand twenty dollars for an election for an office other than a
19 statewide office, and one hundred thousand one hundred ten dollars for an
20 election for a statewide office.

21 E. An individual shall not make contributions totaling more than five
22 thousand six hundred ten dollars in a calendar year to state and local
23 candidates, ~~AND political committees contributing to state or local~~
24 ~~candidates, and political committees advocating the election or defeat of~~
25 ~~state or local candidates.~~ Contributions to political parties AND
26 CONTRIBUTIONS TO INDEPENDENT EXPENDITURE COMMITTEES are exempt from the
27 limitations of this subsection.

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

32 1. An exploratory committee may transfer monies to a subsequent
33 candidate's campaign committee of the individual designating the exploratory
34 committee, subject to the limits of subsection B of this section.

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

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

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

43 G. Only political committees that received monies from five hundred or
44 more individuals in amounts of ten dollars or more in the one year period
45 immediately before application to the secretary of state for qualification as

1 a political committee pursuant to this section may make contributions to
2 candidates under subsection A, paragraph 5 of this section and subsection B,
3 paragraph 3 of this section. The secretary of state shall obtain information
4 necessary to make the determination that a committee meets the requirements
5 of this subsection and shall provide written certification of the fact to the
6 committee. A political committee certification is valid for two years. A
7 candidate's campaign committee shall not accept a contribution pursuant to
8 this subsection unless it is accompanied by a copy of the certification. All
9 political committees that do not meet the requirements of this subsection are
10 subject to the individual campaign contribution limits of subsection A,
11 paragraphs 1 and 2 of this section and subsection B, paragraph 1 of this
12 section.

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

21 I. The following specific limitations and procedures apply:

22 1. The limits of subsections A through E of this section apply to each
23 election for any office or offices which the candidate seeks.

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

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

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

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

39 6. An individual or political committee shall not use economic
40 influence to induce members of an organization to make contributions to a
41 candidate, collect contributions from members of an organization for
42 transmittal to a candidate, make payments to candidates for public
43 appearances or services which are ordinarily uncompensated or use any similar
44 device to circumvent any of the limitations of this section.

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

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

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

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

25 N. The use of a candidate's personal monies, or the use of personal
26 monies by an individual who designates an exploratory committee, is not
27 subject to the limitations of this section.

28 Sec. 14. Section 16-912.01, Arizona Revised Statutes, is amended to
29 read:

30 16-912.01. Ballot measure committees; campaign literature and
31 advertising funding; identification; disclosure;
32 civil penalty; definition

33 A. A political committee that makes an expenditure in connection with
34 any literature or advertisement to support or oppose a ballot proposition
35 shall disclose AND, AFTER NOVEMBER 2, 2010, SHALL INCLUDE ON THE LITERATURE
36 OR ADVERTISEMENT THE WORDS "PAID FOR BY", FOLLOWED BY THE NAME OF THE
37 COMMITTEE THAT APPEARS ON ITS STATEMENT OF ORGANIZATION OR FIVE HUNDRED
38 DOLLAR THRESHOLD EXEMPTION STATEMENT, AND SHALL ALSO INCLUDE in such
39 literature or advertisement the four largest of its major funding sources as
40 of the time the literature or advertisement is printed, recorded or otherwise
41 produced for dissemination. If a political committee has fewer than four
42 major funding sources, the committee shall disclose all major funding
43 sources.

1 B. For purposes of this section, a major funding source of a political
2 committee is any contributor that is not an individual person and that has
3 made cumulative contributions of either:

4 1. Ten thousand dollars or more for an expenditure in support of or
5 opposition to a statewide ballot proposition or a ballot proposition of a
6 political subdivision with a population of one hundred thousand persons or
7 more.

8 2. Five thousand dollars or more for an expenditure in support of or
9 opposition to a ballot proposition of a political subdivision with a
10 population of less than one hundred thousand persons.

11 C. If an out-of-state contributor or group of out-of-state
12 contributors is a major funding source to a political committee disclosed
13 pursuant to subsection A, the political committee shall state the contributor
14 is an out-of-state contributor on its literature or advertisement in support
15 of or in opposition to a ballot proposition.

16 D. Contributors that make contributions to more than one political
17 committee that supports or opposes the same ballot proposition shall notify
18 each political committee of the cumulative total of these contributions.
19 Cumulative totals must be disclosed by each political committee that received
20 contributions from the same contributor if the cumulative totals qualify as a
21 major funding source to be disclosed pursuant to subsection A.

22 E. Any disclosure statement required by this section shall be printed
23 clearly and legibly in a conspicuous manner in type at least as large as the
24 majority of the printed text. If the communication is broadcast on radio,
25 the information shall be spoken at the end of the communication. If the
26 communication is broadcast on a telecommunications system, the information
27 shall be both written and spoken at the end of the communication, except that
28 if the disclosure statement is written for at least five seconds of a thirty
29 second advertisement broadcast or ten seconds of a sixty second advertisement
30 broadcast, a spoken disclosure statement is not required. If the
31 communication is broadcast on a telecommunications system, the written
32 disclosure statement shall be printed in letters equal to or larger than four
33 per cent of the vertical picture height.

34 F. Subsection A does not apply to bumper stickers, pins, buttons, pens
35 and similar small items on which the statements required in subsection A
36 cannot be conveniently printed or to a communication by an organization
37 solely to its members.

38 G. A committee shall change future literature and advertisements to
39 reflect any change in funding sources that must be disclosed pursuant to
40 subsection A.

41 H. This section only applies to advertisements the contents of which
42 are more than fifty per cent devoted to one or more ballot propositions or
43 proposed measures on the same subject.

44 I. Any committee that violates this section is liable in a civil
45 action brought by the attorney general, county attorney or city or town

1 attorney, as appropriate, or by any other person for a civil penalty of three
2 times the total cost of the advertisement. A donor who does not accurately
3 disclose its contributions is liable for a civil penalty of three times the
4 amount donated.

5 J. For THE purposes of this section, "advertisement" means general
6 public advertising through the print and electronic media, signs, billboards
7 and direct mail.

8 Sec. 15. Section 16-913, Arizona Revised Statutes, is amended to read:

9 16-913. Campaign finance reports; reporting of receipts and
10 disbursements; exemptions; civil penalty

11 A. Except as provided in subsection K of this section, each political
12 committee shall file campaign finance reports IN THE FORMAT PRESCRIBED BY THE
13 FILING OFFICER setting forth the committee's receipts and disbursements
14 according to the schedule prescribed in subsections B and C of this section.

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

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

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

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

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

32 D. In the event that a political committee receives no contributions
33 and makes no expenditures during a period in which it is required to file a
34 campaign finance report, the committee treasurer or if the treasurer is
35 unavailable the candidate, in lieu of filing a report required by subsection
36 B of this section, may sign and file a form prescribed by the secretary of
37 state indicating no activity during the specific reporting period.

38 E. In lieu of the reports prescribed in subsections B and C of this
39 section, a candidate's political committee that remains active after an
40 election due to outstanding debts may file a document no later than January
41 31 in a form prescribed by the secretary of state that states that the
42 committee does not intend to receive any contributions or make any
43 expenditures during the year. If a candidate's political committee does
44 receive a contribution or make an expenditure during that year, the committee
45 shall report as prescribed by subsection B or C of this section.

1 F. A judge who has filed a declaration of the desire to be retained in
2 office is exempt from filing any report required by this section if the
3 judge, not later than twelve days before the general election, files a
4 statement signed and sworn to by the judge certifying that the judge has
5 received no contributions, has made no expenditures and has no campaign
6 committee and that the judge does not intend to receive contributions, make
7 expenditures or have a campaign committee for the purpose of influencing the
8 result of the vote on the question of the judge's retention. With respect to
9 superior court judges, a statement filed pursuant to this subsection is
10 effective until the earlier of twelve days before the third general election
11 following the filing of this statement or the judge receives contributions,
12 makes expenditures or authorizes a campaign committee. Such a statement
13 filed by a supreme court justice or a court of appeals judge is effective
14 until the earlier of twelve days before the fourth general election following
15 the filing of this statement or the justice or judge receives contributions,
16 makes expenditures or authorizes a campaign committee.

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

19 H. Except as provided in section 16-916, subsection B and subsection K
20 of this section, a political committee shall comply with the requirements of
21 this section in each jurisdiction in this state in which the committee has
22 filed a statement of organization until the committee terminates pursuant to
23 section 16-914, and its statements, designations and reports shall be filed
24 with each officer with whom it has filed a statement of organization, as
25 appropriate.

26 I. Each report required to be filed pursuant to this section shall be
27 signed by the committee treasurer or the candidate or the designating
28 individual if the treasurer is unavailable and shall contain the
29 certification of the signer under penalty of perjury that the report is true
30 and complete.

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

35 K. A standing political committee shall file reports with the
36 secretary of state and is exempt from filing a report with any other
37 jurisdiction in which it is active. The reports shall be in an electronic
38 format as prescribed by the secretary of state ~~and shall be filed by delivery~~
39 ~~of a computer diskette or cd-rom that contains the report~~ or by use of the
40 internet. The secretary of state shall promptly make the reports available
41 to the public on the internet and ~~on paper~~ SHALL MAKE THE REPORTS AVAILABLE
42 BY ELECTRONIC MEANS by request. The standing committee shall file the
43 following reports:

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

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

7 3. An annual report that is due by January 31 in the year immediately
8 following the calendar year that is the subject of the report.

9 Sec. 16. Section 16-914, Arizona Revised Statutes, is amended to read:
10 16-914. Termination statement

11 A. Except as prescribed by subsection C of this section AND SECTION
12 16-904, SUBSECTION F, a political committee may terminate only when the
13 committee chairman and treasurer file a written statement with the officer
14 with whom the committee's statement of organization is filed IN THE FORMAT
15 PRESCRIBED BY THE FILING OFFICER certifying under penalty of perjury that it
16 will no longer receive any contributions or make any disbursements, that the
17 committee has no outstanding debts or obligations and that any surplus monies
18 have been disposed of pursuant to section 16-915.01 together with a statement
19 of the manner of disposition of the surplus, the name and address of each
20 recipient of surplus monies and the date and amount of each disposition of
21 surplus monies. For a political committee that is an individual's
22 exploratory committee or a candidate's campaign committee, the committee may
23 transfer the committee's debts and obligations to a subsequent committee for
24 that individual or candidate, as prescribed by section 16-915.01, and in that
25 event may terminate without certifying that the committee has no outstanding
26 debts or obligations.

27 B. After the filing of an appropriate termination statement, a
28 political committee is not required to file any subsequent campaign finance
29 reports and shall have no further receipts or disbursements without filing a
30 new statement of organization.

31 C. A political committee may terminate its activities in a reporting
32 jurisdiction and remain active in other jurisdictions by attaching a
33 statement to the reporting jurisdiction's termination statement that is
34 signed by the committee's chairman and treasurer, that attests to the intent
35 to remain active in other jurisdictions and that contains a statement that
36 the committee's remaining monies shall be used for activities in other
37 jurisdictions.

38 Sec. 17. Section 16-916, Arizona Revised Statutes, is amended to read:
39 16-916. Filing statements of contributions and expenditures;
40 public inspection

41 A. Except as provided in subsection B of this section, the statements,
42 designations and reports required to be filed pursuant to this article shall
43 be filed as follows:

44 1. In the office of the secretary of state for political committees
45 supporting or opposing the recall of a public officer elected statewide or to

1 the legislature, supporting the circulation of petitions for ballot measures,
2 questions and propositions appearing on a state general election ballot or
3 recall of public officials elected statewide or to the legislature or
4 supporting or opposing candidates for state offices and members of the
5 legislature, for justices of the supreme court, for judges of the court of
6 appeals and for a statewide initiative or referendum or any measure or
7 proposition appearing on a state general election ballot. The office of the
8 secretary of state shall post to its website in a format that is viewable by
9 the public the campaign finance information prescribed by this section.

10 2. With the county officer in charge of elections for political
11 committees supporting or opposing the recall of public officers elected to
12 county offices, school district governing boards, community college district
13 governing boards or judges of the superior court, supporting the circulation
14 of petitions for ballot measures, questions and propositions appearing on a
15 county election ballot or for the recall of a public officer elected to
16 county offices, school district governing boards, community college district
17 governing boards or judges of the superior court or supporting or opposing
18 candidates for county offices, school district governing board members or
19 ballot questions, community college district governing board members or
20 ballot questions, judges of the superior court seeking retention, special
21 taxing districts and a county initiative or referendum or any measure or
22 proposition appearing on a county election ballot. For any county with a
23 population of more than one hundred thousand persons that operates a website,
24 the county officer in charge of elections shall post to that website in a
25 format that is viewable by the public the campaign finance information
26 prescribed by this section. The posting requirements of this paragraph do
27 not apply to reports where less than five hundred dollars is spent.

28 3. With the city or town clerk for political committees supporting or
29 opposing the recall of public officers elected to city or town offices,
30 supporting the circulation of petitions for ballot measures, questions and
31 propositions appearing on a city or town election ballot or recall of public
32 officers elected for city or town offices or supporting or opposing
33 candidates for city or town offices and for a city or town initiative or
34 referendum or any measure or proposition appearing on a city or town election
35 ballot. For any city or town with a population of more than two thousand
36 five hundred persons that operates a website, the city or town shall post to
37 that website in a format that is viewable by the public the campaign finance
38 information prescribed by this section. The posting requirements of this
39 paragraph do not apply to reports where less than five hundred dollars is
40 spent.

41 B. ~~An original and one copy of the~~ CAMPAIGN FINANCE reports required
42 pursuant to section 16-913 for the office of member of the legislature AND
43 STATEWIDE OFFICES shall be filed with the secretary of state IN THE MANNER
44 PRESCRIBED BY THE SECRETARY OF STATE. The secretary of state may provide
45 through the procedures manual adopted pursuant to section 16-452 for an

1 alternative method for providing public access to the reports prescribed by
2 this section.

3 C. For all statements, designations and reports, the date of filing is
4 the date of actual receipt by the officer with whom the document is required
5 to be filed except as follows:

6 1. For documents filed by certified mail with a United States mail
7 postmark, the date of mailing constitutes the date of filing.

8 2. For documents filed by commercial delivery services that provide a
9 standardized delivery confirmation process, the date of delivery confirmation
10 constitutes the date of filing.

11 3. For documents filed by commercial delivery services that provide
12 for electronic tracking of specific delivery packages, the date of electronic
13 confirmation of delivery constitutes the date of filing.

14 D. If the date for filing any statement, designation or report
15 required by this article is a Saturday, a Sunday or another legal holiday,
16 the filing deadline is the next day that is not a Saturday, a Sunday or
17 another legal holiday.

18 Sec. 18. Section 16-916.01, Arizona Revised Statutes, is amended to
19 read:

20 16-916.01. Electronic filing: statements of contributions and
21 expenditures

22 A. Statements, designations and reports that are filed pursuant to
23 this article in the office of the secretary of state in electronic format
24 shall be filed using computer ~~software that is~~ PROGRAMS THAT ARE provided or
25 approved by the secretary of state. The secretary of state shall provide
26 computer ~~software~~ PROGRAMS to accommodate electronic filings and shall
27 implement and maintain a system for the electronic collection, filing and
28 dissemination of materials filed pursuant to section 16-916, subsection A,
29 paragraph 1. A county officer in charge of elections may implement an
30 electronic filing system for statements, designations and reports that are
31 required by this article to be filed with the county officer in charge of
32 elections. Subsections B through F of this section apply to an electronic
33 filing program operated by a county.

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

37 1. The filing requirements of this chapter.

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

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

43 D. A person or political committee that submits any statement,
44 designation or report pursuant to this chapter that is not properly formatted
45 or that does not contain the information prescribed by this chapter has not

1 complied with the reporting requirements of this chapter and is subject to
2 penalties and enforcement as otherwise provided by law.

3 E. During the implementation of an electronic filing system, the
4 county officer in charge of elections may require that statements,
5 designations or reports be filed with an additional written or printed copy.

6 F. For an electronic filing system implemented by the secretary of
7 state or other filing officer, the filing officer shall designate one or more
8 approved transmittal formats and methods.

9 Sec. 19. Section 16-918, Arizona Revised Statutes, is amended to read:

10 16-918. Campaign finance reports; notice; civil penalty;
11 prohibition on candidacy

12 A. If a political committee fails to file a report in a timely manner
13 as required by this chapter, the filing officer shall send written notice of
14 the delinquency of the report to the political committee and the candidate,
15 in the case of the candidate's campaign committee, or to the designating
16 individual, in the case of an individual's exploratory committee. The notice
17 shall be sent by certified mail within fifteen days after the filing officer
18 determines there may be a failure to file a campaign finance report. The
19 notice shall provide with reasonable particularity the nature of the failure
20 and a statement of the penalties provided in this section.

21 B. A political committee, or in the case of a candidate's campaign
22 committee, the candidate, or in the case of an exploratory committee, the
23 designating individual, is liable for a late penalty of ten dollars for each
24 day after failure to make or file a campaign finance report that is required
25 pursuant to this chapter up to a maximum of four hundred fifty dollars. The
26 filing officer shall not accept a campaign report unless any penalties owed
27 as a result of this section or any penalties imposed pursuant to section
28 16-924 are paid with the report.

29 C. A political committee, or in the case of a candidate's campaign
30 committee, the candidate, or in the case of an exploratory committee, the
31 designating individual, that has failed to file within fifteen days after
32 receiving a notice of delinquency pursuant to subsection A of this section is
33 liable for a civil penalty of twenty-five dollars for each subsequent day
34 that the filing is late. This penalty shall be assessed pursuant to section
35 16-924.

36 D. For THE purposes of this section, there is a failure to make and
37 file a campaign finance report by the treasurer, the designating individual,
38 in the case of an exploratory committee, the candidate, in the case of a
39 candidate's campaign committee, and for all other political committees, the
40 chairman, if any of the following occurs:

41 1. The report is not filed in a timely manner as prescribed by section
42 16-913.

43 2. The report is not signed in accordance with section 16-913.

44 3. A good faith effort is not made to substantially complete the
45 report as prescribed by section 16-915.

1 E. It is a defense to an enforcement action brought pursuant to this
2 section if good cause is shown by the treasurer, the designating individual,
3 in the case of an exploratory committee, or the candidate, in the case of a
4 candidate's campaign committee, for the failure to make and file a campaign
5 finance report. For THE purposes of this subsection, "good cause" includes
6 an illness or absence from this state at the time the campaign finance report
7 was due or the written notice of delinquency was delivered if the illness or
8 absence reasonably prevented the treasurer, designating individual or
9 candidate from filing the report or receiving the written notice.

10 F. In addition to the enforcement actions prescribed by this section,
11 a person who was a candidate for nomination or election to any local or state
12 office and who after written notice pursuant to this section failed to make
13 and file a campaign finance report as required by this chapter is not
14 eligible to be a candidate for nomination or election to any local or state
15 office for five years after the last failure to make and file a campaign
16 finance report occurred. This penalty shall be imposed as follows:

17 1. A candidate's failure to make and file a campaign finance report
18 with a filing officer for a jurisdiction is grounds for that filing officer
19 to refuse the candidate's nomination paper for any public office in that
20 jurisdiction as described in this subsection.

21 2. A candidate's failure to make and file a campaign finance report
22 with any filing officer is grounds for a filing officer from another
23 jurisdiction to refuse the candidate's nomination paper for any public office
24 on presentation of a certified copy of a final order issued pursuant to
25 section 16-924.

26 G. For a standing political committee, in addition to any late penalty
27 and civil penalty assessed pursuant to this section, if the standing
28 political committee makes a late filing three or more times, the standing
29 political committee is no longer eligible for consolidated filing status
30 pursuant to section 16-913, subsection K and shall make all of its filings in
31 each reporting jurisdiction in which it is active.

32 H. For any political committee that has failed to file three
33 consecutive campaign finance reports with the ~~secretary of state~~ FILING
34 OFFICER as prescribed by section 16-913, the ~~secretary of state~~ FILING
35 OFFICER shall send the committee chairman and treasurer a written notice of
36 intent to suspend the political committee. The notice of intent to suspend
37 shall state that failure of the political committee to fully comply with all
38 filing requirements for that committee, including any required payments,
39 within thirty days of the date of the notice shall result in suspension of
40 the political committee's authority to operate in ~~this state~~ THAT
41 JURISDICTION. On suspension of the political committee's authority to
42 operate, the ~~secretary of state~~ FILING OFFICER is no longer required to
43 provide any further notice of delinquency to the political committee. This
44 subsection does not reduce or eliminate the political committee's continuing
45 obligation to make campaign finance filings and pay any fines, penalties,

1 civil penalties or other sanctions that may continue to accrue as otherwise
2 provided by law. This subsection does not apply to reports required pursuant
3 to article 2 of this chapter or to a candidate's campaign committee
4 designated by that candidate pursuant to section 16-903 during that election
5 cycle.

6 Sec. 20. Heading change

7 The chapter heading of title 16, chapter 8, Arizona Revised Statutes,
8 is changed from "MEMBERSHIP AND APPORTIONMENT OF LEGISLATURE AND
9 ESTABLISHMENT OF CONGRESSIONAL DISTRICTS" to "ESTABLISHMENT OF LEGISLATIVE
10 AND CONGRESSIONAL DISTRICTS".

11 Sec. 21. Repeal

12 Sections 16-1101 and 16-1102, Arizona Revised Statutes, are repealed.

13 Sec. 22. Section 19-121.01, Arizona Revised Statutes, is amended to
14 read:

15 19-121.01. Secretary of state; removal of petition and
16 ineligible signatures; facsimile sheets; random
17 sample

18 A. Within twenty days, excluding Saturdays, Sundays and other legal
19 holidays, of the date of filing of an initiative or referendum petition and
20 issuance of the receipt, the secretary of state shall:

21 1. Remove the following:

22 (a) Those sheets not attached to a copy of the title and text of the
23 measure.

24 (b) The copy of the title and text from the remaining petition sheets.

25 (c) Those sheets not bearing the petition serial number in the lower
26 right-hand corner of each side.

27 (d) Those sheets containing a circulator's affidavit that is not
28 completed or signed.

29 (e) Those sheets on which the affidavit of the circulator is not
30 notarized, the notary's signature is missing, the notary's commission has
31 expired or the notary's seal is not affixed.

32 (f) Those sheets on which the signatures of the circulator or the
33 notary are dated earlier than the dates on which the electors signed the face
34 of the petition sheet.

35 (g) BEGINNING AFTER NOVEMBER 2, 2010, THOSE SHEETS THAT ARE CIRCULATED
36 BY A CIRCULATOR WHO IS PROHIBITED FROM PARTICIPATING IN ANY ELECTION,
37 INITIATIVE, REFERENDUM OR RECALL CAMPAIGN PURSUANT TO SECTION 19-119.01.

38 2. After completing the steps in paragraph 1 of this subsection,
39 review each sheet to determine the county of the majority of the signers and
40 shall:

41 (a) Place a three or four letter abbreviation designating that county
42 in the upper right-hand corner of the face of the petition.

43 (b) Remove all signatures of those not in the county of the majority
44 on each sheet by marking an "SS" in red ink in the margin to the right of the
45 signature line.

1 (c) Cause all signature sheets to be grouped together by county of
2 registration of the majority of those signing and attach them to one or more
3 copies of the title and text of the measure. If the sheets are too bulky for
4 convenient grouping by the secretary of state in one volume by county, they
5 may be bound in two or more volumes with those in each volume attached to a
6 single printed copy of the measure. The remaining detached copies of the
7 title and text of the measure shall be delivered to the applicant.

8 3. After completing the steps in paragraph 2 of this subsection,
9 remove the following signatures that are not eligible for verification by
10 marking an "SS" in red ink in the margin to the right of the signature line:

11 (a) If the signature of the qualified elector is missing.

12 (b) If the residence address or the description of residence location
13 is missing.

14 (c) If the date on which the petitioner signed is missing.

15 (d) Signatures in excess of the fifteen signatures permitted per
16 petition.

17 (e) Signatures withdrawn pursuant to section 19-113.

18 (f) BEGINNING AFTER NOVEMBER 2, 2010, SIGNATURES FOR WHICH THE
19 SECRETARY OF STATE DETERMINES THAT THE PETITION CIRCULATOR HAS PRINTED THE
20 ELECTOR'S FIRST AND LAST NAMES OR OTHER INFORMATION IN VIOLATION OF SECTION
21 19-112.

22 4. After the removal of petition sheets and signatures, count the
23 number of signatures for verification on the remaining petition sheets and
24 note that number in the upper right-hand corner of the face of each petition
25 sheet immediately above the county designation.

26 5. Number the remaining petition sheets that were not previously
27 removed and that contain signatures eligible for verification in consecutive
28 order on the front side of each petition sheet in the upper left-hand corner.

29 6. Count all remaining petition sheets and signatures not previously
30 removed and issue a receipt to the applicant of this total number eligible
31 for verification.

32 B. If the total number of signatures for verification as determined
33 pursuant to subsection A, paragraph 6 of this section equals or exceeds the
34 constitutional minimum, the secretary of state, during the same twenty day
35 period provided in subsection A of this section, shall select, at random,
36 five per cent of the total signatures eligible for verification by the county
37 recorders of the counties in which the persons signing the petition claim to
38 be qualified electors. The random sample of signatures to be verified shall
39 be drawn in such a manner that every signature eligible for verification has
40 an equal chance of being included in the sample. The random sample produced
41 shall identify each signature selected by petition page and line number. The
42 signatures selected shall be marked according to the following procedure:

43 1. Using red ink, mark the selected signature by circling the line
44 number and drawing a line from the base of the circle extending into the left
45 margin.

1 2. If a signature line selected for the random sample is found to be
2 blank or was removed from the verification process pursuant to subsection A
3 of this section and is marked with an "SS", then the next line down, even if
4 that requires going to the next petition sheet in sequence, on which an
5 eligible signature appears shall be selected as a substitute if that line has
6 not already been selected for the random sample. If the next eligible line
7 is already being used in the random sample, the secretary of state shall
8 proceed back up the page from the signature line originally selected for the
9 random sample to the next previous signature line eligible for verification.
10 If that line is already being used in the random sample, the secretary of
11 state shall continue moving down the page or to the next page from the line
12 originally selected for the random sample and shall select the next eligible
13 signature as its substitute for the random sample. The secretary of state
14 shall use this process of alternately moving forward and backward until a
15 signature eligible for verification and not already included in the random
16 sample can be selected and substituted.

17 C. After the selection of the random sample and the marking of the
18 signatures selected on the original petition sheets pursuant to subsection B
19 of this section, the secretary of state shall reproduce a facsimile of the
20 front of each signature sheet on which a signature included in the random
21 sample appears. The secretary of state shall clearly identify those
22 signatures marked for verification by color highlighting or other similar
23 method and shall transmit by personal delivery or certified mail to each
24 county recorder a facsimile sheet of each signature sheet on which a
25 signature appears of any individual who claims to be a qualified elector of
26 that county and whose signature was selected for verification as part of the
27 random sample.

28 D. The secretary of state shall retain in custody all signature sheets
29 removed pursuant to this section except as otherwise prescribed in this
30 title.

31 Sec. 23. Section 19-122, Arizona Revised Statutes, is amended to read:
32 19-122. Refusal of secretary of state to file petition or
33 transmit facsimiles of signature sheets or affidavits
34 of circulators; writ of mandamus; venue

35 A. If the secretary of state refuses to accept and file a petition for
36 the initiative or referendum, or proposal for a constitutional amendment
37 ~~which~~ THAT has been presented within the time prescribed, or if ~~he~~ THE
38 SECRETARY OF STATE refuses to transmit the facsimiles of a signature sheet or
39 sheets or affidavits of circulators to the county recorders for certification
40 under section 19-121.01, ~~he~~ THE SECRETARY OF STATE shall provide the person
41 who submitted the petition, proposal, signature sheet or affidavit with a
42 written statement of the reason for the refusal. Within five calendar days
43 after the refusal any citizen may apply to the superior court for a writ of
44 mandamus to compel the secretary of state to file the petition or proposal or
45 transmit the facsimiles, or the citizen may file a complaint with the county

1 attorney or attorney general. The county attorney or attorney general may
2 apply, within five calendar days after the complaint is made, to the superior
3 court for a writ of mandamus to compel the secretary of state to file the
4 petition or proposal or transmit the facsimiles. The action shall be
5 advanced on the calendar and heard and decided by the court as soon as
6 possible. Either party may appeal to the supreme court within five calendar
7 days after judgment. If the court finds that the petition is legally
8 sufficient, the secretary of state shall then file it, with a certified copy
9 of the judgment attached as of the date on which it was originally offered
10 for filing in ~~his~~ THE SECRETARY OF STATE'S office.

11 B. The most current version of the general county register statewide
12 voter registration database at the time of filing a court action challenging
13 an initiative or referendum petition shall constitute the official record to
14 be used to determine on a prima facie basis by the challenger that the signer
15 of a petition was not registered to vote at the address given on the date of
16 signing the petition. If the address of the signer given on the date of
17 signing the petition is different from that on the most current version of
18 the general county register, the county recorder shall examine the version of
19 the general county register ~~which~~ THAT was current on the date the signer
20 signed the petition to determine the validity of the signature AND TO
21 DETERMINE WHETHER THE PERSON WAS ELIGIBLE TO SIGN THE PETITION AT THE TIME OF
22 SIGNING. This subsection does not preclude introducing into evidence a
23 certified copy of the affidavit ~~or~~ OF registration of any signer dated prior
24 to the signing of the petition if the affidavit is in the possession of the
25 county recorder but has not yet been filed in the general county register.

26 C. Notwithstanding section 19-121.04, if any petition filed is not
27 legally sufficient, the court ~~may~~, in an action brought by any citizen, MAY
28 enjoin the secretary or other officers from certifying or printing on the
29 official ballot for the ensuing election the amendment or measure proposed or
30 referred. The action shall be advanced on the calendar and heard and decided
31 by the court as soon as possible. Either party may appeal to the supreme
32 court within five days after judgment.

33 D. The superior court in Maricopa county shall have jurisdiction of
34 actions relating to measures and amendments to be submitted to the electors
35 of the state at large. With respect to actions relating to local and special
36 measures, the superior court in the county, or in one of the counties, in
37 which the measures are to be voted ~~upon~~ ON shall have jurisdiction.

38 Sec. 24. Section 19-125, Arizona Revised Statutes, is amended to read:
39 19-125. Form of ballot

40 A. The secretary of state, at the time he transmits to the clerks of
41 the boards of supervisors a certified copy of the name of each candidate for
42 public office, shall transmit to each clerk a certified copy of the official
43 title, the descriptive title and the number of each measure and proposed
44 amendment to the constitution to be voted ~~upon~~ ON at the ensuing regular
45 general election.

1 B. Proposed constitutional amendments shall be numbered consecutively
2 beginning with the number one hundred, proposed initiative measures shall be
3 numbered consecutively beginning with the number two hundred, measures
4 submitted under the referendum shall be numbered consecutively beginning with
5 the number three hundred, and county and local issues shall be numbered
6 consecutively beginning with the number four hundred. Numbering shall be
7 consecutive based on the order in which the initiative or referendum
8 petitions are filed with the secretary of state. INDIVIDUAL NUMBERING SHALL
9 CONTINUE FROM THE LAST NUMBER USED IN THE PREVIOUS ELECTION AND SHALL NOT BE
10 REPEATED UNTIL ALL ONE HUNDRED NUMBERS IN THAT SERIES HAVE BEEN USED.
11 Proposed constitutional amendments shall be placed by themselves at the head
12 of the ballot column, followed by initiated and referred measures in that
13 order.

14 C. The officer in charge of elections shall print the official title,
15 the descriptive title and the number of each measure ~~upon~~ ON the official
16 ballot in the order presented to him by the secretary of state unless
17 otherwise provided by law. The number of the measure shall be in reverse
18 type and at least twelve point type. A proposed constitutional amendment
19 shall be designated "proposed amendment to the constitution by the
20 legislature", or "proposed amendment to the constitution by the initiative",
21 as the case may be. A measure referred by the legislature shall be
22 designated "referred to the people by the legislature", a measure referred by
23 petition shall be designated "referendum ordered by petition of the people"
24 and a measure proposed by initiative petition shall be designated "proposed
25 by initiative petition".

26 D. There shall be printed on the official ballot immediately below the
27 number of the measure and the official title of each measure a descriptive
28 title containing a summary of the principal provisions of the measure, not to
29 exceed fifty words, which shall be prepared by the secretary of state and
30 approved by the attorney general AND THAT INCLUDES THE FOLLOWING or the
31 ballot shall comply with subsection E of this section:

32 A "yes" vote shall have the effect of _____.

33 A "no" vote shall have the effect of _____.

34 The blank spaces shall be filled with a brief phrase, approved by the
35 attorney general, stating the essential change in the existing law should the
36 measure receive a majority of votes cast in that particular manner. In the
37 case of a referendum, a "yes" vote shall have the effect of approving the
38 legislative enactment that is being referred. Below the statement of effect
39 of a "yes" vote and effect of a "no" vote there shall be printed the
40 corresponding words "yes" and "no" and a place for the voter to put a mark as
41 defined in section 16-400 indicating his preference.

42 E. Instead of printing the official and descriptive titles or the full
43 text of each measure or question on the official ballot, the officer in
44 charge of elections may print phrases on the official ballot that contain all
45 of the following:

- 1 1. The number of the measure in reverse type and at least twelve point
2 type.
- 3 2. The designation of the measure as prescribed by subsection C of
4 this section or as a question, proposition or charter amendment, followed by
5 the words "relating to..." and inserting the subject.
- 6 3. Either the statement prescribed by subsection D of this section
7 that describes the effects of a "yes" vote and a "no" vote or, for other
8 measures, the text of the question or proposition.
- 9 4. The words "yes" and "no" or "for" and "against", as may be
10 appropriate and a place for the voter to put a mark.
- 11 F. For any ballot printed pursuant to subsection E of this section,
12 the instructions on the official ballot shall direct the voter to the full
13 text of the official and descriptive titles and the questions and
14 propositions as printed on the sample ballot and posted in the polling place.
- 15 Sec. 25. Section 41-121, Arizona Revised Statutes, is amended to read:
16 41-121. Duties
- 17 A. The secretary of state shall:
 - 18 1. Receive bills and resolutions from the legislature, and perform
19 such other duties as devolve upon the secretary of state by resolution of the
20 two houses or either of them.
 - 21 2. Keep a register of and attest the official acts of the governor.
 - 22 3. Act as custodian of the great seal of this state.
 - 23 4. Affix the great seal, with the secretary of state's attestation, to
24 public instruments to which the official signature of the governor is
25 attached.
 - 26 5. File in the secretary of state's office receipts for all books
27 distributed by the secretary of state and direct the county recorder of each
28 county to do the same.
 - 29 6. Certify to the governor the names of those persons who have
30 received at any election the highest number of votes for any office, the
31 incumbent of which is commissioned by the governor.
 - 32 7. Publish slip laws of each act of the legislature promptly upon
33 passage and approval of such act, make such acts available to interested
34 persons for a reasonable fee to compensate for the cost of printing and
35 provide each house of the legislature and the legislative council with a
36 certified copy of each bill or resolution, showing the chapter or resolution
37 number of each, as each is filed in the secretary of state's office.
 - 38 8. Keep a fee book of fees and compensation of whatever kind and
39 nature earned, collected or charged by the secretary of state, with the date,
40 the name of the payer and the nature of the service in each case. The fee
41 book shall be verified annually by the secretary of state's affidavit entered
42 in the fee book.
 - 43 9. Perform other duties imposed on the secretary of state by law.

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

6 11. Transfer all noncurrent or inactive books, records, deeds and other
7 papers otherwise required to be filed with or retained by the secretary of
8 state to the custody of the Arizona state library, archives and public
9 records.

10 12. Make available to the public, without charge, title 33, chapters 10
11 and 11 on the secretary of state's website.

12 13. Accept, and approve for use, electronic and digital signatures that
13 comply with section 41-132, for documents filed with and by all state
14 agencies, boards and commissions. In consultation with the government
15 information technology agency, the department of administration and the state
16 treasurer, the secretary of state shall adopt rules pursuant to chapter 6 of
17 this title establishing policies and procedures for the use of electronic and
18 digital signatures by all state agencies, boards and commissions for
19 documents filed with and by all state agencies, boards and commissions.

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

25 B. The secretary of state may refuse to perform a service or refuse a
26 filing based on a reasonable belief that the service or filing is being
27 requested for an unlawful, illegitimate, false or fraudulent purpose or is
28 being requested or submitted in bad faith or for the purpose of harassing or
29 defrauding a person or entity. THIS SUBSECTION DOES NOT APPLY TO ELECTION
30 FILINGS.

31 Sec. 26. Section 41-1232, Arizona Revised Statutes, is amended to
32 read:

33 41-1232. Registration of principals; fee

34 A. Except as provided in subsection B, before any principal causes any
35 lobbying to occur on its behalf, the principal shall register with the
36 secretary of state by filing a written statement IN A FORMAT PRESCRIBED BY
37 THE SECRETARY OF STATE, subscribed under oath, containing the following
38 information:

39 1. The name and business address of the principal.

40 2. The name and business address of a person who is the designated
41 lobbyist for the principal, regardless of whether such person is engaged to
42 lobby for compensation.

43 3. The name and business address of each lobbyist for compensation or
44 authorized lobbyist employed by, retained by or representing the principal.

1 4. For each lobbyist for compensation, designated lobbyist or
2 authorized lobbyist that is not an individual, the name and business address
3 of all employees of that lobbyist who lobby on the principal's behalf.

4 5. The nature of the primary business or activity, issue, interest or
5 purpose of the principal.

6 6. The duration of the engagement of any lobbyist.

7 7. A description of the expenses for which each lobbyist is to be
8 reimbursed by the principal.

9 8. A listing of the state entities the lobbyist has been engaged or
10 designated to lobby including the legislature and state agencies, boards,
11 commissions or councils.

12 B. If a registration as required by subsection A cannot be
13 accomplished or is not practicable in advance of the first attempt or
14 occasion to lobby, registration must occur within five business days after
15 the day on which the first lobbying attempt, occasion or activity occurs.

16 C. Each principal shall reregister ~~during November~~ NO LATER THAN 5:00
17 P.M. ON THE SECOND MONDAY IN JANUARY of each ~~even~~ ODD numbered year unless at
18 that time the principal no longer engages any lobbyist. A PRINCIPAL SHALL
19 FILE ITS REGISTRATION AT ANY TIME BEGINNING DECEMBER 1 IN THE EVEN NUMBERED
20 YEAR UNTIL 5:00 P.M. ON THE SECOND MONDAY IN JANUARY IN THE ODD NUMBERED
21 YEAR. Each principal shall amend its registration statement within five
22 business days of any change in the information required by subsection A.

23 D. A principal shall provide notice to each lobbyist for compensation,
24 authorized lobbyist and designated lobbyist who is named in the principal's
25 registration or reregistration statement. The notice shall state that the
26 principal has listed the lobbyist for compensation, authorized lobbyist or
27 designated lobbyist on the principal's registration or reregistration
28 statement and that this listing obligates the lobbyist for compensation or
29 designated lobbyist to register and file all reports required by this
30 article. The notice shall be accompanied by a summary of the lobbyist laws
31 published by the secretary of state, the first page of the principal's
32 registration and the page of the schedule on which the name of the lobbyist
33 for compensation, authorized lobbyist or designated lobbyist appears.

34 E. Each principal that registers a lobbyist for compensation or a
35 designated lobbyist who receives compensation for lobbying from the
36 principal, at the time of registering or reregistering, shall pay a
37 registration or reregistration fee of twenty-five dollars to the secretary of
38 state. No principal may be charged more than one twenty-five dollar fee per
39 registration period. Registration and reregistration fees collected by the
40 secretary of state shall be deposited, pursuant to sections 35-146 and
41 35-147, in the state general fund, and, subject to legislative appropriation,
42 the registration and reregistration fees for principals shall be used to
43 reduce the costs associated with enforcing the lobbyist registration laws.

1 Sec. 27. Section 41-1232.01, Arizona Revised Statutes, is amended to
2 read:

3 41-1232.01. Registration by public bodies; fee

4 A. Except as provided in subsection B, before any public body causes
5 any lobbying to occur on its behalf, the public body shall register with the
6 secretary of state by filing a written statement IN A FORMAT PRESCRIBED BY
7 THE SECRETARY OF STATE, subscribed under oath, containing the following
8 information:

9 1. The name and business address of the public body.

10 2. The name and business address of a person who is the designated
11 public lobbyist for the public body, regardless of whether this person is
12 engaged to lobby for compensation.

13 3. The name and business address of each authorized public lobbyist
14 employed by, retained by or representing the public body.

15 4. For each designated public lobbyist or authorized public lobbyist
16 that is not an individual, the name and business address of all employees of
17 such designated public lobbyist or authorized public lobbyist who may lobby
18 on the public body's behalf.

19 5. A description of the expenses for which each designated public
20 lobbyist and authorized public lobbyist is to be reimbursed by the public
21 body.

22 B. If a registration as required by subsection A cannot be
23 accomplished or is not practicable in advance of the first attempt or
24 occasion to lobby, registration must occur within five business days after
25 the day on which the first lobbying attempt, occasion or activity occurs.

26 C. Each public body shall reregister ~~during November~~ NO LATER THAN
27 5:00 P.M. ON THE SECOND MONDAY IN JANUARY of each ~~even~~ ODD numbered year
28 unless at that time the public body no longer engages any designated public
29 lobbyist or authorized public lobbyist. A PUBLIC BODY SHALL FILE ITS
30 REGISTRATION AT ANY TIME BEGINNING DECEMBER 1 IN THE EVEN NUMBERED YEAR UNTIL
31 5:00 P.M. ON THE SECOND MONDAY IN JANUARY IN THE ODD NUMBERED YEAR. Each
32 public body shall amend its registration statement within five business days
33 of any change in the information required by subsection A.

34 D. A public body shall provide notice to each designated public
35 lobbyist or authorized public lobbyist who is named in the public body's
36 registration or reregistration statement. The notice shall state that the
37 public body has listed the designated public lobbyist or authorized public
38 lobbyist on the public body's registration or reregistration statement and
39 that this listing obligates the designated public lobbyist to register and
40 file all reports required by this article. The notice shall be accompanied
41 by a summary of the lobbyist laws published by the secretary of state, the
42 first page of the public body's registration and the page of the schedule on
43 which the designated or authorized public lobbyist's name appears.

44 E. Each public body that registers a designated public lobbyist who
45 receives compensation for lobbying from the public body, at the time of

1 registering or reregistering, shall pay a registration or reregistration fee
2 of twenty-five dollars to the secretary of state. No public body may be
3 charged more than one twenty-five dollar fee per registration period.
4 Registration and reregistration fees collected by the secretary of state
5 shall be deposited, pursuant to sections 35-146 and 35-147, in the state
6 general fund, and, subject to legislative appropriation, the registration and
7 reregistration fees for public bodies shall be used to reduce the costs
8 associated with enforcing the lobbyist registration laws.

9 Sec. 28. Section 41-1232.05, Arizona Revised Statutes, is amended to
10 read:

11 41-1232.05. Lobbyist registration; handbook; requirement

12 A. A person who is listed by a principal or public body on a
13 registration form pursuant to section 41-1232 or 41-1232.01 as a lobbyist for
14 compensation, designated lobbyist or designated public lobbyist shall file a
15 lobbyist registration form with the secretary of state ~~during November~~ IN A
16 FORMAT PRESCRIBED BY THE SECRETARY OF STATE NO LATER THAN 5:00 P.M. ON THE
17 SECOND MONDAY IN JANUARY of each ~~odd~~ EVEN numbered year and shall read a
18 handbook containing statutes and rules governing lobbyists for compensation,
19 designated lobbyists and designated public lobbyists, written guidelines and
20 forms and samples for completing the lobbyist disclosure forms. A PERSON
21 SHALL FILE THE REGISTRATION AT ANY TIME BEGINNING DECEMBER 1 IN THE ODD
22 NUMBERED YEAR UNTIL 5:00 P.M. ON THE SECOND MONDAY IN JANUARY IN THE EVEN
23 NUMBERED YEAR. The lobbyist handbook shall be written and prescribed by the
24 secretary of state. A person who is originally listed as a lobbyist for
25 compensation, designated lobbyist or designated public lobbyist ~~for~~ FOR a
26 month other than ~~November~~ JANUARY shall file, within thirty days, a
27 registration form and shall file a registration form ~~during November~~ FOR
28 JANUARY of each ~~odd~~ EVEN numbered year thereafter if ~~he~~ THE PERSON continues
29 to be listed as a lobbyist for compensation, designated lobbyist or
30 designated public lobbyist.

31 B. The lobbyist registration form shall include:

32 1. The name of the lobbyist for compensation, designated lobbyist or
33 designated public lobbyist.

34 2. The business name and address of the lobbyist for compensation,
35 designated lobbyist or designated public lobbyist.

36 3. A statement that the lobbyist for compensation, designated lobbyist
37 or designated public lobbyist has read the lobbyist handbook prescribed in
38 subsection A of this section.

39 Sec. 29. Section 41-1348, Arizona Revised Statutes, is amended to
40 read:

41 41-1348. Production and reproduction of records by agencies of
42 the state and political subdivisions; admissibility;
43 violation; classification

44 A. Each agency of this state or any of its political subdivisions may
45 implement a program for the production or reproduction by photography or

1 other method of reproduction on film, microfiche, digital imaging or other
2 electronic media of records in its custody, whether obsolete or current, and
3 classify, catalogue and index such records for convenient reference. The
4 agency, before the institution of any such program of production or
5 reproduction, shall obtain approval from the director of the types of records
6 to be produced or reproduced and of the methods of production, reproduction
7 and storage and the equipment which the agency proposes to use in connection
8 with the production, reproduction and storage. On approval from the
9 director, the source documents may be destroyed, but only after an
10 administrative audit and after safeguards are in place to protect the public
11 records pursuant to section 41-1347, subsection A.

12 B. Except as otherwise provided by law, records reproduced as provided
13 in subsection A of this section are admissible in evidence.

14 ~~C. The provisions of this section shall not be applicable to permit~~
15 ~~destruction of current original affidavits of registration as that term is~~
16 ~~used in section 16-163.~~

17 ~~D.~~ C. A head of an agency of this state or a political subdivision of
18 this state who violates this section is guilty of a class 2 misdemeanor.

19 Sec. 30. Applicability; 2010 general election

20 Section 19-125, Arizona Revised Statutes, as amended by this act,
21 applies to the 2010 general election, and the secretary of state shall not
22 repeat the use of the numbers for the 2010 general election that were used to
23 designate ballot measures in the 2008 general election and shall use numbers
24 in sequence after those used in 2008. Section 19-125, Arizona Revised
25 Statutes, as amended by this act, does not apply to the May 18, 2010 special
26 statewide election.

27 Sec. 31. Emergency

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

APPROVED BY THE GOVERNOR APRIL 28, 2010.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 28, 2010.

Passed the House April 14, 20 10,

by the following vote: 53 Ayes,

1 Nays, 6 Not Voting
with emergency

[Signature]
Speaker of the House

[Signature]
Chief Clerk of the House

Passed the Senate April 1, 20 10,

by the following vote: 26 Ayes,

0 Nays, 4 Not Voting

[Signature]
President of the Senate

[Signature]
Secretary of the Senate

**EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR**

This Bill was received by the Governor this
_____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

_____, 20____,

at _____ o'clock _____ M.

Governor of Arizona

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

This Bill was received by the Secretary of State
this _____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary of State

S.B. 1393

SENATE CONCURS IN HOUSE
AMENDMENTS AND FINAL PASSAGE

Passed the Senate April 22, 20 10

by the following vote: 24 Ayes,

3 Nays, 3 Not Voting

Bowan Jeff *with Emergency*
President of the Senate
Cherwin Bellington
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this
23 day of April, 20 10

at 9:05 o'clock A. M.

Maile Bendie
Secretary to the Governor

Approved this 28th day of

April

at 1:40 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 28th day of April, 20 10

at 4:29 o'clock P. M.

Ken Bennett
Secretary of State