

Senate Engrossed House Bill

**FILED**

**KEN BENNETT  
SECRETARY OF STATE**

State of Arizona  
House of Representatives  
Fiftieth Legislature  
First Regular Session  
2011

CHAPTER 332

## **HOUSE BILL 2304**

AN ACT

AMENDING SECTIONS 16-246, 16-315, 16-321, 16-341, 16-343, 16-411, 16-449, 16-502, 16-515 AND 16-542, ARIZONA REVISED STATUTES; REPEALING SECTION 16-543.01, ARIZONA REVISED STATUTES; AMENDING SECTIONS 16-544, 16-602, 16-645, 16-801, 16-902.01, 16-903, 16-912, 16-915.01, 16-918, 16-919, 16-920, 16-924, 19-112, 19-115, 19-121.04 AND 38-542, ARIZONA REVISED STATUTES; RELATING TO ELECTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 16-246, Arizona Revised Statutes, is amended to  
3 read:

4 16-246. Early balloting; satellite locations; additional  
5 procedures

6 A. Within ninety-three days before the presidential preference  
7 election and not later than 5:00 p.m. on the eleventh day preceding the  
8 election, any elector who is eligible to vote in the presidential preference  
9 election may make a verbal or signed, written request for an official early  
10 ballot to the county recorder or other officer in charge of elections for the  
11 county in which the elector is registered to vote. If the request is verbal,  
12 the requesting elector shall provide the date of birth and birthplace or  
13 other information that if compared to the voter registration records for that  
14 elector would confirm the identity of the elector.

15 B. Absent uniformed services voters or overseas voters who are  
16 otherwise eligible to vote in the election may vote as prescribed by sections  
17 16-543, ~~16-543.01~~ and 16-543.02. ~~The list of candidates that is sent as~~  
18 ~~prescribed by section 16-543.01 shall be a list of all candidates who have~~  
19 ~~qualified for the presidential preference ballot by the forty sixth day~~  
20 ~~before the presidential preference election.~~

21 C. The county recorder or other officer in charge of elections may  
22 establish on-site early voting locations at the office of the county recorder  
23 or at other locations in the county deemed necessary or appropriate by the  
24 recorder. Early voting shall begin within the time limits prescribed in  
25 section 16-542 unless otherwise prescribed by this section.

26 D. The county recorder or other officer in charge of elections shall  
27 send by nonforwardable mail that is marked with the statement required by the  
28 postmaster to receive an address correction notification any early ballots  
29 that are requested pursuant to subsections A and B of this section and shall  
30 include a preaddressed envelope for the elector to return the completed  
31 ballot.

32 E. The county recorder or other officer in charge of elections shall  
33 provide to each election board an appropriate alphabetized list of voters who  
34 have requested and have been sent an early ballot. Any person who is on that  
35 list of voters and who was sent an early ballot shall not vote at the polling  
36 place for that election precinct except as prescribed by section 16-579,  
37 subsection B.

38 F. The county recorder or other officer in charge of elections may  
39 provide for any of the following in the same manner prescribed by law for  
40 other elections:

41 1. Special election boards.

42 2. Emergency balloting for persons who experience an emergency after  
43 5:00 p.m. on the Friday preceding the presidential preference election and  
44 before 5:00 p.m. on the Monday immediately preceding the presidential  
45 preference election.

1 G. Sections 16-550, 16-551 and 16-552 govern the use of early  
2 balloting for the presidential preference election.

3 Sec. 2. Section 16-315, Arizona Revised Statutes, is amended to read:  
4 16-315. Form of petitions; registration of circulators

5 A. The nomination petitions shall be in substantially the following  
6 form:

7 1. Petitions shall be on paper fourteen inches wide and eight and  
8 one-half inches long.

9 2. Petitions shall be headed by a caption stating the purpose of the  
10 petition, followed by the body of the petition stating the intent of the  
11 petitioners.

12 3. There shall be fifteen lines spaced three-eighths of an inch apart  
13 and consecutively numbered one through fifteen.

14 4. The signature portion of the petition shall be divided into columns  
15 headed by the titles: signature; printed name; actual residence address,  
16 description of place of residence or Arizona post office box address, city or  
17 town; and date of signing.

18 5. A photograph of the candidate may appear on the nomination  
19 petition.

20 B. The following shall appear on the petition:

21 Instructions for Circulators

22 1. All petitions shall be signed by circulator.

23 2. Circulator IS NOT REQUIRED TO BE A RESIDENT OF THIS STATE BUT  
24 OTHERWISE must be qualified to register to vote in this state AND, IF NOT A  
25 RESIDENT OF THIS STATE, SHALL REGISTER AS A CIRCULATOR WITH THE SECRETARY OF  
26 STATE.

27 3. Circulator's name shall be typed or printed under such person's  
28 signature.

29 4. Circulator's actual residence address or, if no street address, a  
30 description of residence location shall be included on the petition.

31 C. The secretary of state shall prepare sample nomination petition  
32 forms and distribute such forms to all election officers.

33 D. CIRCULATORS WHO ARE NOT RESIDENTS OF THIS STATE MUST BE REGISTERED  
34 AS CIRCULATORS WITH THE SECRETARY OF STATE BEFORE CIRCULATING PETITIONS. THE  
35 SECRETARY OF STATE SHALL PROVIDE FOR A METHOD OF RECEIVING SERVICE OF PROCESS  
36 FOR THOSE PETITION CIRCULATORS WHO REGISTER PURSUANT TO THIS SUBSECTION. THE  
37 SECRETARY OF STATE SHALL ESTABLISH IN THE INSTRUCTIONS AND PROCEDURES MANUAL  
38 ISSUED PURSUANT TO SECTION 16-452 A PROCEDURE FOR REGISTERING CIRCULATORS AND  
39 RECEIVING SERVICE OF PROCESS.

40 Sec. 3. Section 16-321, Arizona Revised Statutes, is amended to read:  
41 16-321. Signing and certification of nomination petition

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

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

3 B. For the purposes of petitions filed pursuant to sections 16-312,  
4 16-313, 16-314 and 16-341, each signer of a nomination petition shall be a  
5 voter who at the time of signing is a registered voter in the electoral  
6 district of the office the candidate is seeking.

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

14 ~~D. Except as prescribed in section 16-341 for circulators of petitions~~  
15 ~~for certain candidates for the office of presidential elector,~~ The person  
16 before whom the signatures were written on the signature sheet IS NOT  
17 REQUIRED TO BE A RESIDENT OF THIS STATE BUT OTHERWISE shall be qualified to  
18 register to vote in this state pursuant to section 16-101 and, IF NOT A  
19 RESIDENT OF THIS STATE, SHALL REGISTER AS A CIRCULATOR WITH THE SECRETARY OF  
20 STATE. A CIRCULATOR shall verify that each of the names on the petition was  
21 signed in his presence on the date indicated, and that in his belief each  
22 signer was a qualified elector who resides at the address given as the  
23 signer's residence on the date indicated and, if for a partisan election,  
24 that each signer is a member of the party from which the candidate is seeking  
25 nomination, or the signer is a member of a political party that is not  
26 entitled to continued representation on the ballot pursuant to section 16-804  
27 or the signer is registered as independent or no party preferred. The way  
28 the name appears on the petition shall be the name used in determining the  
29 validity of the name for any legal purpose pursuant to the election laws of  
30 this state. Signature and handwriting comparisons may be made.

31 E. A person who signs a nominating petition must use that person's  
32 actual residence address unless there is no actual residence address assigned  
33 by an official governmental entity or the person's actual residence is  
34 protected pursuant to section 16-153. The signature of a person who signs a  
35 nominating petition and who uses only a description of the place of residence  
36 or an Arizona post office box address is valid if the person is otherwise  
37 properly registered to vote, has not moved since registering to vote and is  
38 eligible to sign the nominating petition.

39 Sec. 4. Section 16-341, Arizona Revised Statutes, is amended to read:  
40 16-341. Nomination petition; method and time of filing; form;  
41 qualifications and number of petitioners required

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

1 B. This article shall not be used to place on the general election  
2 ballot the name of a political party which THAT fails to meet the  
3 qualifications specified in section 16-802 or 16-804, or the name of any  
4 candidate representing such party or the name of a candidate who has filed a  
5 nomination petition in the immediately preceding primary election and has  
6 failed to qualify as the result of an insufficient number of valid  
7 signatures.

8 C. A nomination petition stating the name of the office to be filled,  
9 the name and residence of the candidate and other information required by  
10 this section shall be filed with the same officer with whom primary  
11 nomination papers and petitions are required to be filed as prescribed in  
12 section 16-311. Except for candidates for the office of presidential elector  
13 filed pursuant to this section, the petition shall be filed at the same time  
14 as primary nomination papers and petitions are required to be filed as  
15 prescribed by section 16-311. The petition shall be signed only by voters  
16 who have not signed the nomination petitions of a candidate for the office to  
17 be voted for at that primary election.

18 D. The nomination petition shall be in substantially the following  
19 form:

20 "The undersigned, qualified electors of \_\_\_\_\_  
21 county, state of Arizona, do hereby nominate \_\_\_\_\_, who  
22 resides at \_\_\_\_\_ in the county of \_\_\_\_\_, as a  
23 candidate for the office of \_\_\_\_\_ at the general (or  
24 special, as the case may be) election to be held on the  
25 \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

26 I hereby declare that I have not signed the nomination  
27 petitions of any candidate for the office to be voted for at  
28 this primary election, and I do hereby select the following  
29 designation under which name the said candidate shall be placed  
30 on the official ballot (here insert such designation not  
31 exceeding three words in length as the signers may select)."

32 E. The nomination petition shall conform as nearly as possible to the  
33 provisions relating to nomination petitions of candidates to be voted for at  
34 primary elections and shall be signed by at least the number of persons who  
35 are registered to vote determined by calculating three per cent of the  
36 persons who are registered to vote of the state, county, subdivision or  
37 district for which the candidate is nominated who are not members of a  
38 political party that is qualified to be represented by an official party  
39 ballot at the next ensuing primary election and accorded representation on  
40 the general election ballot.

41 F. The percentage of persons who are registered to vote necessary to  
42 sign the nomination petition shall be determined by the total number of  
43 registered voters from other than political parties that are qualified to be  
44 represented by an official party ballot at the next ensuing primary election  
45 and accorded representation on the general election ballot in the state,

1 county, subdivision or district on March 1 of the year in which the general  
2 election is held. Notwithstanding the method prescribed by subsection E of  
3 this section and this subsection for calculating the minimum number of  
4 signatures necessary, any person who is registered to vote in the state,  
5 county, subdivision or district for which the candidate is nominated is  
6 eligible to sign the nomination petition without regard to the signer's party  
7 affiliation.

8 G. ~~For the purposes of this section,~~ A nomination petition for the  
9 ~~office of presidential elector~~ ANY CANDIDATE may be circulated by a person  
10 who is not a resident of this state but who is otherwise eligible to register  
11 to vote in this state IF THAT PERSON REGISTERS AS A CIRCULATOR WITH THE  
12 SECRETARY OF STATE BEFORE CIRCULATING PETITIONS. The nomination petition FOR  
13 THE OFFICE OF PRESIDENTIAL ELECTOR shall include a group of names of  
14 candidates equal to the number of United States senators and representatives  
15 in Congress from this state instead of separate nomination petitions for each  
16 candidate for the office of presidential elector. A valid signature on a  
17 petition containing a group of presidential electors candidates is counted as  
18 a signature for the nomination of each of the candidates. The presidential  
19 candidate whom the candidates for presidential elector will represent shall  
20 designate in writing to the secretary of state the names of the candidates  
21 who will represent the presidential candidate before any signatures for the  
22 candidate can be accepted for filing. A nomination petition for the office  
23 of presidential elector shall be filed not less than sixty nor more than  
24 ninety days before the general election. The petition shall be signed only  
25 by qualified electors who have not signed the nomination petitions of a  
26 candidate for the office of presidential elector to be voted for at that  
27 election.

28 H. The secretary of state shall require in the instructions and  
29 procedures manual issued pursuant to section 16-452 that persons who  
30 circulate nomination petitions pursuant to this section ~~for the office of~~  
31 ~~presidential elector~~ and who are not residents of this state but who are  
32 otherwise eligible to register to vote in this state shall register as  
33 circulators with the office of the secretary of state before circulating  
34 petitions. The secretary of state shall provide for a method of receiving  
35 service of process for those petition circulators who are registered.

36 I. A person who files a nomination paper pursuant to this section for  
37 the office of president of the United States shall designate in writing to  
38 the secretary of state at the time of filing the name of the candidate's  
39 vice-presidential running mate, the names of the presidential electors who  
40 will represent that candidate and a statement that is signed by the  
41 vice-presidential running mate and the designated presidential electors and  
42 that indicates their consent to be designated. A nomination paper for each  
43 presidential elector designated shall be filed with the candidate's  
44 nomination paper. The number of presidential electors shall equal the number  
45 of United States senators and representatives in Congress from this state.

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

- 6 1. The nomination petition required by this title.
- 7 2. A political committee statement of organization or the five hundred  
8 dollar threshold exemption statement for that office.
- 9 3. The financial disclosure statement as prescribed for candidates for  
10 that office.

11 Sec. 5. Section 16-343, Arizona Revised Statutes, is amended to read:  
12 16-343. Filling vacancy caused by death or incapacity or  
13 withdrawal of candidate

14 A. A vacancy occurring due to death, mental incapacity or voluntary  
15 withdrawal of a candidate after the close of petition filing but prior to a  
16 primary or general election shall be filled by the political party with which  
17 the candidate was affiliated as follows:

18 1. In the case of a United States senator or statewide candidate, the  
19 state executive committee of the candidate's political party shall nominate a  
20 candidate of the party's choice and shall file a nomination paper and  
21 affidavit complying with the requirements for candidates as stated in section  
22 16-311 in order to fill the vacancy.

23 2. In the case of a vacancy for the office of United States  
24 representative or the legislature, the party precinct committeemen of that  
25 congressional or legislative district shall nominate a candidate of the  
26 party's choice and shall file a nomination paper and affidavit complying with  
27 the requirements of section 16-311.

28 3. In the case of a vacancy for a county or precinct office, the party  
29 county committee of counties with a population of less than two hundred fifty  
30 thousand persons according to the most recent United States decennial census  
31 and, in counties with a population of two hundred fifty thousand persons or  
32 more according to the most recent United States decennial census the county  
33 officers of the party together with the chairman of the party precinct  
34 committeemen in each legislative district of the county, shall nominate a  
35 candidate of the party's choice and shall file a nomination paper and  
36 affidavit complying with the requirements of section 16-311 to fill such  
37 vacancy.

38 B. The nomination paper and affidavit required in subsection A of this  
39 section shall be filed with the office with which nomination petitions were  
40 to be filed at any time before the official ballots are printed.

41 C. Any meetings for the purpose of filing a nomination paper and  
42 affidavit provided for in this section shall be called by the chairman of  
43 such committee or legislative district, except that in the case of  
44 multicounty legislative or congressional districts the party county chairman  
45 of the county having the largest geographic area within such district shall

1 call such meeting. The chairman or in his absence the vice-chairman calling  
2 such meeting shall preside. The call to such meeting shall be mailed or  
3 given in person to each person entitled to participate therein no later than  
4 one day prior to such meeting. A majority of those present and voting shall  
5 be required to fill a vacancy pursuant to this section.

6 D. A vacancy ~~which~~ THAT IS DUE TO VOLUNTARY OR INVOLUNTARY WITHDRAWAL  
7 OF THE CANDIDATE AND THAT occurs following the printing of official ballots  
8 shall not be filled in accordance with this section, however, prospective  
9 candidates shall comply with ~~the provisions of~~ section 16-312. A candidate  
10 running as a write-in candidate under this subsection shall file the  
11 nomination paper no later than 5:00 p.m. on the fifth day before the  
12 election.

13 E. Candidates nominated pursuant to subsection A of this section or a  
14 candidate running as a write-in candidate under subsection D of this section  
15 may be a candidate who ran in the immediately preceding primary election for  
16 the office and failed to be nominated.

17 F. If a vacancy occurs as described in subsection A of this section  
18 for a state office, the secretary of state shall notify the various boards of  
19 supervisors as to the vacancy. The boards of supervisors shall notify the  
20 inspectors of the various precinct election boards in the county, district or  
21 precinct where a vacancy occurs. In the case of a city or town election, the  
22 city or town clerk shall notify the appropriate inspectors. A VACANCY THAT  
23 OCCURS AS PRESCRIBED IN SUBSECTION D OF THIS SECTION DUE TO THE DEATH OR  
24 INCAPACITY OF THE CANDIDATE SHALL NOT BE FILLED AND THE SECRETARY OF STATE  
25 SHALL NOTIFY THE APPROPRIATE COUNTY BOARD OF SUPERVISORS TO POST A NOTICE OF  
26 THE DEATH OR INCAPACITY OF THE CANDIDATE IN EACH POLLING PLACE ALONG WITH  
27 NOTICE THAT ANY VOTES CAST FOR THAT CANDIDATE WILL BE TABULATED.

28 G. The inspectors shall post the notice of vacancy in the same manner  
29 as posting official write-in candidates. In the case of a withdrawal of a  
30 candidate that occurs after the printing of official ballots, the inspectors  
31 shall post the notice of withdrawal in a conspicuous location in each polling  
32 place.

33 Sec. 6. Section 16-411, Arizona Revised Statutes, is amended to read:

34 16-411. Designation of election precincts and polling places;  
35 electioneering; wait times

36 A. Except as prescribed by subsection J of this section, the board of  
37 supervisors of each county, on or before December 1 of each year preceding  
38 the year of a general election, by an order, shall establish a convenient  
39 number of election precincts in the county and define the boundaries of the  
40 precincts. Such election precinct boundaries shall be so established as  
41 included within election districts prescribed by law for elected officers of  
42 the state and its political subdivisions including community college district  
43 precincts, except those elected officers provided for in titles 30 and 48.

1           B. Not less than twenty days before a general or primary election, and  
2 at least ten days before a special election, the board shall designate one  
3 polling place within each precinct where the election shall be held, except  
4 that:

5           1. On a specific finding of the board, included in the order or  
6 resolution designating polling places pursuant to this subsection, that no  
7 suitable polling place is available within a precinct, a polling place for  
8 such precinct may be designated within an adjacent precinct.

9           2. Adjacent precincts may be combined if boundaries so established are  
10 included in election districts prescribed by law for state elected officials  
11 and political subdivisions including community college districts but not  
12 including elected officials prescribed by titles 30 and 48. The officer in  
13 charge of elections may also split a precinct for administrative purposes.  
14 Any such polling places shall be listed in separate sections of the order or  
15 resolution.

16           3. On a specific finding of the board that the number of persons who  
17 are listed as permanent early voters pursuant to section 16-544 is likely to  
18 substantially reduce the number of voters appearing at one or more specific  
19 polling places at that election, adjacent precincts may be consolidated by  
20 combining polling places and precinct boards for that election. The board of  
21 supervisors shall ensure that a reasonable and adequate number of polling  
22 places will be designated for that election. Any consolidated polling places  
23 shall be listed in separate sections of the order or resolution of the board.

24           C. If the board fails to designate the place for holding the election,  
25 or if it cannot be held at or about the place designated, the justice of the  
26 peace in the precinct, two days before the election, by an order, copies of  
27 which the justice of the peace shall immediately post in three public places  
28 in the precinct, shall designate the place within the precinct for holding  
29 the election. If there is no justice of the peace in the precinct, or if the  
30 justice of the peace fails to do so, the election board of the precinct shall  
31 designate and give notice of the place within the precinct of holding the  
32 election. For any election in which there are no candidates for elected  
33 office appearing on the ballot, the board may consolidate polling places and  
34 precinct boards and may consolidate the tabulation of results for that  
35 election if all of the following apply:

36           1. All affected voters are notified by mail of the change at least  
37 thirty-three days before the election.

38           2. Notice of the change in polling places includes notice of the new  
39 voting location, notice of the hours for voting on election day and notice of  
40 the telephone number to call for voter assistance.

41           3. All affected voters receive information on early voting that  
42 includes the application used to request an early voting ballot.

1 D. The board is not required to designate a polling place for special  
2 district mail ballot elections held pursuant to article 8.1 of this chapter,  
3 but the board may designate one or more sites for voters to deposit marked  
4 ballots until 7:00 p.m. on the day of the election.

5 E. Except as provided in subsection F of this section, a public school  
6 shall provide sufficient space for use as a polling place for any city,  
7 county or state election when requested by the officer in charge of  
8 elections.

9 F. The principal of the school may deny a request to provide space for  
10 use as a polling place for any city, county or state election if, within two  
11 weeks after a request has been made, the principal provides a written  
12 statement indicating a reason the election cannot be held in the school,  
13 including any of the following:

- 14 1. Space is not available at the school.
- 15 2. The safety or welfare of the children would be jeopardized.

16 G. The board shall make available to the public as a public record a  
17 list of the polling places for all precincts in which the election is to be  
18 held including identification of polling place changes that were submitted to  
19 the United States department of justice for approval.

20 H. Except in the case of an emergency, any facility that is used as a  
21 polling place on election day OR THAT IS USED AS AN EARLY VOTING SITE DURING  
22 THE PERIOD OF EARLY VOTING shall allow persons to electioneer and engage in  
23 other political activity outside of the seventy-five foot limit prescribed by  
24 section 16-515 in public areas and parking lots used by voters. This  
25 subsection shall not be construed to permit the temporary or permanent  
26 construction of structures in public areas and parking lots or the blocking  
27 or other impairment of access to parking spaces for voters.

28 I. The secretary of state shall provide through the instructions and  
29 procedures manual adopted pursuant to section 16-452 the maximum allowable  
30 wait time for any election that is subject to section 16-204 and provide for  
31 a method to reduce voter wait time at the polls in the primary and general  
32 elections. The method shall consider at least all of the following for  
33 primary and general elections in each precinct:

- 34 1. The number of ballots voted in the prior primary and general  
35 elections.
- 36 2. The number of registered voters who voted early in the prior  
37 primary and general elections.
- 38 3. The number of registered voters and the number of registered voters  
39 who cast an early ballot for the current primary or general election.
- 40 4. The number of election board members and clerks and the number of  
41 rosters that will reduce voter wait time at the polls.

42 J. The board of supervisors of a county shall not change precinct  
43 lines during the period after July 31, 2008 and before January 1, 2011. The  
44 board of supervisors may subdivide an election precinct for administrative  
45 purposes or may provide for more than one polling place within the boundaries

1 of the election precincts established for use in voting in elections held  
2 after July 31, 2008 and before January 1, 2011. In providing for multiple  
3 polling places within a precinct, the board of supervisors shall consider the  
4 particular population characteristics of each precinct in order to provide  
5 the voters the most reasonable access to the polls possible.

6 Sec. 7. Section 16-449, Arizona Revised Statutes, is amended to read:  
7 16-449. Required test of equipment and programs; notice;  
8 procedures manual

9 A. Within the period of time before the election day prescribed by the  
10 secretary of state in the instructions and procedures manual adopted pursuant  
11 to section 16-452, the board of supervisors or other election officer in  
12 charge, or for an election involving state or federal candidates, the  
13 secretary of state, shall have the automatic tabulating equipment and  
14 programs tested to ascertain that the equipment and programs will correctly  
15 count the votes cast for all offices and on all measures. Public notice of  
16 the time and place of the test shall be given at least forty-eight hours  
17 prior thereto by publication once in one or more daily or weekly newspapers  
18 published in the town, city or village using such equipment, if a newspaper  
19 is published therein, otherwise in a newspaper of general circulation  
20 therein. The test shall be observed by at least two election inspectors, who  
21 shall not be of the same political party, and shall be open to  
22 representatives of the political parties, candidates, the press and the  
23 public. The test shall be conducted by processing a preaudited group of  
24 ballots so punched or marked as to record a predetermined number of valid  
25 votes for each candidate and on each measure and shall include for each  
26 office one or more ballots ~~which~~ THAT have votes in excess of the number  
27 allowed by law in order to test the ability of the automatic tabulating  
28 equipment and programs to reject such votes. If any error is detected, the  
29 cause therefor shall be ascertained and corrected and an errorless count  
30 shall be made before the automatic tabulating equipment and programs are  
31 approved. A copy of a revised program shall be filed with the secretary of  
32 state within forty-eight hours after the revision is made. If the error was  
33 created by automatic tabulating equipment malfunction, a report shall be  
34 filed with the secretary of state within forty-eight hours after the  
35 correction is made, stating the cause and the corrective action taken. The  
36 test shall be repeated immediately before the start of the official count of  
37 the ballots in the same manner as set forth above. After the completion of  
38 the count, the programs used and the ballots shall be sealed, retained and  
39 disposed of as provided for paper ballots.

40 B. Electronic ballot tabulating systems shall be tested for logic and  
41 accuracy within seven days before their use for early balloting pursuant to  
42 the instructions and procedures manual for electronic voting systems that is  
43 adopted by the secretary of state as prescribed by section 16-452. The  
44 instructions and procedures manual shall include procedures for the handling  
45 of ballots, the electronic scanning of ballots and any other matters

1 necessary to ensure the maximum degree of correctness, impartiality and  
2 uniformity in the administration of an electronic ballot tabulating system.

3 C. NOTWITHSTANDING SUBSECTIONS A AND B OF THIS SECTION, IF A COUNTY  
4 USES ACCESSIBLE VOTING EQUIPMENT TO MARK BALLOTS AND THAT ACCESSIBLE VOTING  
5 EQUIPMENT DOES NOT INDEPENDENTLY TABULATE OR TALLY VOTES, THE SECRETARY OF  
6 STATE IN COOPERATION WITH THE COUNTY OFFICER IN CHARGE OF ELECTIONS MAY  
7 DESIGNATE A SINGLE DATE TO TEST THE LOGIC AND ACCURACY OF BOTH THE ACCESSIBLE  
8 VOTING EQUIPMENT AND ELECTRONIC BALLOT TABULATING SYSTEMS.

9 Sec. 8. Section 16-502, Arizona Revised Statutes, is amended to read:  
10 16-502. Form and contents of ballot

11 A. Ballots shall be printed with black ink on white paper of  
12 sufficient thickness to prevent the printing thereon from being discernible  
13 from the back, and the same type shall be used for the names of all  
14 candidates. The ballots shall be headed "official ballot" in bold-faced  
15 plain letters, with a heavy rule above and below the heading. Immediately  
16 below shall be placed the words "type of election, (date of election)" and  
17 the name of the county and state in which the election is held. The name or  
18 number of the precinct in which the election is held shall be placed on the  
19 ballot in a uniform location for all ballots. No other matter shall be  
20 placed or printed at the head of any ballot, except above the heading there  
21 may be a stub that contains the words "stub no. \_\_\_\_\_, register no. \_\_\_\_\_, to  
22 be torn off by inspector." The stub shall be separated from the ballot by a  
23 perforated line, so that it may be easily detached from the ballot.  
24 Instructions to the voter on marking the ballot may be printed below the  
25 heading. The official ballots shall be bound together in blocks of not less  
26 than five nor more than one hundred.

27 B. Immediately below the ballot heading shall be placed the following:

28 "Section One  
29 Partisan Ballot

30 1. Put a mark according to the instructions next to the  
31 name of each candidate for each partisan office for whom you  
32 wish to vote.

33 2. If you wish to vote for a person whose name is not  
34 printed on the ballot, write such name in the blank space  
35 provided on the ballot or write-in envelope and put a mark  
36 according to the instructions next to the name so written."

37 C. Immediately below the instructions for voting in section one there  
38 shall be placed in columns the names of the candidates of the several  
39 political parties. Next to each candidate's name there shall be printed in  
40 bold-faced letters the name of the political party. At the head of each  
41 column shall be printed the names of the offices to be filled with the name  
42 of each office being of uniform type size. At the head of each column shall  
43 be printed in the following order the names of candidates for:

- 44 1. Presidential electors.  
45 2. United States senator.

1           3. Representatives in Congress.

2           4. The several state offices.

3           5. The several county and precinct offices.

4           D. The names of candidates for the offices of state senator and state  
5 representative along with the district number shall be placed within the  
6 heading of each column to the right of the office name for state offices and  
7 immediately below the candidates for the office of governor. The number of  
8 the supervisorial district of which a candidate is a nominee shall be printed  
9 within the heading of each column to the right of the name of the office.

10          E. The lists of the candidates of the several parties shall be  
11 arranged with the names of the parties in descending order according to the  
12 votes cast for governor for that county in the most recent general election  
13 for the office of governor, commencing with the left-hand column. In the  
14 case of political parties which did not have candidates on the ballot in the  
15 last general election, such parties shall be listed in alphabetical order  
16 below the parties which did have candidates on the ballot in the last general  
17 election. The names of all candidates nominated under section 16-341 shall  
18 be placed in a single column below that of the recognized parties. Next to  
19 the name of each candidate, in parentheses, shall be printed ~~the designation~~  
20 ~~not to exceed three words in length as~~ A THREE-LETTER ABBREVIATION THAT IS  
21 TAKEN FROM THE THREE WORDS prescribed in the candidate's certificate of  
22 nomination.

23          F. Immediately below the designation of the office to be voted for  
24 shall appear the words: "Vote for not more than \_\_\_\_\_" (insert the number  
25 to be elected).

26          G. In each column at the right of the name of each candidate and on  
27 the same line there shall be a place for the voter to put a mark. Below the  
28 name of the last named candidate for each office there shall be as many blank  
29 lines as there are offices of the same title to be filled, with a place for  
30 the voter to put a mark unless write-in envelopes are provided for that  
31 purpose. Upon the blank line the voter may write the name of any person for  
32 whom he desires to vote whose name is not printed, and next to the name so  
33 written he shall designate his choice by a mark as in the case of printed  
34 names.

35          H. When there are two or more candidates of the same political party  
36 for the same office, or more than one candidate for a judicial office, the  
37 names of all such candidates shall be so alternated on the ballots used in  
38 each election district that the name of each candidate shall appear  
39 substantially an equal number of times in each possible location. If there  
40 are fewer or the same number of candidates seeking office than the number to  
41 be elected, the rotation of names is not required and the names shall be  
42 placed in alphabetical order.

43          I. Immediately below section one of the ballot shall be placed the  
44 following:

"Section Two  
Nonpartisan Ballot

1  
2  
3 1. Put a mark according to the instructions next to the  
4 name of each candidate for each nonpartisan office for whom you  
5 wish to vote.

6 2. If you wish to vote for a person whose name is not  
7 printed on the ballot, write such name in the blank space  
8 provided on the ballot or write-in envelope and put a mark  
9 according to the instructions next to the name so written.

10 3. Put a mark according to the instructions next to the  
11 word 'yes' (or for) for each proposition or question you wish to  
12 be adopted. Put a mark according to the instructions next to  
13 the word 'no' (or against) for each proposition or question you  
14 wish not to be adopted."

15 J. Immediately below the instructions for voting in section two shall  
16 be placed the names of the candidates for judges of the superior court  
17 standing for election pursuant to article VI, section 12, Constitution of  
18 Arizona, school district officials, justice JUSTICES of the supreme court,  
19 judges of the court of appeals, judges of the superior court standing for  
20 retention or rejection pursuant to article VI, section 38, Constitution of  
21 Arizona, and other nonpartisan officials in a column or in columns without  
22 partisan or other designation except the title of office in an order  
23 determined by the officer in charge of the election.

24 K. Immediately below the offices listed in subsection J of this  
25 section, the ballot shall contain a separate heading of any nonpartisan  
26 office for a vacant unexpired term and shall include the expiration date of  
27 the term of the vacated office.

28 L. All proposed constitutional amendments and other propositions or  
29 questions to be submitted to the voters shall be printed immediately below  
30 the names of candidates for nonpartisan positions in such order as the  
31 secretary of state, or if a city or town election, the city or town clerk,  
32 designates. Placement of county and local charter amendments, propositions  
33 or questions shall be determined by the officer in charge of the election.  
34 Except as provided by section 19-125, each proposition or question shall be  
35 followed by the words "yes" and "no" or "for \_\_\_\_\_" and "against \_\_\_\_\_" as  
36 the nature of the proposition or question requires, and at the right of and  
37 next to each of such words shall be a place for the voter to put a mark  
38 according to the instructions that is similar in size to those places  
39 appearing opposite the names of the candidates, in which the voter may  
40 indicate his vote for or against such proposition or question by a mark as  
41 defined in section 16-400.

42 M. 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 section 19-125,  
4 subsection C 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 section 19-125, subsection D  
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           N. For any ballot printed pursuant to subsection M 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. 9. Section 16-515, Arizona Revised Statutes, is amended to read:  
16           16-515. "Seventy-five foot limit" notices; posting; violation;  
17                           classification; definitions
- 18           A. Except as prescribed in this section and section 16-580, a person  
19 shall not be allowed to remain inside the seventy-five foot limit while the  
20 polls are open, except for the purpose of voting, and except the election  
21 officials, one representative at any one time of each political party  
22 represented on the ballot who has been appointed by the county chairman of  
23 that political party and the challengers allowed by law, and no ~~political or~~  
24 electioneering materials may be displayed AND NO ELECTIONEERING MAY OCCUR  
25 within the seventy-five foot limit. Voters having cast their ballots shall  
26 promptly move outside the seventy-five foot limit.
- 27           B. The board of supervisors shall furnish, with the ballots for each  
28 polling place, three notices, printed in letters not less than two inches  
29 high, with the heading: "Seventy-five foot limit" and underneath that  
30 heading the following:
- 31           No person shall be allowed to remain inside these limits while  
32 the polls are open, except for the purpose of voting, and except  
33 the election officials, one representative at any one time of  
34 each political party represented on the ballot who has been  
35 appointed by the county chairman of such political party, and  
36 the challengers allowed by law. Voters having cast their  
37 ballots shall at once retire without the seventy-five foot  
38 limit. A person violating any provision of this notice is  
39 guilty of a class 2 misdemeanor.
- 40           C. A minor voting in a simulated election at a polling place is  
41 subject to the same seventy-five foot limit restrictions prescribed for a  
42 voter. Persons supervising or working in a simulated election in which  
43 minors vote may remain within the seventy-five foot limit of the polling  
44 place. The inspector for the polling place shall exercise authority over all  
45 election and simulated election related activities at the polling place.

1 D. For an election that is held by an Indian tribe and that is held at  
2 a polling place at the same time and on the same date as any other election,  
3 the following apply:

4 1. A person who is voting is subject to the same seventy-five foot  
5 limit restrictions prescribed for other voters.

6 2. An election official for the tribal election may remain within the  
7 seventy-five foot limit for the polling place.

8 E. With the permission of the voter, a minor may enter and remain  
9 within the seventy-five foot limit in order to accompany a voter into a  
10 polling place, an on-site early voting facility and a voting booth while the  
11 voter is voting.

12 F. Any person violating this section is guilty of a class 2  
13 misdemeanor.

14 G. FOR THE PURPOSES OF THIS SECTION:

15 1. "ELECTIONEERING" MEANS A DEMONSTRATION OF EXPRESS SUPPORT FOR OR  
16 OPPOSITION TO A CANDIDATE WHO APPEARS ON THE BALLOT IN THAT ELECTION, A  
17 BALLOT QUESTION THAT APPEARS ON THE BALLOT IN THAT ELECTION OR A POLITICAL  
18 PARTY WITH ONE OR MORE CANDIDATES WHO APPEAR ON THE BALLOT IN THAT ELECTION,  
19 AND INCLUDES ANY USE OF A CANDIDATE'S OR POLITICAL PARTY'S NAME OR A BALLOT  
20 MEASURE'S NAME OR NUMERIC DESIGNATION AND ANY VERBAL EXPRESSIONS OF  
21 OPPOSITION OR SUPPORT.

22 2. "ELECTIONEERING MATERIALS" MEANS WRITTEN OR PRINTED MATERIAL OR  
23 ITEMS, INCLUDING ARTICLES OF CLOTHING, THAT EXPRESS SUPPORT FOR OR OPPOSITION  
24 TO A CANDIDATE WHO APPEARS ON THE BALLOT IN THAT ELECTION, A BALLOT QUESTION  
25 THAT APPEARS ON THE BALLOT IN THAT ELECTION OR A POLITICAL PARTY WITH ONE OR  
26 MORE CANDIDATES WHO APPEAR ON THE BALLOT IN THAT ELECTION.

27 Sec. 10. Section 16-542, Arizona Revised Statutes, is amended to read:  
28 16-542. Request for ballot

29 A. Within ninety-three days before any election called pursuant to the  
30 laws of this state, an elector may make a verbal or signed request to the  
31 county recorder, or other officer in charge of elections for the applicable  
32 political subdivision of this state in whose jurisdiction the elector is  
33 registered to vote, for an official early ballot. In addition to name and  
34 address, the requesting elector shall provide the date of birth and state or  
35 country of birth or other information that if compared to the voter  
36 registration information on file would confirm the identity of the elector.  
37 If the request indicates that the elector needs a primary election ballot and  
38 a general election ballot, the county recorder or other officer in charge of  
39 elections shall honor the request. For any partisan primary election, if the  
40 elector is not registered as a member of a political party that is entitled  
41 to continued representation on the ballot pursuant to section 16-804, the  
42 elector shall designate the ballot of only one of the political parties that  
43 is entitled to continued representation on the ballot and the elector may  
44 receive and vote the ballot of only that one political party. The county  
45 recorder may establish on-site early voting locations at the recorder's

1 office, which shall be open and available for use beginning the same day that  
2 a county begins to send out the early ballots. The county recorder may also  
3 establish any other early voting locations in the county the recorder deems  
4 necessary.

5 B. Notwithstanding subsection A of this section, a request for an  
6 official early ballot from an absent uniformed services voter or overseas  
7 voter as defined in the uniformed and overseas citizens absentee voting act  
8 of 1986 (P.L. 99-410; 42 United States Code section 1973ff-6) or a voter  
9 whose information is protected pursuant to section 16-153 that is received by  
10 the county recorder or other officer in charge of elections more than  
11 ninety-three days before the election is valid. If requested by the absent  
12 uniformed services or overseas voter, or a voter whose information is  
13 protected pursuant to section 16-153, the county recorder or other officer in  
14 charge of elections shall provide to the requesting voter early ballot  
15 materials through the next ~~two~~ regularly scheduled general elections ELECTION  
16 for federal office immediately following receipt of the request UNLESS A  
17 DIFFERENT PERIOD OF TIME, WHICH DOES NOT EXCEED THE NEXT TWO REGULARLY  
18 SCHEDULED GENERAL ELECTIONS FOR FEDERAL OFFICE, IS DESIGNATED BY THE VOTER.

19 C. The county recorder or other officer in charge of elections shall  
20 mail the early ballot and the envelope for its return postage prepaid to the  
21 address provided by the requesting elector within five days after receipt of  
22 the official early ballots from the officer charged by law with the duty of  
23 preparing ballots pursuant to section 16-545, except that early ballot  
24 distribution shall not begin more than twenty-six days before the election.  
25 If an early ballot request is received on or before the thirtieth day before  
26 the election, the early ballot shall be distributed on the twenty-sixth day  
27 before the election.

28 D. Only the elector may be in possession of that elector's unvoted  
29 early ballot. If a complete and correct request is made by the elector  
30 within twenty-six days before the election, the mailing must be made within  
31 forty-eight hours after receipt of the request. Saturdays, Sundays and other  
32 legal holidays are excluded from the computation of the forty-eight hour  
33 period prescribed by this subsection. If a complete and correct request is  
34 made by an absent uniformed services voter or an overseas voter before the  
35 election, the regular early ballot shall be transmitted by mail, by fax or by  
36 other electronic format approved by the secretary of state within twenty-four  
37 hours after the early ballots are delivered pursuant to section 16-545,  
38 subsection B, excluding Sundays.

39 E. In order to be complete and correct and to receive an early ballot  
40 by mail, an elector's request that an early ballot be mailed to the elector's  
41 residence or temporary address must include all of the information prescribed  
42 by subsection A of this section and must be received by the county recorder  
43 or other officer in charge of elections no later than 5:00 p.m. on the  
44 eleventh day preceding the election. An elector who appears personally no  
45 later than 5:00 p.m. on the Friday preceding the election at an on-site early

1 voting location that is established by the county recorder or other officer  
2 in charge of elections shall be given a ballot and permitted to vote at the  
3 on-site location. If an elector's request to receive an early ballot is not  
4 complete and correct but complies with all other requirements of this  
5 section, the county recorder or other officer in charge of elections shall  
6 attempt to notify the elector of the deficiency of the request.

7 F. Unless an elector specifies that the address to which an early  
8 ballot is to be sent is a temporary address, the recorder may use the  
9 information from an early ballot request form to update voter registration  
10 records.

11 G. The county recorder or other officer in charge of early balloting  
12 shall provide an alphabetized list of all voters in the precinct who have  
13 requested and have been sent an early ballot to the election board of the  
14 precinct in which the voter is registered not later than the day prior to the  
15 election.

16 H. As a result of an emergency occurring between 5:00 p.m. on the  
17 second Friday preceding the election and 5:00 p.m. on the Monday preceding  
18 the election, qualified electors may request to vote early in the manner  
19 prescribed by the county recorder of their respective county. For the  
20 purposes of this subsection, "emergency" means any unforeseen circumstances  
21 that would prevent the elector from voting at the polls.

22 I. A candidate or political committee may distribute early ballot  
23 request forms to voters. If the early ballot request forms include a printed  
24 address for return to an addressee other than a political subdivision, the  
25 addressee shall be the candidate or political committee that paid for the  
26 printing and distribution of the request forms. All early ballot request  
27 forms that are received by a candidate or political committee shall be  
28 transmitted as soon as practicable to the political subdivision that will  
29 conduct the election.

30 Sec. 11. Repeal

31 Section 16-543.01, Arizona Revised Statutes, is repealed.

32 Sec. 12. Section 16-544, Arizona Revised Statutes, is amended to read:  
33 16-544. Permanent early voting list

34 A. Any voter may request to be included on a permanent list of voters  
35 to receive an early ballot for any election for which the county voter  
36 registration roll is used to prepare the election register. The county  
37 recorder of each county shall maintain the permanent early voting list as  
38 part of the voter registration roll.

39 B. In order to be included on the permanent early voting list, the  
40 voter shall make a written request specifically requesting that the voter's  
41 name be added to the permanent early voting list for all elections in which  
42 the applicant is eligible to vote. A permanent early voter request form  
43 shall conform to requirements prescribed in the instructions and procedures  
44 manual issued pursuant to section 16-452. The application shall allow for  
45 the voter to provide the voter's name, residence address, mailing address in

1 the voter's county of residence, date of birth and signature. The voter  
2 shall not list a mailing address that is outside of ~~the voter's county of~~  
3 ~~residence~~ THIS STATE for the purpose of the permanent early voting list  
4 unless the voter is an absent uniformed services voter or overseas voter as  
5 defined in the uniformed and overseas citizens absentee voting act of 1986  
6 (P.L. 99-410; 42 United States Code section 1973ff-6). In lieu of the  
7 application, the applicant may submit a written request that contains the  
8 required information.

9 C. On receipt of a request to be included on the permanent early  
10 voting list, the county recorder or other officer in charge of elections  
11 shall compare the signature on the request form with the voter's signature on  
12 the voter's registration form and, if the request is from the voter, shall  
13 mark the voter's registration file as a permanent early ballot request.

14 D. Not less than ninety days before any polling place election  
15 scheduled in March or August, the county recorder or other officer in charge  
16 of elections shall mail to all voters who are eligible for the election and  
17 who are included on the permanent early voting list an election notice by  
18 nonforwardable mail that is marked with the statement required by the  
19 postmaster to receive an address correction notification. If an election is  
20 not formally called by a jurisdiction by the one hundred twentieth day before  
21 the election, the recorder or other officer in charge of elections is not  
22 required to send the election notice. The notice shall include the dates of  
23 the elections that are the subject of the notice, the dates that the voter's  
24 ballot is expected to be mailed and the address where the ballot will be  
25 mailed. If the upcoming election is a partisan open primary election and the  
26 voter is not registered as a member of one of the political parties that is  
27 recognized for purposes of that primary, the notice shall include information  
28 on the procedure for the voter to designate a political party ballot. The  
29 notice shall be delivered with return postage prepaid and shall also include  
30 a means for the voter to do any of the following:

31 1. Change the mailing address for the voter's ballot to another  
32 location in the voter's county of residence.

33 2. Update the voter's residence address in the voter's county of  
34 residence.

35 3. Request that the voter not be sent a ballot for the upcoming  
36 election or elections indicated on the notice.

37 E. If the notice that is mailed to the voter is returned undeliverable  
38 by the postal service, the county recorder or other officer in charge of  
39 elections shall take the necessary steps to contact the voter at the voter's  
40 new residence address in order to update that voter's address or to move the  
41 voter to inactive status as prescribed in section 16-166, subsection A. If a  
42 voter is moved to inactive status, the voter shall be removed from the  
43 permanent early voting list. If the voter is removed from the permanent  
44 early voting list, the voter shall only be added to the permanent early

1 voting list again if the voter submits a new request pursuant to this  
2 section.

3 F. Not later than the first day of early voting, the county recorder  
4 or other officer in charge of elections shall mail an early ballot to all  
5 eligible voters included on the permanent early voting list in the same  
6 manner prescribed in section 16-542, subsection C. If the voter has not  
7 returned the notice or otherwise notified the election officer within  
8 forty-five days before the election that the voter does not wish to receive  
9 an early ballot by mail for the election or elections indicated, the ballot  
10 shall automatically be scheduled for mailing.

11 G. If a voter who is on the permanent early voting list is not  
12 registered as a member of a recognized political party and fails to notify  
13 the county recorder of the voter's choice for political party ballot within  
14 forty-five days before a partisan open primary election, the following apply:

15 1. The voter shall not automatically be sent a ballot for that  
16 partisan open primary election only and the voter's name shall remain on the  
17 permanent early voting list for future elections.

18 2. To receive an early ballot for the primary election, the voter  
19 shall submit the voter's choice for political party ballot to the county  
20 recorder.

21 H. After a voter has requested to be included on the permanent early  
22 voting list, the voter shall be sent an early ballot by mail automatically  
23 for any election at which a voter at that residence address is eligible to  
24 vote until any of the following occurs:

25 1. The voter requests in writing to be removed from the permanent  
26 early voting list.

27 2. The voter's registration or eligibility for registration is moved  
28 to inactive status or canceled as otherwise provided by law.

29 3. The notice sent by the county recorder or other officer in charge  
30 of elections is returned undeliverable and the county recorder or officer in  
31 charge of elections is unable to contact the voter to determine the voter's  
32 continued desire to remain on the list.

33 I. A voter may make a written request at any time to be removed from  
34 the permanent early voting list. The request shall include the voter's name,  
35 residence address, date of birth and signature. On receipt of a completed  
36 request to remove a voter from the permanent early voting list, the county  
37 recorder or other officer in charge of elections shall remove the voter's  
38 name from the list as soon as practicable.

39 J. An absent uniformed services voter or overseas voter as defined in  
40 the uniformed and overseas citizens absentee voting act of 1986 (P.L. 99-410;  
41 42 United States Code section 1973ff-6) is eligible to be placed on the  
42 permanent early voting list pursuant to this section.

43 K. A voter's failure to vote an early ballot once received does not  
44 constitute grounds to remove the voter from the permanent early voting list.

1           Sec. 13. Section 16-602, Arizona Revised Statutes, is amended to read:  
2           16-602. Removal of ballots from ballot boxes; disposition of  
3                 ballots folded together or excessive ballots;  
4                 designated margin; hand counts; vote count  
5                 verification committee

6           A. For any primary, SPECIAL or general election in which the votes are  
7           cast on an electronic voting machine or tabulator, the election judge shall  
8           compare the number of votes cast as indicated on the machine or tabulator  
9           with the number of votes cast as indicated on the poll list and the number of  
10          provisional ballots cast and that information shall be noted in a written  
11          report prepared and submitted to the officer in charge of elections along  
12          with other tally reports.

13          B. For each countywide primary, SPECIAL, general and presidential  
14          preference election, the county officer in charge of the election shall  
15          conduct a hand count at one or more secure facilities. The hand count is not  
16          subject to the live video requirements of section 16-621, subsection C, but  
17          the party representatives who are observing the hand count may bring their  
18          own video cameras in order to record the hand count. The recording shall not  
19          interfere with the conduct of the hand count and the officer in charge of the  
20          election may prohibit from recording or remove from the facility persons who  
21          are taking actions to disrupt the count. The sole act of recording the hand  
22          count does not constitute sufficient grounds for the officer in charge of the  
23          election to prohibit observers from recording or to remove them from the  
24          facility. The hand count shall be conducted in the following order:

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

43           2. The races to be counted on the ballots from the precincts that were  
44           selected pursuant to paragraph 1 of this subsection for each primary, SPECIAL  
45           and general election shall include up to five contested races. After the

1 county recorder or other officer in charge of elections separates the primary  
2 ballots by political party, the races to be counted shall be determined by  
3 selecting by lot without the use of a computer from those ballots as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1           D. In any expanded count of randomly selected precincts, if the  
2 randomly selected precinct hand counts result in a difference in any race  
3 that is equal to or greater than the designated margin when compared to the  
4 electronic tabulation of those same ballots, the final hand count shall be  
5 extended to include the entire jurisdiction for that race. If the  
6 jurisdictional boundary for that race would include any portion of more than  
7 one county, the final hand count shall not be extended into the precincts of  
8 that race that are outside of the county that is conducting the expanded hand  
9 count. If the expanded hand count results in a difference in that race that  
10 is less than the designated margin when compared to the electronic tabulation  
11 of those same ballots, the electronic tabulation constitutes the official  
12 count for that race.

13           E. If a final hand count is performed for an entire jurisdiction for a  
14 race, the final hand count shall be repeated for that race until a hand count  
15 for that race for the entire jurisdiction results in a count that is  
16 identical to one other hand count for that race for the entire jurisdiction  
17 and that hand count constitutes the official count for that race.

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

1 race that is less than the designated margin. If at any point in the manual  
2 audit of early ballots the difference between any manual count of early  
3 ballots is less than the designated margin when compared to the electronic  
4 tabulation of those ballots, the electronic tabulation shall be included in  
5 the canvass and no further manual audit of the early ballots shall be  
6 conducted.

7 G. During any hand count of early ballots, the county officer in  
8 charge of elections and election board workers shall attempt to determine the  
9 intent of the voter in casting the ballot.

10 H. Notwithstanding any other law, the county officer in charge of  
11 elections shall retain custody of the ballots for purposes of performing any  
12 required hand counts and the officer shall provide for security for those  
13 ballots.

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

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

30 K. The vote count verification committee is established in the office  
31 of the secretary of state and all of the following apply:

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

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

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

42 4. The vote count verification committee shall meet and establish one  
43 or more designated margins to be used in reviewing the hand counting of votes  
44 as required pursuant to this section. The committee shall review and  
45 consider revising the designated margins every two years for use in the

1 applicable elections. The committee shall provide the designated margins to  
2 the secretary of state at least ten days before the primary election and at  
3 least ten days before the general election, and the secretary of state shall  
4 make that information publicly available on the secretary of state's ~~web site~~  
5 WEBSITE.

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

11 Sec. 14. Section 16-645, Arizona Revised Statutes, is amended to read:  
12 16-645. Canvass and return of precinct vote; declaring nominee  
13 of party; certificate of nomination; write-in  
14 candidates

15 A. When the board of supervisors, or the governing body of a city or  
16 town, has completed its canvass of precinct returns, the person having the  
17 largest number of votes, or if more than one candidate is necessary, those  
18 candidates to the required number who have received the largest number of  
19 votes for the nomination for an office in the political party of which he was  
20 set forth on the ballot as a candidate for the nomination, shall be declared  
21 the nominee of the party for that office and shall be given a certificate of  
22 nomination therefor by the board or governing body, which shall entitle him  
23 to have his name placed upon the official ballot at the ensuing election as  
24 the nominee of the party for the office. When canvassing write-in votes the  
25 apparent intent of the voter shall be taken into consideration to the extent  
26 possible AND THE STANDARD PRESCRIBED FOR FEDERAL WRITE-IN CANDIDATES IN  
27 SECTION 16-543.02, SUBSECTION C APPLIES.

28 B. The board of supervisors shall deliver the canvass to the secretary  
29 of state within ten days after the primary election, and the secretary of  
30 state shall on or before the second Monday following the primary election  
31 canvass the return and issue ~~the certification of~~ A LETTER DECLARING  
32 nomination as provided in this section to the nominees who filed nominating  
33 petitions and papers with the secretary of state pursuant to section 16-311,  
34 subsection D. FOR ANY PARTISAN PRIMARY ELECTION, THE GOVERNING BODY OR  
35 OFFICER IN CHARGE OF ELECTIONS SHALL PREPARE AND TRANSMIT TO THE SECRETARY OF  
36 STATE ALONG WITH THE OFFICIAL CANVASS THE TOTAL BY PARTY OF PARTISAN BALLOTS  
37 SELECTED IN THAT PRIMARY ELECTION BY VOTERS WHO REGISTERED AS NO PARTY  
38 PREFERENCE, AS INDEPENDENTS OR AS MEMBERS OF A POLITICAL PARTY THAT IS NOT  
39 QUALIFIED FOR REPRESENTATION ON THE BALLOT.

40 C. A certificate of election shall not be issued to a write-in  
41 candidate for precinct committeeman unless he receives a number of votes  
42 equivalent to at least the same number of signatures required by section  
43 16-322 for nominating petitions for the same office.

44 D. Except as provided in subsection C of this section, a ~~certificate~~  
45 ~~of~~ LETTER DECLARING nomination shall not be issued to a write-in candidate of

1 a party ~~which~~ THAT has not qualified for continued representation on the  
2 official ballot pursuant to section 16-804 unless he receives a plurality of  
3 the votes of the party for the office for which he is a candidate.

4 E. Except as provided by subsection C of this section, a ~~certificate~~  
5 ~~of~~ LETTER DECLARING nomination shall not be issued to a write-in candidate of  
6 a party qualified for continued representation on the official ballot unless  
7 he receives a number of votes equivalent to at least the same number of  
8 signatures required by section 16-322 for nominating petitions for the same  
9 office.

10 F. A certificate of election shall not be issued to presidential  
11 electors who are pledged to a write-in candidate for president unless that  
12 candidate received the highest number of votes cast for the office of  
13 president.

14 Sec. 15. Section 16-801, Arizona Revised Statutes, is amended to read:

15 16-801. Representation of new party on ballot at primary and  
16 general elections

17 A. A new political party may become eligible for recognition and shall  
18 be represented by an official party ballot at the next ensuing regular  
19 primary election and accorded a column on the official ballot at the  
20 succeeding general election upon filing with the secretary of state a  
21 petition signed by a number of qualified electors equal to not less than one  
22 and one-third per cent of the total votes cast for governor at the last  
23 preceding general election at which a governor was elected. The petition  
24 shall:

25 1. Bear the certification of the county recorder of each county that  
26 the signatures on the petition have been examined and that these are  
27 signatures of qualified electors of the county.

28 2. Be verified by the affidavit of ten qualified electors of the  
29 state, asking that the signers thereof be recognized as a new political  
30 party. The status as qualified electors of the signers of the affidavit  
31 shall be certified by the county recorder of the county in which they reside.

32 3. Be in substantially the form prescribed by section 16-315.

33 4. Be captioned "petition for political party recognition".

34 B. NOTWITHSTANDING ANY OTHER LAW, ON RECOGNITION AS A POLITICAL PARTY  
35 THAT IS REPRESENTED BY AN OFFICIAL PARTY BALLOT AT THE PRIMARY ELECTION AND  
36 ACCORDED A BALLOT COLUMN AT THE SUCCEEDING GENERAL ELECTION, A NEW POLITICAL  
37 PARTY IS ENTITLED TO REPRESENTATION AS A POLITICAL PARTY ON THE OFFICIAL  
38 BALLOT THROUGH THE NEXT TWO REGULARLY SCHEDULED GENERAL ELECTIONS FOR FEDERAL  
39 OFFICE IMMEDIATELY FOLLOWING RECOGNITION OF THE POLITICAL PARTY. AFTER THESE  
40 TWO REGULARLY SCHEDULED GENERAL ELECTIONS FOR FEDERAL OFFICE, THE POLITICAL  
41 PARTY IS INELIGIBLE FOR FURTHER REPRESENTATION ON THE BALLOT UNLESS IT  
42 QUALIFIES FOR CONTINUED REPRESENTATION ON THE BALLOT AS PRESCRIBED IN SECTION  
43 16-804 OR IT FILES A NEW PETITION FOR RECOGNITION AS A NEW POLITICAL PARTY  
44 PURSUANT TO THIS SECTION AND SECTION 16-803.

1           Sec. 16. Section 16-902.01, Arizona Revised Statutes, is amended to  
2 read:

3           16-902.01. Registration of political committees; contents;  
4                                   amendment

5           A. Each political committee that intends to accept contributions or  
6 make expenditures of more than five hundred dollars shall file a statement of  
7 organization with the filing officer in the format prescribed by the filing  
8 officer before accepting contributions, making expenditures, distributing any  
9 campaign literature or circulating petitions. Each political committee that  
10 intends to accept contributions or make expenditures of five hundred dollars  
11 or less shall file a signed exemption statement in a form prescribed by the  
12 filing officer that states that intention before making any expenditures,  
13 accepting any contributions, distributing any campaign literature or  
14 circulating petitions. If a political committee that has filed a five  
15 hundred dollar threshold exemption statement receives contributions or makes  
16 expenditures of more than five hundred dollars, that political committee  
17 shall file a statement of organization with the filing officer in the format  
18 prescribed by the filing officer within five business days after exceeding  
19 the five hundred dollar limit.

20           B. The statement of organization of a political committee shall  
21 include all of the following:

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

23                 2. The name, address, relationship and type of any sponsoring  
24 organization.

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

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

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

31                 6. A STATEMENT THAT THE CHAIRMAN AND TREASURER HAVE READ ALL OF THE  
32 APPLICABLE LAWS RELATING TO CAMPAIGN FINANCE AND REPORTING.

33           C. Except as prescribed by subsection E of this section, on the filing  
34 of a statement of organization, a political committee shall be issued an  
35 identification number in the format prescribed by the filing officer.

36           D. The political committee shall file an amended statement of  
37 organization reporting any change in the information prescribed in  
38 subsections B and F of this section within five business days after the  
39 change.

40           E. A standing political committee shall file a statement of  
41 organization with the secretary of state and in each jurisdiction in which  
42 the committee is active, and only the secretary of state shall issue an  
43 identification number for the committee. The statement of organization shall  
44 include a statement with the notarized signature of the chairman or treasurer  
45 of the standing political committee that declares the committee's status as a

1 standing political committee. The secretary of state may charge an annual  
2 fee for the filing.

3 F. For a political committee that makes expenditures in an attempt to  
4 influence the results of a ballot proposition election, the statement of  
5 organization shall include in the name of the political committee the  
6 official serial number for the petition, if assigned, and a statement as to  
7 whether the political committee supports or opposes the passage of the ballot  
8 measure. On completion of the designation of statewide ballot propositions  
9 by number as prescribed in section 19-125, the secretary of state is  
10 authorized to and shall amend the name of the political committee by  
11 attaching to the statement of organization the ballot proposition number as a  
12 substitute for the official serial number in the name of the political  
13 committee. The secretary of state shall promptly notify the political  
14 committee of the amended political committee name and shall make that  
15 information available to the public.

16 Sec. 17. Section 16-903, Arizona Revised Statutes, is amended to read:

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

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

37 B. An individual who receives contributions or makes expenditures of  
38 more than five hundred dollars for the purpose of determining whether the  
39 individual will become a candidate for election to an office in this state  
40 shall designate in the format prescribed by the filing officer a political  
41 committee to serve as the individual's exploratory committee. The individual  
42 shall make the designation pursuant to this subsection before making any  
43 expenditures, accepting any contributions, CIRCULATING ANY PETITIONS or  
44 distributing any campaign literature.

1 C. An individual may have only one exploratory committee in existence  
2 at one time. A candidate may have only one campaign committee designated for  
3 each election, but a candidate may have more than one campaign committee  
4 simultaneously in existence.

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

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

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

17 G. AFTER DESIGNATING AN EXPLORATORY COMMITTEE, A CANDIDATE MAY  
18 LAWFULLY COLLECT SIGNATURES ON NOMINATION PETITIONS AND RECEIVE  
19 CONTRIBUTIONS.

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

26 Sec. 18. Section 16-912, Arizona Revised Statutes, is amended to read:

27 16-912. Candidates and independent expenditures; campaign  
28 literature and advertisement sponsors;  
29 identification; civil penalty

30 A. A political committee that makes an expenditure for campaign  
31 literature or advertisements that expressly advocate the election or defeat  
32 of any candidate or that make any solicitation of contributions to any  
33 political committee shall be registered pursuant to this chapter at the time  
34 of distribution, placement or solicitation and shall include on the  
35 literature or advertisement the words "paid for by" followed by the name of  
36 the committee that appears on its statement of organization or five hundred  
37 dollar exemption statement.

38 B. If the expenditure for the campaign literature or advertisements by  
39 a political committee is an independent expenditure, the political committee,  
40 in addition to the disclosures required by subsection A of this section,  
41 shall include on the literature or advertisement the names and telephone  
42 numbers of the three political committees making the largest contributions to  
43 the political committee making the independent expenditure. If an acronym is  
44 used to name any political committee outlined in this section, the name of  
45 any sponsoring organization of the political committee shall also be printed

1 or spoken. For purposes of determining the three contributors to be  
2 disclosed, the contributions of each political committee to the political  
3 committee making the independent expenditure during the one year period  
4 before the election being affected are aggregated.

5 C. ~~The provisions of~~ Subsection A of this section ~~do~~ DOES not apply to  
6 bumper stickers, pins, buttons, pens and similar small items on which the  
7 statements required in subsection A of this section cannot be conveniently  
8 printed or to signs paid for by a candidate with campaign monies or by a  
9 candidate's campaign committee or to a solicitation of contributions by a  
10 separate segregated fund from those persons it may solicit pursuant to  
11 sections 16-920 and 16-921.

12 D. The disclosures required pursuant to this section shall be printed  
13 clearly and legibly in a conspicuous manner or, if the advertisement is  
14 broadcast on a telecommunications system, the disclosure shall be spoken.  
15 FOR COMMUNICATIONS THAT ARE BROADCAST ON A TELECOMMUNICATIONS SYSTEM OR OTHER  
16 MEDIUM THAT CAN PROVIDE A VIEWABLE DISCLOSURE AND A SPOKEN DISCLOSURE, THE  
17 DISCLOSURE MAY BE MADE IN PRINTED FORMAT ONLY AND A SPOKEN DISCLOSURE IS NOT  
18 REQUIRED.

19 E. A person who violates this section is subject to a civil penalty of  
20 up to three times the cost of producing and distributing the literature or  
21 advertisement. This civil penalty shall be imposed as prescribed in section  
22 16-924.

23 Sec. 19. Section 16-915.01, Arizona Revised Statutes, is amended to  
24 read:

25 16-915.01. Disposal of surplus monies; transfer of debt

26 A. A political committee shall dispose of surplus monies only as  
27 follows:

28 1. Retain surplus monies for use in a subsequent election, which  
29 includes a transfer by an individual's exploratory committee or a candidate's  
30 campaign committee to that individual's subsequent exploratory committee or  
31 that candidate's campaign committee designated for a subsequent election.

32 2. Return surplus monies to the contributor to the extent records are  
33 available permitting such return.

34 3. Contribute surplus monies to the county, state or local committee  
35 of a political party.

36 4. Donate the surplus monies to a charitable organization that  
37 qualifies under section 501(c)(3) of the United States internal revenue code.

38 5. In the case of a political committee other than an individual's  
39 exploratory committee or a candidate's committee, contribute surplus monies  
40 to a candidate's campaign committee if the contribution is within the  
41 limitations of section 16-905.

42 6. Donate surplus monies to a political committee other than an  
43 individual's exploratory committee or to a candidate's campaign committee.

44 7. SUBJECT TO THE RESTRICTIONS IN SECTION 41-133, CONTRIBUTE SURPLUS  
45 MONIES TO THE INDIVIDUAL'S OFFICEHOLDER EXPENSE ACCOUNT.

1           ~~7-~~ 8. Dispose of the surplus monies in any other lawful manner.

2           B. Surplus monies shall not be used for or converted to the personal  
3 use of the designating individual, in the case of an individual's exploratory  
4 committee, or a candidate, in the case of a candidate's campaign committee,  
5 or any person related to the candidate by blood or marriage. Nothing in this  
6 subsection precludes the repayment of a loan made by the designating  
7 individual or candidate to his campaign.

8           C. An individual's exploratory committee or a candidate's campaign  
9 committee may transfer its debts and obligations to that individual's  
10 subsequent exploratory committee or that candidate's campaign committee  
11 designated for a subsequent election.

12           Sec. 20. Section 16-918, Arizona Revised Statutes, is amended to read:  
13 16-918. Campaign finance reports; notice; civil penalty;  
14 prohibition on candidacy

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

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

32           C. A political committee, or in the case of a candidate's campaign  
33 committee, the candidate, or in the case of an exploratory committee, the  
34 designating individual, that has failed to file within fifteen days after  
35 receiving a notice of delinquency pursuant to subsection A of this section is  
36 liable for a civil penalty of twenty-five dollars for each subsequent day  
37 that the filing is late. This penalty shall be assessed pursuant to section  
38 16-924.

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

44           1. The report is not filed in a timely manner as prescribed by section  
45 16-913.

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

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

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

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

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

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

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

35           H. For any political committee that has failed to file three  
36 consecutive campaign finance reports with the filing officer as prescribed by  
37 section 16-913, the filing officer shall send the committee chairman and  
38 treasurer a written notice of intent to suspend the political committee. The  
39 notice of intent to suspend shall state that failure of the political  
40 committee to fully comply with all filing requirements for that committee,  
41 including any required payments, within thirty days of the date of the notice  
42 shall result in suspension of the political committee's authority to operate  
43 in that jurisdiction. On suspension of the political committee's authority  
44 to operate, the filing officer is no longer required to provide any further  
45 notice of delinquency to the political committee. This subsection does not

1 reduce or eliminate the political committee's continuing obligation to make  
2 campaign finance filings and pay any fines, penalties, civil penalties or  
3 other sanctions that may continue to accrue as otherwise provided by law.  
4 This subsection does not apply to reports required pursuant to article 2 of  
5 this chapter or to a candidate's campaign committee designated by that  
6 candidate pursuant to section 16-903 during that election cycle.

7 Sec. 21. Section 16-919, Arizona Revised Statutes, is amended to read:  
8 16-919. Prohibition of contributions by corporations, limited  
9 liability companies or labor organizations;  
10 exemption; classification; definitions

11 A. Except as provided in section 16-914.02, it is unlawful for a  
12 corporation or a limited liability company to make an expenditure or any  
13 contribution of money or anything of value for the purpose of influencing an  
14 election, and it is unlawful for the designating individual who formed an  
15 exploratory committee, an exploratory committee, a candidate or a candidate's  
16 campaign committee to accept any contribution of money or anything of value  
17 from a corporation or a limited liability company for the purpose of  
18 influencing an election. This subsection does not apply to political  
19 committees that are incorporated pursuant to title 10, chapters 24 through 40  
20 and political committees that are organized as limited liability companies.

21 B. Except as provided in section 16-914.02, it is unlawful for a labor  
22 organization to make an expenditure or any contribution of money or anything  
23 of value for the purpose of influencing an election.

24 C. NOTWITHSTANDING SUBSECTIONS A AND B OF THIS SECTION, A CORPORATION,  
25 LIMITED LIABILITY COMPANY OR LABOR ORGANIZATION MAY CONTRIBUTE TO AN  
26 INDEPENDENT EXPENDITURE COMMITTEE.

27 ~~G.~~ D. A corporation, limited liability company or labor organization  
28 that violates this section is guilty of a class 2 misdemeanor.

29 ~~D.~~ E. The person through whom the violation is effected is guilty of  
30 a class 6 felony.

31 ~~E.~~ F. Notwithstanding subsection A of this section, a political  
32 committee that is incorporated only for the purposes of liability limitation  
33 may make contributions for the purpose of influencing an election.  
34 Notwithstanding the corporate status of a political committee, the chairman  
35 and treasurer of an incorporated political committee remain personally  
36 responsible for carrying out their respective duties under this article.

37 ~~F.~~ G. For the purposes of this section:

38 1. "Election" means any election to any political office, any election  
39 to any political convention or caucus or any primary election held for the  
40 purpose of selecting any candidate, political committee or other person for  
41 any political office, convention or caucus.

42 2. "Employee" includes any employee, is not limited to the employees  
43 of a particular employer and includes any individual whose work has ceased as  
44 a consequence of, or in connection with, any current labor dispute or because  
45 of any unfair labor practice.

1           3. "Employer" includes any person acting as an agent of an employer,  
2 directly or indirectly.

3           4. "Labor organization" means any organization of any kind or any  
4 agency or employee representation committee or plan in which employees  
5 participate and that exists for the purpose in whole or in part of dealing  
6 with employers concerning grievances, labor disputes, wages, rates of pay,  
7 hours of employment or conditions of work.

8           Sec. 22. Section 16-920, Arizona Revised Statutes, is amended to read:  
9           16-920. Permitted expenditures by corporations and labor  
10                                   organizations

11           A. Expenditures for the following purposes shall not be construed to  
12 be political contributions prohibited by law:

13           1. Communications by a corporation to its stockholders and executive  
14 or administrative personnel and their families, or by a labor organization to  
15 its members and their families, on any subject.

16           2. Nonpartisan registration and get-out-the-vote campaigns by a  
17 corporation aimed at its stockholders and executive or administrative  
18 personnel and their families or by a labor organization aimed at its members  
19 and their families.

20           3. The establishment, administration and solicitation of voluntary  
21 contributions to a separate segregated fund to be utilized for political  
22 purposes by a corporation, labor organization, membership organization, trade  
23 association, cooperative or corporation without capital stock.

24           4. The establishment, administration and solicitation of voluntary  
25 contributions from employees of a corporation or limited liability company,  
26 including contributions made by payroll deduction, deposit or transfer or  
27 other similar method, and that are made directly to a separate segregated  
28 fund that is used for political purposes by a trade association of which the  
29 employing corporation or limited liability company is a member.  
30 Contributions received under this subsection shall be reported pursuant to  
31 section 16-915, subsection A, paragraph 2, subdivision (a) or subsection E.

32           5. Contributions for use to support or oppose an initiative or  
33 referendum measure or amendment to the constitution.

34           6. Independent expenditures AND CONTRIBUTIONS TO INDEPENDENT  
35 EXPENDITURE COMMITTEES made pursuant to section 16-914.02.

36           B. A membership organization, trade association, cooperative or  
37 corporation without capital stock may engage in the activities permitted in  
38 subsection A, paragraphs 1 and 2 of this section if such activities are  
39 directed toward its members, stockholders or members of its members, its and  
40 its members' executive or administrative personnel and their families.

41           Sec. 23. Section 16-924, Arizona Revised Statutes, is amended to read:  
42           16-924. Civil penalties; attorney general; county, city or town  
43                                   attorney

44           A. Unless another penalty is specifically prescribed in this article  
45 TITLE, if the filing officer for campaign finance reports designated pursuant

1 to section 16-916, subsection A has reasonable cause to believe that a person  
2 is violating any provision of this TITLE, EXCEPT FOR VIOLATIONS OF CHAPTER 6,  
3 article 2, the secretary of state shall notify the attorney general for a  
4 violation regarding a statewide office or the legislature, the county officer  
5 in charge of elections shall notify the county attorney for that county for a  
6 violation regarding a county office or the city or town clerk shall notify  
7 the city or town attorney for a violation regarding a city or town office.  
8 The attorney general, county attorney or city or town attorney, as  
9 appropriate, may serve on the person an order requiring compliance with that  
10 provision. The order shall state with reasonable particularity the nature of  
11 the violation and shall require compliance within twenty days from the date  
12 of issuance of the order. The alleged violator has twenty days from the date  
13 of issuance of the order to request a hearing pursuant to title 41,  
14 chapter 6.

15 B. If a person fails to take corrective action within the time  
16 specified in the compliance order issued pursuant to subsection A, the  
17 attorney general, county attorney or city or town attorney, as appropriate,  
18 shall issue an order assessing a civil penalty of not more than one thousand  
19 dollars. The person alleged to have violated the compliance order has thirty  
20 days from the date of issuance of the order assessing the civil penalty to  
21 request a hearing pursuant to title 41, chapter 6.

22 C. Any party aggrieved by an order or decision of the attorney  
23 general, county attorney or city or town attorney, as appropriate, may appeal  
24 to the superior court as provided in title 12, chapter 7, article 6.

25 D. For THE purposes of this section, failure to comply with a  
26 compliance order issued by the attorney general, county attorney or city or  
27 town attorney, as appropriate, as prescribed in subsection A is deemed an  
28 intentional act.

29 Sec. 24. Section 19-112, Arizona Revised Statutes, is amended to read:  
30 19-112. Signatures and verification; attachment; registration  
31 of circulators

32 A. Every qualified elector signing a petition shall do so in the  
33 presence of the person who is circulating the petition and who is to execute  
34 the affidavit of verification. At the time of signing, the qualified elector  
35 shall sign his first and last names in the spaces provided and the elector so  
36 signing shall print his first and last names and write, in the appropriate  
37 spaces following the signature, the signer's residence address, giving street  
38 and number, and if he has no street address, a description of his residence  
39 location. The elector so signing shall write, in the appropriate spaces  
40 following the elector's address, the date on which the elector signed the  
41 petition.

42 B. The signature sheets shall be attached at all times during  
43 circulation to a full and correct copy of the title and text of the measure  
44 or constitutional amendment proposed or referred by the petition. The title  
45 and text shall be in at least eight point type and shall include both the

1 original and the amended text. The text shall indicate material deleted, if  
2 any, by printing the material with a line drawn through the center of the  
3 letters of the material and shall indicate material added or new material by  
4 printing the letters of the material in capital letters.

5 C. The person before whom the signatures, NAMES and addresses were  
6 written on the signature sheet shall, on the affidavit form pursuant to this  
7 section, subscribe and swear before a notary public that each of the names on  
8 the sheet was signed and the name and address were printed ~~in the presence of~~  
9 BY the elector and the circulator on the date indicated, and that in his  
10 belief each signer was a qualified elector of a certain county of the state,  
11 or, in the case of a city, town or county measure, of the city, town or  
12 county affected by the measure on the date indicated, and that at all times  
13 during circulation of the signature sheet a copy of the title and text was  
14 attached to the signature sheet. CIRCULATORS WHO ARE NOT RESIDENTS OF THIS  
15 STATE MUST BE REGISTERED AS CIRCULATORS WITH THE SECRETARY OF STATE BEFORE  
16 CIRCULATING PETITIONS. THE SECRETARY OF STATE SHALL PROVIDE FOR A METHOD OF  
17 RECEIVING SERVICE OF PROCESS FOR THOSE PETITION CIRCULATORS WHO REGISTER  
18 PURSUANT TO THIS SUBSECTION. THE SECRETARY OF STATE SHALL ESTABLISH IN THE  
19 INSTRUCTIONS AND PROCEDURES MANUAL ISSUED PURSUANT TO SECTION 16-452 A  
20 PROCEDURE FOR REGISTERING CIRCULATORS AND RECEIVING SERVICE OF PROCESS. All  
21 signatures of petitioners on a signature sheet shall be those of qualified  
22 electors who are registered to vote in the same county. However, if  
23 signatures from more than one county appear on the same signature sheet, only  
24 the valid signatures from the same county which THAT are most numerous on the  
25 signature sheet shall be counted. Signature and handwriting comparisons may  
26 be made.

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

29 Affidavit of Circulator

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

34 I, (print name), a person WHO IS NOT REQUIRED TO BE A  
35 RESIDENT OF THIS STATE BUT who is OTHERWISE qualified to  
36 register to vote in the county of \_\_\_\_\_, in the state of  
37 Arizona at all times during my circulation of this petition  
38 sheet, and under the penalty of a class 1 misdemeanor, depose  
39 and say that SUBJECT TO SECTION 19-115, ARIZONA REVISED  
40 STATUTES, each individual PRINTED THE INDIVIDUAL'S OWN NAME AND  
41 ADDRESS AND signed this sheet of the foregoing petition in my  
42 presence on the date indicated and I believe that each signer's  
43 name and residence address or post office address are correctly  
44 stated and that each signer is a qualified elector of the state  
45 of Arizona (or in the case of a city, town or county measure, of

1 the city, town or county affected by the measure proposed to be  
2 initiated or referred to the people) and that at all times  
3 during circulation of this signature sheet a copy of the title  
4 and text was attached to the signature sheet.

5 (Signature of affiant) \_\_\_\_\_  
6 (Residence address, street  
7 and number of affiant, or  
8 if no street address, a  
9 description of residence  
10 location) \_\_\_\_\_

11 \_\_\_\_\_  
12 Subscribed and sworn to before me on \_\_\_\_\_  
13 (date)

14 \_\_\_\_\_  
15 Notary Public  
16 \_\_\_\_\_, Arizona.

17 My commission expires on \_\_\_\_\_  
18 (date)

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

21 Sec. 25. Section 19-115, Arizona Revised Statutes, is amended to read:  
22 19-115. Unlawful acts; violations; classification

23 A. Every qualified elector of the state may sign a referendum or  
24 initiative petition upon any measure which he is legally entitled to vote  
25 upon.

26 B. A person WHO knowingly signing SIGNS any name other than his own to  
27 a petition, except in a circumstance where he signs for a person,— in the  
28 presence of and at the specific request of such A person,— who is incapable  
29 of signing his own name,— OR PRINTING HIS OWN NAME AND ADDRESS because of  
30 physical infirmity, ~~or~~ WHO knowingly signing SIGNS his name more than once  
31 for the same measure,— or proposed constitutional amendment,— at one  
32 election, ~~or~~ who is not at the time of signing a qualified elector of this  
33 state OR WHO KNOWINGLY FILLS OUT THE NAME AND ADDRESS PORTION OF THE PETITION  
34 WITH THE INTENT TO COMMIT FRAUD, or any officer or person WHO knowingly  
35 violating VIOLATES any provision of this chapter, is guilty of a class 1  
36 misdemeanor unless another classification is specifically prescribed in this  
37 title.

38 Sec. 26. Section 19-121.04, Arizona Revised Statutes, is amended to  
39 read:

40 19-121.04. Disposition of petitions by secretary of state

41 A. Within seventy-two hours, excluding Saturdays, Sundays and other  
42 legal holidays, after receipt of the facsimile signature sheets and the  
43 certification of each county recorder, the secretary of state shall determine  
44 the total number of valid signatures by subtracting from the total number of

1 eligible signatures determined pursuant to section 19-121.01, subsection A,  
2 paragraph 6 in the following order:

3 1. All signatures on petitions containing a defective circulator's  
4 affidavit.

5 2. All signatures that were found ineligible by the county recorders  
6 and that were not subtracted pursuant to paragraph 1 of this subsection.

7 3. After determining the percentage of all signatures found to be  
8 invalid in the random sample, a like percentage from those signatures  
9 remaining after the subtractions performed pursuant to paragraphs 1 and 2 of  
10 this subsection.

11 B. If the actual number of signatures after certification pursuant to  
12 ~~subsection C of this section~~ on the remaining sheets after any such  
13 subtraction equals or exceeds the minimum number required by the constitution  
14 or if the number of valid signatures as projected from the random sample  
15 pursuant to subsection A of this section is at least one hundred five per  
16 cent of the minimum number required by the constitution, the secretary of  
17 state shall issue the following receipt to the person or organization that  
18 submitted them:

19 \_\_\_\_\_ signature pages bearing \_\_\_\_\_  
20 signatures for initiative (referendum) petition serial number  
21 \_\_\_\_ have been refused for filing in this office because the  
22 person circulating them was a county recorder or justice of the  
23 peace at the time of circulating the petition or due to defects  
24 in the circulator's affidavit. A total of \_\_\_\_\_  
25 signatures included on the remaining petition sheets were found  
26 to be ineligible. Of the total random sample of \_\_\_\_\_  
27 signatures, a total of \_\_\_\_\_ signatures were invalidated by  
28 the county recorders resulting in a failure rate of \_\_\_\_\_  
29 per cent. The actual number of remaining signatures for such  
30 initiative (referendum) petition number \_\_\_\_\_ are equal to or  
31 in excess of the minimum required by the constitution to place a  
32 measure on the general election ballot. The number of valid  
33 signatures filed with this petition, based on the random sample,  
34 appears to be at least one hundred five per cent of the minimum  
35 required or through examination of each signature has been  
36 certified to be greater than the minimum required by the  
37 constitution.

38 Date: \_\_\_\_\_

39 Secretary of State  
40 (Seal)  
41

42 The secretary of state shall then forthwith notify the governor that a  
43 sufficient number of signatures has been filed and that the initiative or  
44 referendum shall be placed on the ballot in the manner provided by law.

1 ~~C. If the number of valid signatures as projected from the random~~  
2 ~~sample is less than one hundred five but greater than ninety-five per cent of~~  
3 ~~the minimum number required by the constitution, the secretary of state shall~~  
4 ~~order the examination and verification of each signature filed and shall so~~  
5 ~~notify the county recorders. The county recorder's certification shall be in~~  
6 ~~the form prescribed by the secretary of state.~~

7 D. C. If the number of valid signatures as projected from the random  
8 sample is less than ~~ninety-five~~ ONE HUNDRED per cent of the minimum number  
9 required by the constitution or if the actual number of signatures on the  
10 remaining sheets after any such subtraction from the random sample or after  
11 certification fails to equal or exceed the minimum required by the  
12 constitution, the secretary of state shall immediately return the original  
13 signature sheets, in the form filed by him under section 19-121, to the  
14 person or organization that submitted them, together with a certified  
15 statement that, for the following reasons, the petition lacks the minimum  
16 number of signatures to place it on the general election ballot:

17 1. Signature sheets bearing secretary of state page  
18 numbers \_\_\_\_\_ and bearing signatures of \_\_\_\_\_  
19 persons appeared on petitions containing a defective  
20 circulator's affidavit.

21 2. A total of \_\_\_\_\_ signatures on the remaining  
22 petition sheets were found to be ineligible.

23 3. A total of \_\_\_\_\_ signatures included in the  
24 random sample have been certified by the county recorders as  
25 ineligible at the time such petition was signed and a projection  
26 from such random sample has indicated that \_\_\_\_\_ more  
27 signatures are ineligible to appear on the petition.

28 A facsimile of the certifications of the county recorders under section  
29 19-121.02 shall accompany the signature sheets returned to the person or  
30 organization that submitted them.

31 Sec. 27. Section 38-542, Arizona Revised Statutes, is amended to read:  
32 38-542. Duty to file financial disclosure statement; contents;  
33 exceptions

34 A. In addition to other statements and reports required by law, every  
35 public officer, as a matter of public record, shall file with the secretary  
36 of state on a form prescribed by the secretary of state a verified financial  
37 disclosure statement covering the preceding calendar year ~~ending December 31~~.  
38 The statement shall disclose:

39 1. The name and address of the public officer and each member of his  
40 household and all names and addresses under which each does business.

41 2. The name and address of each employer and of each other source of  
42 compensation other than gifts amounting to more than one thousand dollars  
43 received during the preceding calendar year by the public officer and members  
44 of his household in their own names, or by any other person for the use or  
45 benefit of the public officer or members of his household, a description of

1 the services for which the compensation was received and the nature of the  
2 employer's business. This paragraph shall not be construed to require the  
3 disclosure of individual items of compensation that constituted a portion of  
4 the gross income of the business from which the public officer or members of  
5 his household derived compensation.

6 3. For a controlled business, a description of the goods or services  
7 provided by the business, and if any single source of compensation to the  
8 business during the preceding calendar year amounts to more than ten thousand  
9 dollars and is more than twenty-five per cent of the gross income of the  
10 business, the disclosure shall also include a description of the goods or  
11 services provided to the source of compensation. For a dependent business  
12 the statement shall disclose a description of the goods or services provided  
13 by the business and a description of the goods or services provided to the  
14 source of compensation from which the dependent business derived the amount  
15 of gross income described in section 38-541, paragraph 4. If the source of  
16 compensation for a controlled or dependent business is a business, the  
17 statement shall disclose a description of the business activities engaged in  
18 by the source of compensation.

19 4. The names and addresses of all businesses and trusts in which the  
20 public officer or members of his household, or any other person for the use  
21 or benefit of the public officer or members of his household, had an  
22 ownership or beneficial interest of over one thousand dollars at any time  
23 during the preceding calendar year, and the names and addresses of all  
24 businesses and trusts in which the public officer or any member of his  
25 household held any office or had a fiduciary relationship at any time during  
26 the preceding calendar year, together with the amount or value of the  
27 interest and a description of the interest, office or relationship.

28 5. All Arizona real property interests and real property improvements,  
29 including specific location and approximate size, in which the public  
30 officer, any member of his household or a controlled or dependent business  
31 held legal title or a beneficial interest at any time during the preceding  
32 calendar year, and the value of any such interest, except that this paragraph  
33 does not apply to a real property interest and improvements thereon used as  
34 the primary personal residence or for the personal recreational use of the  
35 public officer. If a public officer, any member of his household or a  
36 controlled or dependent business acquired or divested any such interest  
37 during the preceding calendar year, he shall also disclose that the  
38 transaction was made and the date it occurred. If the controlled or  
39 dependent business is in the business of dealing in real property interests  
40 or improvements, disclosure need not include individual parcels or  
41 transactions as long as the aggregate value of all parcels of such property  
42 is reported.

43 6. The names and addresses of all creditors to whom the public officer  
44 or members of his household, in their own names or in the name of any other  
45 person, owed a debt of more than one thousand dollars or to whom a controlled

1 business or a dependent business owed a debt of more than ten thousand  
2 dollars which was also more than thirty per cent of the total business  
3 indebtedness at any time during the preceding calendar year, listing each  
4 such creditor. This paragraph shall not be construed to require the  
5 disclosure of debts owed by the public officer or any member of his household  
6 resulting from the ordinary conduct of a business other than a controlled or  
7 dependent business.— nor shall disclosure be required of credit card  
8 transactions, retail installment contracts, debts on residences or  
9 recreational property exempt from disclosure under paragraph 5 of this  
10 subsection, debts on motor vehicles not used for commercial purposes, debts  
11 secured by cash values on life insurance or debts owed to relatives. It is  
12 sufficient disclosure of a creditor if the name and address of a person to  
13 whom payments are made is disclosed. If the public officer, any member of  
14 his household or a controlled or dependent business incurred or discharged a  
15 debt which is reportable under this subsection during the preceding calendar  
16 year, the report shall disclose that the transaction was made and the date it  
17 occurred.

18 7. The identification and amount of each debt exceeding one thousand  
19 dollars owed at any time during the preceding calendar year to the public  
20 officer and members of his household in their own names, or to any other  
21 person for the use or benefit of the public officer or any member of his  
22 household. The disclosure shall include the identification and amount of  
23 each debt exceeding ten thousand dollars to a controlled business or  
24 dependent business which was also more than thirty per cent of the total  
25 indebtedness to the business at any time during the preceding calendar year.  
26 This paragraph shall not be construed to require the disclosure of debts from  
27 the ordinary conduct of a business other than a controlled or dependent  
28 business. If the public officer, any member of his household or a controlled  
29 or dependent business incurred or discharged a debt which is reportable under  
30 this subsection during the preceding year, the report shall disclose that the  
31 transaction was made and the date it occurred.

32 8. The name of each source of any gift, or accumulated gifts from a  
33 single source, of more than five hundred dollars received by the public  
34 officer and members of his household in their own names during the preceding  
35 calendar year, or by any other person for the use or benefit of the public  
36 officer or any member of his household except gifts received by will or by  
37 virtue of intestate succession, or received by way of distribution from any  
38 inter vivos or testamentary trust established by a spouse or by an ancestor,  
39 or gifts received from any other member of the household or relatives to the  
40 second degree of consanguinity. Political campaign contributions shall not  
41 be construed as gifts if otherwise publicly reported as political campaign  
42 contributions as required by law.

43 9. A list of all business licenses issued to, held by or in which the  
44 public officer or any member of his household had an interest at any time

1 during the preceding calendar year, including the name in which the license  
2 was issued, the type of business and its location.

3 10. A list of all bonds, together with their value, issued by this  
4 state or any political subdivision of this state AND held at any time during  
5 the preceding calendar year by the public officer or any member of his  
6 household, which bonds issued by a single entity had a value in excess of one  
7 thousand dollars. If the public officer or any member of his household  
8 acquired or divested any bonds during the preceding calendar year which are  
9 reportable under this paragraph, the fact that the transaction occurred and  
10 the date shall also be shown.

11 B. If an amount or value is required to be reported pursuant to this  
12 section, it is sufficient to report whether the amount or value of the equity  
13 interest falls within:

14 1. Category 1, one thousand dollars to twenty-five thousand dollars.

15 2. Category 2, more than twenty-five thousand dollars to one hundred  
16 thousand dollars.

17 3. Category 3, more than one hundred thousand dollars.

18 C. This section does not require the disclosure of any information  
19 that is privileged by law.

20 D. The statement required to be filed pursuant to subsection A shall  
21 be filed by all persons who qualified as public officers at any time during  
22 the preceding calendar year on or before January 31 of each year with the  
23 exceptions that a public officer appointed to fill a vacancy shall, within  
24 sixty days following his taking of such office, file a financial disclosure  
25 statement covering as his annual period the twelve month period ending with  
26 the last full month prior to the date of his taking office, AND A PUBLIC  
27 OFFICER WHOSE FINAL TERM EXPIRES LESS THAN THIRTY-ONE DAYS INTO THE  
28 IMMEDIATELY FOLLOWING CALENDAR YEAR MAY FILE THE PUBLIC OFFICER'S FINAL  
29 FINANCIAL DISCLOSURE AT THE SAME TIME AS THE DISCLOSURE FOR THE LAST  
30 IMMEDIATELY PRECEDING YEAR.

31 E. The secretary of state shall prepare written guidelines, forms and  
32 samples for completing the financial disclosure statement required by this  
33 section. A copy of the guidelines, forms and samples shall be distributed to  
34 each public officer and shall be made available to each candidate required to  
35 file a financial disclosure statement pursuant to section 38-543.

36 Sec. 28. Scanned ballot election auditing pilot program;  
37 secretary of state; proposals; report; delayed  
38 repeal

39 A. In cooperation with one or more county boards of supervisors or  
40 other political subdivisions, the secretary of state may establish a scanned  
41 ballot election auditing pilot program to audit and analyze ballot scanning  
42 and tabulating equipment for the purpose of investigating or developing  
43 postelection audit systems for use on a broad, election-wide basis. The  
44 pilot program may include analytical assistance from one or more of the  
45 universities under the direction of the Arizona board of regents.

1 B. Notwithstanding section 16-624, Arizona Revised Statutes:

2 1. On request, a county treasurer shall release ballots to the custody  
3 of the secretary of state for the purposes of the pilot program.

4 2. On approval of a governing body, the pilot program may be used to  
5 audit the results of a live election for a special taxing district or for  
6 another other local election. Ballots and software used in the pilot program  
7 are not public records and are not subject to title 39, Arizona Revised  
8 Statutes.

9 C. In cooperation with one or more county boards of supervisors, the  
10 secretary of state shall solicit proposals for an auditing pilot program from  
11 entities with ballot scanning capabilities. Proposals for an auditing pilot  
12 program are not subject to procurement pursuant to title 41, chapter 23,  
13 Arizona Revised Statutes, but the secretary of state shall solicit at least  
14 three proposals. The secretary of state may coordinate and work with  
15 election officials in other jurisdictions if a federal program or project on  
16 scanned ballots audit procedures is established.

17 D. The secretary of state shall prepare and publish a report on the  
18 results of the pilot program no later than December 31, 2014.

19 E. This section is repealed from and after March 19, 2015.

20 Sec. 29. Secretary of state; multijurisdictional database;  
21 restriction; delayed repeal

22 A. Notwithstanding any other law, the secretary of state may enter  
23 into one or more agreements with other states for the purpose of establishing  
24 and maintaining a multijurisdictional database of voter registrants.

25 B. The database shall be established and used for the purpose of  
26 locating and evaluating potentially duplicate voter registrations from  
27 different jurisdictions and for ensuring that this state's voter registration  
28 database contains the best and most accurate information possible. The other  
29 states that participate by agreement in the multijurisdictional database  
30 shall maintain a system of database security that is at least as stringent as  
31 that maintained by this state. By agreement among the states, information  
32 contained in the database shall not be sold or released to any person other  
33 than persons acting in their official election-related capacity as otherwise  
34 provided by law and persons employed by the states for the purposes of  
35 conducting the activities authorized by this section.

36 C. This section is repealed from and after August 31, 2015.

37 Sec. 30. 2012 legislative candidates; secretary of state;  
38 nomination papers and petitions; nomination  
39 signatures

40 Notwithstanding any other law, for candidates for election in 2012 to  
41 the legislature, the following apply:

42 1. If the nomination paper and nomination petition are in compliance  
43 with otherwise applicable law, the secretary of state shall accept as a valid  
44 filing the nomination paper and nomination petition of a person that

1 designates a legislative district for that person's candidacy and that use  
2 any or all of the following:

3 (a) A legislative district number as used in the 2010 elections.

4 (b) A legislative district as denominated in a redistricting plan  
5 adopted by the independent redistricting commission.

6 (c) A legislative district as denominated in a redistricting plan that  
7 is precleared by the United States department of justice.

8 2. If the candidate nomination petition and the petition signers are  
9 in compliance with otherwise applicable law, the secretary of state shall  
10 accept and petition signers are valid if the petition signers are registered  
11 voters who are residents of any or all of the following districts that the  
12 candidate proposes to represent:

13 (a) A legislative district as used in the 2010 elections.

14 (b) A legislative district as denominated in a redistricting plan  
15 adopted by the independent redistricting commission.

16 (c) A legislative district as denominated in a redistricting plan that  
17 is precleared by the United States department of justice.

18 Sec. 31. Elections training classes; statement; water;  
19 registration form

20 Notwithstanding any other law, rule or regulation, from and after  
21 January 1, 2011 the secretary of state's office may provide bottled water at  
22 any election training class if the election training class registration form  
23 clearly states that a portion of the registration fee will be used for  
24 hydration.

25 Sec. 32. Secretary of state; secure petition process pilot  
26 program; delayed repeal

27 A. Subject to the requirements of article IV, part 1, section 1,  
28 Constitution of Arizona, notwithstanding any other law, the secretary of  
29 state may establish a method for registered voters to sign a nomination  
30 petition and a citizens clean elections five dollar donation qualification  
31 form for a candidate by way of a secure internet portal for petitions for  
32 statewide and legislative offices. The method established shall ensure that  
33 only those registered voters who are eligible to sign petitions for that  
34 particular candidate may sign the petitions and qualification forms for a  
35 candidate and shall provide a method for the registered voter's identity to  
36 be properly verified. No more than fifty per cent of the required number of  
37 signatures may be acquired from the process established pursuant to this  
38 section.

39 B. This section is repealed from and after December 31, 2014.

40 Sec. 33. Requirements for enactment; three-fourths vote

41 Pursuant to article IV, part 1, section 1, Constitution of Arizona,  
42 section 32 of this act, relating to the secure petition process pilot  
43 program, is effective only on the affirmative vote of at least three-fourths  
44 of the members of each house of the legislature.

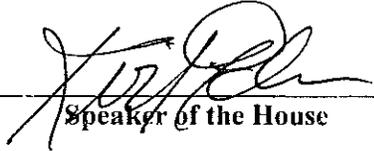
~~APPROVED BY THE GOVERNOR APRIL 29, 2011.~~

~~FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 29, 2011.~~

Passed the House March 14, 20 11

by the following vote: 51 Ayes,

5 Nays, 4 Not Voting

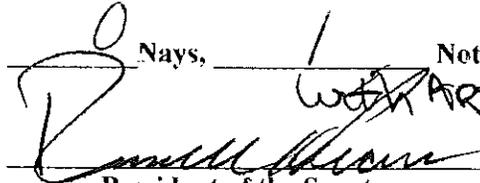
  
Speaker of the House

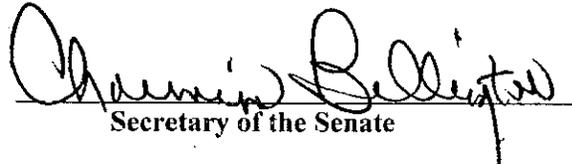
  
Cheryl Laube  
Chief Clerk of the House

Passed the Senate April 12, 20 11

by the following vote: 29 Ayes,

1 Nays, 1 Not Voting

  
President of the Senate  
*with Art IV, Part 1, Sec. 1 (Sec. 32 only)*

  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill received by the Governor this

           day of           , 20

at            o'clock            M.

            
Secretary to the Governor

Approved this            day of

at            o'clock            M.

            
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this            day of           , 20

at            o'clock            M.

            
Secretary of State

H.B. 2304

HOUSE CONCURS IN SENATE  
AMENDMENTS AND FINAL PASSAGE

April 19, 2011,

by the following vote: 59 Ayes,

1 Nays, 0 Not Voting

[Signature]  
Speaker of the House  
*Pursuant to Article IV,  
Part 1, Section 1 (Section  
32)*

Cheryl Laube  
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

20 day of April, 2011,

at 8:30 o'clock A. M.

[Signature]  
Secretary to the Governor

Approved this 29<sup>th</sup> day of

April, 2011,

at 6:15 o'clock P. M.

[Signature]  
Governor of Arizona

H.B. 2304

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 29<sup>th</sup> day of April, 2011,

at 7:30 o'clock P. M.

[Signature]  
Secretary of State