Conference Engrossed

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**KEN BENNETT**
**SECRETARY OF STATE**

State of Arizona
House of Representatives
Fiftieth Legislature
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CHAPTER 361

# HOUSE BILL 2033

AN ACT

AMENDING SECTIONS 16-168, 16-222, 16-230, 16-241, 16-242, 16-244, 16-250, 16-315 AND 16-343, ARIZONA REVISED STATUTES; AMENDING TITLE 16, CHAPTER 3, ARTICLE 6, ARIZONA REVISED STATUTES, BY ADDING SECTION 16-351.01; AMENDING SECTIONS 16-464, 16-571, 16-580, 16-803, 16-804, 16-901, 16-902.01, 16-913, 16-914.01, 16-916, 16-917 AND 16-1005, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 1, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-134; AMENDING SECTION 41-1202, ARIZONA REVISED STATUTES; RELATING TO ELECTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. Section 16-168, Arizona Revised Statutes, is amended to read:

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

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

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

C. For the purposes of transmitting voter registration information as prescribed by this subsection, electronic media shall be the principal media. A county or state chairman who is eligible to receive copies of precinct lists as prescribed by this subsection may request that the recorder provide a paper copy of the precinct lists. In addition to preparing the official precinct lists, the county recorder shall provide a means for electronically reproducing the precinct lists. Unless otherwise agreed, the county recorder shall deliver one electronic media copy of each precinct list in the county without charge and on the same day within eight days after the close of registration for the primary and general elections to the county chairman and one electronic media copy to the state chairman of each party that has at least four candidates other than presidential electors appearing on the ballot in that county at the current election. The secretary of state shall establish a single format that prescribes the manner and template in which all county recorders provide this data to the secretary of state to ensure that the submissions are uniform from all counties in this state, that all submissions are identical in format, including the level of detail for voting history, and that information may readily be combined from two or more counties. The electronic media copies of the precinct lists that are delivered to the party chairmen shall include for each elector the following information:

1. Name in full and appropriate title.
2. Party preference.
3. Date of registration.
4. Residence address.
5. Mailing address, if different from residence address.
6. Zip code.

7. Telephone number if given.
8. Birth year.
9. Occupation if given.
10. Voting history for all elections in the prior four years and any other information regarding registered voters that the county recorder or city or town clerk maintains electronically and that is public information.
11. All data relating to permanent early voters and nonpermanent early voters, including ballot requests and ballot returns.

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

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

F. Any person in possession of a precinct register or list, in whole or part, or any reproduction of a precinct register or list, shall not permit the register or list to be used, bought, sold or otherwise transferred for any purpose except for uses otherwise authorized by this section. A person

in possession of information derived from voter registration forms or precinct registers shall not distribute, post or otherwise provide access to any portion of that information through the internet except as authorized by subsection ~~J~~ I of this section. Nothing in this section shall preclude public inspection of voter registration records at the office of the county recorder for the purposes prescribed by this section, except that the month and day of birth date, the social security number or any portion thereof, the driver license number or nonoperating identification license number, the Indian census number, the father's name or mother's maiden name, the state or country of birth and the records containing a voter's signature shall not be accessible or reproduced by any person other than the voter, by an authorized government official in the scope of the official's duties, FOR ANY PURPOSE BY AN ENTITY DESIGNATED BY THE SECRETARY OF STATE AS A VOTER REGISTRATION AGENCY PURSUANT TO THE NATIONAL VOTER REGISTRATION ACT OF 1993 (P.L. 103-31; 107 STAT. 77), for signature verification on petitions and candidate filings, for election purposes and for news gathering purposes by a person engaged in newspaper, radio, television or reportorial work, or connected with or employed by a newspaper, radio or television station or pursuant to a court order. A person who violates this subsection or subsection E of this section is guilty of a class 6 felony.

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

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

(a) January 1.

(b) March 1.

~~(c) June 1.~~

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

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

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

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

(a) January 1.

(b) April 1.

(c) July 1.

(d) October 1.

H. The county recorder shall report the totals to the secretary of state as soon as is practicable following each of the dates prescribed in subsection G of this section. The report shall include completed registration forms returned in accordance with section 16-134, subsection B. The county recorder shall also provide the report in a uniform electronic

computer media format that shall be agreed on between the secretary of state and all county recorders. The secretary of state shall then prepare a summary report for the state and shall maintain that report as a permanent record.

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

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

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

L. Beginning January 1, 2008, recognized political parties shall request precinct lists and access to information as provided in subsections E and F of this section during the time periods prescribed in subsection C or D of this section and the county recorder shall receive and respond to those requests. If the county recorder does not provide the requested materials within the applicable time prescribed for the county recorder pursuant to subsection C or D of this section, a recognized political party may request that the secretary of state provide precinct lists and access to information as provided in subsections E and F of this section for federal, state and county elections. The secretary of state shall not provide access to precinct lists and information for recognized political parties unless the county recorder has failed or refused to provide the lists and materials as

prescribed by this section. The secretary of state may charge the county recorder a fee determined by rule for each name or record produced.

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

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

Sec. 2. Section 16-222, Arizona Revised Statutes, is amended to read:

16-222. <u>Vacancy in the office of United States senator or representative</u>

A. When a vacancy occurs in the office of United States senator or representative in Congress by reason of death or resignation, or from any other cause, the vacancy shall be filled at the next general election. At such election the person elected shall fill the unexpired term of the vacated office.

B. For a vacancy in the office of representative in Congress, if the next general election is not to be held within six months from the date of the occurrence of the vacancy, the governor shall call a special primary election and a special general election to fill the vacancy. The governor shall call the special primary election and establish its date within seventy-two hours after the office is officially declared vacant. Notwithstanding sections 16-313, 16-351 and 16-542, for a candidate for office at an election held pursuant to this subsection, the following apply:

1. The special primary election shall be held no less than eighty nor more than ninety days after the occurrence of the vacancy, and the special general election shall be held not less than fifty nor more than sixty days after the special primary election.

2. Nomination papers and nomination petitions shall be filed no later than thirty days after the date of the proclamation calling the election.

3. Any court action challenging the nomination of a candidate shall be filed no later than 5:00 p.m. on the fifth business day after the last day for filing nomination papers and petitions.

4. The superior court shall hear and render a decision within five days after the filing of the action.

5. Beginning fifteen days before the date of the election, the county recorder or other officer in charge of elections shall mail early ballots within forty-eight hours after receipt of a complete and correct early ballot request from persons qualified to vote.

C. For a vacancy in the office of United States senator, the governor shall appoint a person to fill the vacancy. That appointee shall be of the same political party as the person vacating the office and shall serve until the person elected at the next general election is qualified and assumes office. IF THE PERSON VACATING THE OFFICE CHANGED POLITICAL PARTY AFFILIATIONS AFTER TAKING OFFICE, THE PERSON WHO IS APPOINTED TO FILL THE VACANCY SHALL BE OF THE SAME POLITICAL PARTY THAT THE VACATING OFFICEHOLDER WAS WHEN THE VACATING OFFICEHOLDER WAS ELECTED OR APPOINTED TO THAT OFFICE.

D. For a vacancy in the office of representative in Congress that occurs simultaneously with at least one hundred additional vacancies in the office of representative in Congress as prescribed by 2 United States Code section 8, a special general election to fill the vacancy in this state shall be held no more than forty-nine days after the declaration of the vacancy unless a regularly scheduled general election or previously scheduled special general election is held within seventy-five days after the declaration of the vacancy.

Sec. 3. Section 16-230, Arizona Revised Statutes, is amended to read:

16-230. <u>Vacancy in certain state or county offices; election</u>

A. Notwithstanding any other statute and except as prescribed by subsection C of this section, for state and county offices that provide for a four-year term of office, the following applies if there is a vacancy in office due to death, disability, resignation or any other cause:

1. If a state office becomes vacant, the governor shall appoint a person of the same political party as the person vacating the office to fill the portion of the term until the next regular general election. IF THE PERSON VACATING THE OFFICE CHANGED POLITICAL PARTY AFFILIATIONS AFTER TAKING OFFICE, THE PERSON WHO IS APPOINTED TO FILL THE VACANCY SHALL BE OF THE SAME POLITICAL PARTY THAT THE VACATING OFFICEHOLDER WAS WHEN THE VACATING OFFICEHOLDER WAS ELECTED OR APPOINTED TO THAT OFFICE. If the vacancy occurs within the first two years of the term, and before the date on which a nomination paper is required to be filed as prescribed by section 16-311, a primary election shall be held as otherwise provided by law to determine candidates to fill the unexpired term. At the next regular general election, the person elected shall fill the remainder of the unexpired term of the vacant office.

2. If a county office becomes vacant, the board of supervisors shall appoint a person of the same political party as the person vacating the office to fill the portion of the term until the next regular general election. IF THE PERSON VACATING THE OFFICE CHANGED POLITICAL PARTY AFFILIATIONS AFTER TAKING OFFICE, THE PERSON WHO IS APPOINTED TO FILL THE VACANCY SHALL BE OF THE SAME POLITICAL PARTY THAT THE VACATING OFFICEHOLDER

WAS WHEN THE VACATING OFFICEHOLDER WAS ELECTED OR APPOINTED TO THAT OFFICE. If the vacancy occurs within the first two years of the term, and before the date on which a nomination paper is required to be filed as prescribed by section 16-311, a primary election shall be held as otherwise provided by law to determine candidates to fill the unexpired term. At the next regular general election, the person elected shall fill the remainder of the unexpired term of the vacant office.

B. A person who is elected to fill the remainder of an unexpired term of a vacant office pursuant to subsection A of this section may take the oath of office and begin the remainder of the term of office at any time within ninety days after the canvass of the election. A person who is appointed pursuant to subsection A of this section shall remain in office until the person elected pursuant to this subsection takes the oath of office.

C. This section does not apply to the office of governor.

Sec. 4. Section 16-241, Arizona Revised Statutes, is amended to read:

16-241. Presidential preference election; conduct of election

A. A presidential preference election shall be held on the fourth Tuesday in February of each year in which the president of the United States is elected to give qualified electors the opportunity to express their preference for the presidential candidate of the political party indicated as their preference by the record of their registration. No other election may appear on the same ballot as the presidential preference election.

B. Notwithstanding subsection A of this section, the governor may issue a proclamation that the presidential preference election is to be held on a date earlier than the fourth Tuesday in February. The proclamation shall be issued no later than one hundred ~~fifty~~ EIGHTY days before the date of the election as set forth in the proclamation. The governor shall transmit a copy of the election proclamation to the ~~clerk~~ CLERKS of the county boards of supervisors.

C. Except as otherwise provided in this article, the presidential preference election shall be conducted and canvassed in the same manner as prescribed in this title for the primary election held pursuant to section 16-201. All provisions of other laws that govern elections and that are not in conflict with this article apply to a presidential preference election, including laws relating to registration and qualifications of electors.

D. Unless otherwise specifically prescribed by this article, the powers and duties conferred by law on boards of supervisors, officers in charge of elections, county recorders, precinct boards and central counting boards in connection with a primary election are conferred on those persons for purposes of a presidential preference election and shall be exercised by them for a presidential preference election.

E. Every act that is an offense pursuant to the election laws of this state is an offense for purposes of a presidential preference election, and a person is subject to the penalties prescribed by those laws.

Sec. 5. Section 16-242, Arizona Revised Statutes, is amended to read:

16-242. Qualifications for ballot; nomination paper

A. A person seeking nomination as a candidate for the office of president of the United States shall sign and cause to be filed with the secretary of state a nomination paper that contains the following information:

1. The name, residence address and mailing address of the candidate.

2. The name of the recognized political party from which the person seeks nomination.

3. The name and address of the chairman of the candidate's state committee.

4. The exact manner for printing the candidate's name on the presidential preference ballot pursuant to section 16-311.

B. The nomination paper shall be filed not less than ~~fifty~~ NINETY days nor more than ~~seventy~~ ONE HUNDRED TWENTY days before the presidential preference election and not later than 5:00 p.m. on the last day for filing.

~~C. Section 16-351 does not apply to a nomination paper filed pursuant to this section.~~

C. A CANDIDATE FOR THE OFFICE OF PRESIDENT OF THE UNITED STATES SHALL FILE WITH THE SECRETARY OF STATE NOMINATION PETITIONS SIGNED BY ONE THOUSAND QUALIFIED ELECTORS WHO ARE QUALIFIED TO VOTE FOR THE CANDIDATE WHOSE NOMINATION PETITION THEY ARE SIGNING FOR THAT ELECTION OR, FOR RECOGNIZED PARTIES WITH FEWER THAN FIFTY THOUSAND REGISTERED VOTERS, NOMINATION PETITIONS SIGNED BY ONE THOUSAND QUALIFIED ELECTORS OF ANY POLITICAL PARTY AFFILIATION WHO, AT THE TIME THEY SIGN, ARE REGISTERED VOTERS.

D. NOMINATION PETITIONS SHALL CONFORM TO THE REQUIREMENTS OF SECTION 16-314.

E. IN LIEU OF THE PETITION REQUIREMENTS OF THIS SECTION, A CANDIDATE MAY QUALIFY TO APPEAR ON THE PRESIDENTIAL PREFERENCE PRIMARY BALLOT OF THE CANDIDATE'S POLITICAL PARTY BY FILING WITH THE SECRETARY OF STATE NO LATER THAN THE LAST TUESDAY IN JANUARY PRECEDING A PRESIDENTIAL PREFERENCE PRIMARY, A NOTICE OF CANDIDACY SIGNED BY THE CANDIDATE AND EITHER OF THE FOLLOWING:

1. A CERTIFICATION BY THE FEDERAL ELECTION COMMISSION THAT, BY THE FILING DEADLINE, THE CANDIDATE HAS QUALIFIED FOR MATCHING FEDERAL CAMPAIGN FUNDS.

2. EVIDENCE THAT BY THE FILING DEADLINE THE CANDIDATE'S NAME IS QUALIFIED TO APPEAR ON THE PRESIDENTIAL PREFERENCE PRIMARY BALLOT OF THE CANDIDATE'S POLITICAL PARTY IN AT LEAST TWENTY OTHER STATES.

~~D.~~ F. Within seventy-two hours after the close of filing the secretary of state shall certify to the officer in charge of elections the names of the candidates who are qualified for the presidential preference election ballot.

Sec. 6. Section 16-244, Arizona Revised Statutes, is amended to read:

16-244. Representation on ballot

A. To be eligible to participate in the presidential preference election, a political party shall be either of the following:

1. A political party that is entitled to continued representation on the state ballot pursuant to section 16-804.

2. A new political party that has become eligible for recognition and that will be represented by an official party ballot pursuant to section 16-801. A petition for recognition of a new political party shall be filed with the secretary of state not less than ~~seventy-five~~ ONE HUNDRED FIFTY nor more than one hundred ~~five~~ EIGHTY days ~~prior to~~ BEFORE the presidential preference election, AND IN THE SAME MANNER AS PRESCRIBED IN SECTION 16-801. ~~A petition for recognition shall be submitted for signature verification to a county recorder no later than one hundred fifteen days prior to the presidential preference election. The county recorder shall verify and count all signatures of qualified electors within thirty days after submission.~~ THE PETITION SHALL BE PROCESSED AND VERIFIED AS PRESCRIBED IN SECTION 16-803. A political party that is eligible for the presidential preference election ballot shall be represented on the subsequent primary and general election ballots in the year of the presidential election.

B. Notwithstanding the provisions of section 16-804, subsection A, the secretary of state shall determine the political parties entitled to continued representation on the state ballot pursuant to section 16-804, subsection B if, on October 1 of the year immediately preceding the presidential preference election, that party has registered voters equal to at least two-thirds of one per cent of the total number of registered voters in this state. Each county recorder shall furnish the secretary of state with the number of registered voters as prescribed by section 16-168, subsection G, paragraph 2, subdivision (d).

Sec. 7. Section 16-250, Arizona Revised Statutes, is amended to read:

16-250. Expenses of election

A. The secretary of state in consultation with the county recorders and the county officers in charge of elections shall include in the budget request for the department of state sufficient monies from the state general fund to conduct the presidential preference election prescribed by this article.

B. Reimbursement of charges incurred by the counties for the presidential preference election shall be made at ~~one dollar twenty-five cents for each active registered voter who is registered in that county on January 1 of the presidential preference election year. If the secretary of state determines that reimbursement at that rate would jeopardize a county's compliance with federal and state laws and regulations, the secretary of state may release a county from that rate of reimbursement~~ ONE HUNDRED PER CENT OF THE COSTS INCURRED AS EVIDENCED BY A PROPER CLAIM SUBMITTED TO THE SECRETARY OF STATE.

Sec. 8. Section 16-315, Arizona Revised Statutes, is amended to read:

16-315. Form of petitions; registration of circulators

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

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

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

3. There shall be ~~fifteen~~ TEN lines spaced ~~three-eighths~~ ONE-HALF of an inch apart and consecutively numbered one through ~~fifteen~~ TEN.

4. The signature portion of the petition shall be divided into columns headed by the FOLLOWING titles:

(a) Signature. ~~;~~

(b) Printed name. ~~;~~

(c) Actual residence address, description of place of residence or Arizona post office box address, city or town. ~~; and~~

(d) Date of signing.

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

B. The following shall appear on the petition:

Instructions for Circulators

1. All petitions shall be signed by circulator.

2. Circulator is not required to be a resident of this state but otherwise must be qualified to register to vote in this state and, if not a resident of this state, shall register as a circulator with the secretary of state.

3. Circulator's name shall be typed or printed under ~~such person's~~ THE CIRCULATOR'S signature.

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

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

D. Circulators who are not residents of this state must be registered as circulators with the secretary of state before circulating petitions. The secretary of state shall provide for a method of receiving service of process for those petition circulators who register pursuant to this subsection. The secretary of state shall establish in the instructions and procedures manual issued pursuant to section 16-452 a procedure for registering circulators and receiving service of process.

Sec. 9. Section 16-343, Arizona Revised Statutes, is amended to read:

16-343. Filling vacancy caused by death or incapacity or withdrawal of candidate

A. A vacancy occurring due to death, mental incapacity or voluntary withdrawal of a candidate after the close of petition filing but prior to a

primary or general election shall be filled by the political party with which the candidate was affiliated as follows:

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

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

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

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

C. Any meetings for the purpose of filing a nomination paper and affidavit provided for in this section shall be called by the chairman of such committee or legislative district, except that in the case of multicounty legislative or congressional districts the party county chairman of the county having the largest geographic area within such district shall call such meeting. The chairman or in his absence the vice-chairman calling such meeting shall preside. The call to such meeting shall be mailed or given in person to each person entitled to participate therein no later than one day prior to such meeting. A majority of those present and voting shall be required to fill a vacancy pursuant to this section.

D. A vacancy that is due to voluntary or involuntary withdrawal of the candidate and that occurs following the printing of official ballots shall not be filled in accordance with this section, however, prospective candidates shall comply with section 16-312. A candidate running as a write-in candidate under this subsection shall file the nomination paper no later than 5:00 p.m. on the fifth day before the election.

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

F. If a vacancy occurs as described in subsection A of this section for a state office, the secretary of state shall notify the various boards of supervisors as to the vacancy. The boards of supervisors shall notify the inspectors of the various precinct election boards in the county, district or precinct where a vacancy occurs. In the case of a city or town election, the city or town clerk shall notify the appropriate inspectors. A vacancy that occurs as prescribed in subsection D of this section due to the death or incapacity of the candidate shall not be filled and the secretary of state shall notify the appropriate county board of supervisors to post a notice of the death or incapacity of the candidate in each polling place along with notice that any votes cast for that candidate will be tabulated.

G. The inspectors shall post the notice of vacancy in the same manner as posting official write-in candidates. In the case of a withdrawal of a candidate that occurs after the printing of official ballots, the inspectors shall post the notice of withdrawal in a conspicuous location in each polling place. NOTICE OF WITHDRAWAL SHALL ALSO BE POSTED AT ALL EARLY VOTING LOCATIONS AND SHALL BE MADE AVAILABLE TO EARLY VOTERS BY PROVIDING WITH THE EARLY BALLOT INSTRUCTIONS A WEBSITE ADDRESS AT WHICH PROMPT UPDATES TO INFORMATION REGARDING WRITE-IN AND WITHDRAWN CANDIDATES IS AVAILABLE.

Sec. 10. Title 16, chapter 3, article 6, Arizona Revised Statutes, is amended by adding section 16-351.01, to read:

16-351.01. Nomination challenges; attorney fees

FOR ANY CHALLENGE OF A CANDIDATE'S NOMINATING PETITION FOR WHICH THE COUNTY RECORDER OR OFFICER IN CHARGE OF ELECTIONS IS REQUIRED TO CONDUCT SIGNATURE VERIFICATION AND TO WHICH THE COUNTY RECORDER OR OFFICER IN CHARGE OF ELECTIONS IS A PARTY, THE COURT MAY AWARD TO THE COUNTY RECORDER OR OFFICER IN CHARGE OF ELECTIONS THE REASONABLE EXPENSES INCURRED IN SIGNATURE VERIFICATION IF THE COURT DETERMINES THAT THE CHALLENGE WAS WITHOUT SUBSTANTIAL JUSTIFICATION OR WAS PRIMARILY OR SOLELY FOR DELAY OR HARASSMENT OR THAT THE CANDIDATE WHO SUBMITTED THE PETITION KNOWINGLY OR RECKLESSLY FILED A SUBSTANTIAL NUMBER OF INVALID SIGNATURES.

Sec. 11. Section 16-464, Arizona Revised Statutes, is amended to read:

16-464. Rotation of names on ballots

A. When there are two or more candidates for a nomination, except in the case of precinct committeemen, the names of all candidates for the nomination shall be so alternated upon the ballots used in each election precinct that the name of each candidate shall appear substantially an equal number of times at the top, at the bottom and in each intermediate place of the list or group of candidates in which they belong. When there are fewer than or the same number of candidates seeking office as the number to be elected, rotation of names is not required and the names shall be placed in alphabetical order.

B. The position of the names of candidates for precinct committeemen shall be drawn by lot for appearance on the ballot when there are more candidates than positions available. Such drawing shall take place at a public meeting called by the board of supervisors for that purpose.

C. In elections in which paper ballots are used, the ballots shall be printed and bound so that every ballot in the bound blocks shall have the names in a different and alternating position from the preceding ballot.

D. WHEN THERE ARE TWO OR MORE PRECINCTS IN A POLITICAL SUBDIVISION THAT HOLD AN ALL MAIL BALLOT ELECTION, CANDIDATE NAME ROTATION SHALL BE THE PRESUMED METHOD OF BALLOT ORGANIZATION, UNLESS CANDIDATE NAME ROTATION IS FOUND TO BE IMPRACTICABLE. WHEN CANDIDATE NAME ROTATION IS FOUND TO BE IMPRACTICABLE, THE POSITION OF THE NAMES OF CANDIDATES SHALL BE DRAWN BY LOT AT A PUBLIC MEETING.

~~D.~~ E. The provisions of this section shall not be applied where voting machines are used.

Sec. 12. Section 16-571, Arizona Revised Statutes, is amended to read:

16-571. Poll lists to be kept by election clerk; posting

A. In precincts in which electronic poll book systems are not used, at least one election board clerk shall keep a list in duplicate of persons voting, and the name of each person who votes shall be entered thereon and numbered in the order of voting.

B. In precincts in which electronic poll book systems are not used, the poll list as prescribed in section 16-516 shall be written on one side only, and ~~the~~ TRIPLICATE copies ~~thereof shall be legible triplicate copies~~ MAY BE PROVIDED. Immediately upon the completion of each page of the poll list AND IF COPIES ARE AVAILABLE, one copy shall, upon request, be given to a representative designated by each major political party. In an election with nonpartisan candidates or ballot issues, the officer in charge of the jurisdiction that is conducting the election may designate who is to receive copies of the poll lists. For the purposes of this subsection, "major political party" means the two parties receiving the highest number of votes for governor or presidential electors at the last election.

C. In precincts in which electronic poll book systems are used, at least one list of persons voting shall be available by printed or electronic media. The list shall be in substantially the same format as prescribed in section 16-516 and on request shall be given to a representative designated by each major political party. The information contained in the list also may be provided electronically to a representative designated by each major political party by way of a secure electronic file transmittal format as prescribed by the secretary of state.

Sec. 13. Section 16-580, Arizona Revised Statutes, is amended to read:

16-580. Manner of voting; assistance for certain electors

A. Except as prescribed by subsection G of this section, only one person per voting booth shall be permitted at any one time to sign for the receipt of a ballot and to wait for an opportunity to vote.

B. On receiving a ballot the voter shall promptly and without leaving the voting area retire alone, except as provided in subsection G of this section, to one of the voting booths that is not occupied, prepare the ballot in secret and vote in the manner and substantial form as required by the instruction to voters.

C. In order that the rights of other voters shall not be interfered with, a voter shall not be allowed to occupy a voting booth for more than five minutes when other voters are waiting to occupy the booth. If the voter refuses to leave after the lapse of five minutes, the voter may be removed by the judges. If a voter has not completed a ballot after the allotted five minutes, the voter may request the marshal to hold the ballot and when another booth is empty and all voters present have had an opportunity to vote the removed person may be allowed an additional five minutes in the booth.

D. Before leaving the voting booth the voter shall fold the ballot lengthwise and crosswise, or place the voter's card in the ballot envelope, but in such a way that the contents of the ballot shall be concealed and the stub, if any, can be removed without exposing the contents of the ballot and shall keep the ballot folded until the voter has delivered it to the inspector, or judge acting as such.

E. The election board official shall receive the ballot from the voter and in the presence of the election board and if the ballot includes a stub, remove the stub without opening the ballot, deposit the ballot in the ballot box, or if the voter so requests, hand the ballot to the voter and permit the voter to deposit the ballot in the ballot box, and string the stub, if any, on a string provided. If the ballot is of the type that includes a stub and the stub has been removed from the ballot before receipt by the election official, it shall not be deposited in the ballot box, but it shall be marked "spoiled" and placed with the spoiled ballots.

F. After delivery of the ballot to the election board official, or if the voter has asked to deposit the ballot in the ballot box, after the ballot is deposited, the voter shall then proceed outside the voting area and shall not again enter the voting area unless the voter is an authorized election official.

G. Any registered voter, at the voter's option, may be accompanied by a minor who is permitted in the voting booth pursuant to section 16-515, subsection E, be accompanied and assisted by a person of the voter's own choice or be assisted by two election officials, one from each major political party, during any process relating to voting or during the actual process of voting on a paper ballot, machine or electronic voting system. A person who is a candidate for an office in that election ~~or who has been employed by or volunteered for a candidate, campaign, political organization or political party in that election~~ OTHER THAN THE OFFICE OF PRECINCT COMMITTEEMAN is not eligible to assist any voter.

Sec. 14. Section 16-803, Arizona Revised Statutes, is amended to read:

16-803. Filing petition for recognition; submission of petitions to county recorder for signature verification

A. A petition for recognition of a new political party shall be filed with the secretary of state, the officer in charge of elections of the county or the city or town clerk, as the case may be, not less than one hundred ~~forty~~ EIGHTY days before the primary election for which the party seeks recognition. A new party that seeks both state and county recognition may file the original petition with the officer in charge of elections for the county and a certified copy of the petition with the secretary of state.

~~B. A petition for recognition shall not be submitted to a county recorder or a city or town clerk, as the case may be, later than one hundred eighty days before the primary election.~~

~~C.~~ B. ~~On receipt of a petition for statewide recognition, the county officer in charge of elections from each of the counties in which the petition was filed shall submit the petitions and signatures to the secretary of state.~~ Within ~~five~~ SEVEN business days after receipt OF A PETITION FOR STATEWIDE RECOGNITION, the secretary of state shall:

1. REVIEW EACH SHEET TO DETERMINE THE COUNTY OF THE MAJORITY OF THE SIGNERS AND SHALL:

(a) PLACE A THREE OR FOUR LETTER ABBREVIATION DESIGNATING THAT COUNTY IN THE UPPER RIGHT-HAND CORNER OF THE FACE OF THE PETITION.

(b) REMOVE ALL SIGNATURES OF THOSE NOT IN THE COUNTY OF THE MAJORITY ON EACH SHEET BY MARKING AN "SS" IN RED INK IN THE MARGIN TO THE RIGHT OF THE SIGNATURE LINE.

(c) CAUSE ALL SIGNATURE SHEETS TO BE GROUPED TOGETHER BY COUNTY OF REGISTRATION OF THE MAJORITY OF THOSE SIGNING.

2. Remove the following signatures that are not eligible for verification by marking an "SS" in red ink in the margin to the right of the signature line:

~~1.~~ (a) If the signature of the qualified elector is missing.

~~2.~~ (b) If the residence address or the description of residence location is missing.

~~3.~~ (c) If the date on which the petitioner signed is missing.

C. AFTER THE REMOVAL OF PETITION SHEETS AND SIGNATURES, COUNT THE NUMBER OF SIGNATURES FOR VERIFICATION ON THE REMAINING PETITION SHEETS AND NOTE THAT NUMBER IN THE UPPER RIGHT-HAND CORNER OF THE FACE OF EACH PETITION SHEET IMMEDIATELY ABOVE THE COUNTY DESIGNATION.

D. NUMBER THE REMAINING PETITION SHEETS THAT WERE NOT PREVIOUSLY REMOVED AND THAT CONTAIN SIGNATURES ELIGIBLE FOR VERIFICATION IN CONSECUTIVE ORDER ON THE FRONT SIDE OF EACH PETITION SHEET IN THE UPPER LEFT-HAND CORNER.

E. COUNT ALL REMAINING PETITION SHEETS AND SIGNATURES NOT PREVIOUSLY REMOVED AND ISSUE A RECEIPT TO THE APPLICANT OF THIS TOTAL NUMBER ELIGIBLE FOR VERIFICATION.

~~D.~~ F. The secretary of state, during the same ~~five~~ SEVEN business day period provided in subsection ~~C~~ B, shall select, at random, twenty per cent of the total signatures eligible for verification by the county recorders of the counties in which the persons signing the petition claim to be qualified electors. The random sample of signatures to be verified shall be drawn in such a manner that every signature eligible for verification has an equal chance of being included in the sample. The random sample produced shall identify each signature selected by petition page and line number. The signatures selected shall be marked according to the following procedure:

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

2. If a signature line selected for the random sample is found to be blank or was removed from the verification process pursuant to subsection ~~C~~ B, then the next line down, even if that requires going to the next petition sheet in sequence, on which an eligible signature appears shall be selected as a substitute if that line has not already been selected for the random sample. If the next eligible line is already being used in the random sample, the secretary of state shall proceed back up the page from the signature line originally selected for the random sample to the next previous signature line eligible for verification. If that line is already being used in the random sample, the secretary of state shall continue moving down the page or to the next page from the line originally selected for the random sample and shall select the next eligible signature as its substitute for the random sample. The secretary of state shall use this process of alternately moving forward and backward until a signature eligible for verification and not already included in the random sample can be selected and substituted.

~~E.~~ G. After the selection of the random sample, the secretary of state shall reproduce a facsimile of the front of each signature sheet on which a signature included in the random sample appears. The secretary of state shall clearly identify those signatures marked for verification by color highlighting or other similar method and shall transmit by personal delivery or certified mail to each county recorder a facsimile sheet of each signature sheet on which a signature appears of any individual who claims to be a qualified elector of that county and whose signature was selected for verification as part of the random sample.

~~F.~~ H. Within ten business days after receiving the facsimile signature sheets from the secretary of state, the county recorder shall determine which signatures of individuals whose names were transmitted shall be disqualified for any of the following reasons:

1. No residence address or description of residence location is provided.

2. No date of signing is provided.

3. The signature is illegible and the signer is otherwise unidentifiable.

4. The address provided is illegible or nonexistent.

5. The individual was not a qualified elector on the date of signing the petition.

6. The individual was a registered voter but was not at least eighteen years of age on the date of signing the petition or affidavit.

7. The signature was disqualified after comparison with the signature on the affidavit of registration.

8. If a petitioner signed more than once, all but one otherwise valid signature shall be disqualified.

9. For the same reasons any signatures could have been removed by the secretary of state pursuant to this section.

~~G.~~ I. Within the same time period provided in subsection ~~F~~ H, the county recorder shall certify to the secretary of state the following:

1. The name of any individual whose signature was included in the random sample and disqualified by the county recorder together with the petition page and line number of the disqualified signature.

2. The total number of signatures selected for the random sample and transmitted to the county recorder for verification and the total number of random sample signatures disqualified.

~~H.~~ J. At the time of the certification, the county recorder shall:

1. Return the facsimile signature sheets to the secretary of state.

2. Send notice of the results of the certification by mail to the person or organization that submitted the petitions and to the secretary of state.

~~I.~~ K. Within ~~ten business days,~~ SEVENTY-TWO HOURS after receipt of the facsimile signature sheets and the certification of each county recorder, the secretary of state shall determine the total number of valid signatures by subtracting from the total number of eligible signatures in the following order:

1. All signatures that were found ineligible by the county recorders.

2. After determining the percentage of all signatures found to be invalid in the random sample, a like percentage from those signatures remaining after the subtractions performed pursuant to paragraph 1 of this subsection.

~~J.~~ L. If the number of valid signatures as projected from the random sample pursuant to subsection ~~I~~ K is at least one hundred per cent of the minimum number required by this section, the party shall be recognized. If the number of valid signatures as projected from the random sample is less than one hundred per cent of the minimum number, the party shall not be recognized.

Sec. 15. Section 16-804, Arizona Revised Statutes, is amended to read:

16-804. <u>Continued representation on basis of votes cast at last preceding general election or registered electors</u>

A. A political organization that at the last preceding general election cast for governor or presidential electors or for county attorney or

for mayor, whichever applies, not less than five per cent of the total votes cast for governor or presidential electors, in the state or in such county, city or town, is entitled to representation as a political party on the official ballot for state officers or for officers of such county or local subdivision.

B. In lieu of subsection A, a political organization is entitled to continued representation as a political party on the official ballot for state, county, city or town officers if, on ~~November~~ OCTOBER 1 of the year immediately preceding the year in which the general election for state or county officers and for city or town officers one hundred fifty-five days immediately preceding the primary election in such jurisdiction, such party has registered electors in the party equal to at least two-thirds of one per cent of the total registered electors in such jurisdiction.

C. The secretary of state shall determine the political parties qualified for continued representation on the state ballot pursuant to this section by February 1 of the appropriate year. Each county recorder shall furnish to the secretary of state such information as the secretary of state may require no later than ~~November 30~~ OCTOBER 31 of the preceding year.

D. Each county recorder shall determine the political parties qualified for the county ballot pursuant to this section by February 1 of the appropriate year.

E. Each city or town clerk of a city or town providing for partisan elections shall determine the political parties qualified for such city or town ballot pursuant to this section one hundred forty days before the primary election.

Sec. 16. Section 16-901, Arizona Revised Statutes, is amended to read:

16-901. Definitions

In this chapter, unless the context otherwise requires:

1. "Agent" means, with respect to any person other than a candidate, any person who has oral or written authority, either express or implied, to make or authorize the making of expenditures as defined in this section on behalf of a candidate, any person who has been authorized by the treasurer of a political committee to make or authorize the making of expenditures or a political consultant for a candidate or political committee.

2. "Candidate" means an individual who receives or gives consent for receipt of a contribution for his nomination for or election to any office in this state other than a federal office.

3. "Candidate's campaign committee" means a political committee designated and authorized by a candidate.

4. "Clearly identified candidate" means that the name, a photograph or a drawing of the candidate appears or the identity of the candidate is otherwise apparent by unambiguous reference.

5. "Contribution" means any gift, subscription, loan, advance or deposit of money or anything of value made for the purpose of influencing an election including supporting or opposing the recall of a public officer or

supporting or opposing the circulation of a petition for a ballot measure, question or proposition or the recall of a public officer and:

(a) Includes all of the following:

(i) A contribution made to retire campaign debt.

(ii) Money or the fair market value of anything directly or indirectly given or loaned to an elected official for the purpose of defraying the expense of communications with constituents, regardless of whether the elected official has declared his candidacy.

(iii) The entire amount paid to a political committee to attend a fund-raising or other political event and the entire amount paid to a political committee as the purchase price for a fund-raising meal or item, except that no contribution results if the actual cost of the meal or fund-raising item, based on the amount charged to the committee by the vendor, constitutes the entire amount paid by the purchaser for the meal or item, the meal or item is for the purchaser's personal use and not for resale and the actual cost is the entire amount paid by the purchaser in connection with the event. This exception does not apply to auction items.

(iv) Unless specifically exempted, the provision of goods or services without charge or at a charge that is less than the usual and normal charge for such goods and services.

(b) Does not include any of the following:

(i) The value of services provided without compensation by any individual who volunteers on behalf of a candidate, a candidate's campaign committee or any other political committee.

(ii) Money or the value of anything directly or indirectly provided to defray the expense of an elected official meeting with constituents if the elected official is engaged in the performance of the duties of his office or provided by the state or a political subdivision to an elected official for communication with constituents if the elected official is engaged in the performance of the duties of his office.

(iii) The use of real or personal property, including a church or community room used on a regular basis by members of a community for noncommercial purposes, that is obtained by an individual in the course of volunteering personal services to any candidate, candidate's committee or political party, and the cost of invitations, food and beverages voluntarily provided by an individual to any candidate, candidate's campaign committee or political party in rendering voluntary personal services on the individual's residential premises or in the church or community room for candidate-related or political party-related activities, to the extent that the cumulative value of the invitations, food and beverages provided by the individual on behalf of any single candidate does not exceed one hundred dollars with respect to any single election.

(iv) Any unreimbursed payment for personal travel expenses made by an individual who on his own behalf volunteers his personal services to a candidate.

(v) The payment by a political party for party operating expenses, party staff and personnel, party newsletters and reports, voter registration and efforts to increase voter turnout, party organization building and maintenance and printing and postage expenses for slate cards, sample ballots, other written materials that substantially promote three or more nominees of the party for public office and other election activities not related to a specific candidate, except that this item does not apply to costs incurred with respect to a display of the listing of candidates made on telecommunications systems or in newspapers, magazines or similar types of general circulation advertising.

(vi) Independent expenditures.

(vii) Monies loaned by a state bank, a federally chartered depository institution or a depository institution the deposits or accounts of which are insured by the federal deposit insurance corporation or the national credit union administration, other than an overdraft made with respect to a checking or savings account, that is made in accordance with applicable law and in the ordinary course of business. In order for this exemption to apply, this loan shall be deemed a loan by each endorser or guarantor, in that proportion of the unpaid balance that each endorser or guarantor bears to the total number of endorsers or guarantors, the loan shall be made on a basis that assures repayment, evidenced by a written instrument, shall be subject to a due date or amortization schedule and shall bear the usual and customary interest rate of the lending institution.

(viii) A gift, subscription, loan, advance or deposit of money or anything of value to a national or a state committee of a political party specifically designated to defray any cost for the construction or purchase of an office facility not acquired for the purpose of influencing the election of a candidate in any particular election.

(ix) Legal or accounting services rendered to or on behalf of a political committee or a candidate, if the only person paying for the services is the regular employer of the individual rendering the services and if the services are solely for the purpose of compliance with this title.

(x) The payment by a political party of the costs of campaign materials, including pins, bumper stickers, handbills, brochures, posters, party tabloids and yard signs, used by the party in connection with volunteer activities on behalf of any nominee of the party or the payment by a state or local committee of a political party of the costs of voter registration and get-out-the-vote activities conducted by the committee if the payments are not for the costs of campaign materials or activities used in connection with any telecommunication, newspaper, magazine, billboard, direct mail or similar type of general public communication or political advertising.

(xi) Transfers between political committees to distribute monies raised through a joint fund-raising effort in the same proportion to each committee's share of the fund-raising expenses and payments from one political committee to another in reimbursement of a committee's

proportionate share of its expenses in connection with a joint fund-raising effort.

(xii) An extension of credit for goods and services made in the ordinary course of the creditor's business if the terms are substantially similar to extensions of credit to nonpolitical debtors that are of similar risk and size of obligation and if the creditor makes a commercially reasonable attempt to collect the debt, except that any extension of credit under this item made for the purpose of influencing an election ~~which~~ THAT remains unsatisfied by the candidate after six months, notwithstanding good faith collection efforts by the creditor, shall be deemed receipt of a contribution by the candidate but not a contribution by the creditor.

(xiii) Interest or dividends earned by a political committee on any bank accounts, deposits or other investments of the political committee.

6. "Earmarked" means a designation, instruction or encumbrance that results in all or any part of a contribution or expenditure being made to, or expended on behalf of, a clearly identified candidate or a candidate's campaign committee.

7. "Election" means any election for any initiative, referendum or other measure or proposition or a primary, general, recall, special or runoff election for any office in this state other than the office of precinct committeeman and other than a federal office. For purposes of sections 16-903 and 16-905, the general election includes the primary election.

8. "Expenditures" includes any purchase, payment, distribution, loan, advance, deposit or gift of money or anything of value made by a person for the purpose of influencing an election in this state including supporting or opposing the recall of a public officer or supporting or opposing the circulation of a petition for a ballot measure, question or proposition or the recall of a public officer and a contract, promise or agreement to make an expenditure resulting in an extension of credit and the value of any in-kind contribution received. Expenditure does not include any of the following:

(a) A news story, commentary or editorial distributed through the facilities of any telecommunications system, newspaper, magazine or other periodical publication, unless the facilities are owned or controlled by a political committee, political party or candidate.

(b) Nonpartisan activity designed to encourage individuals to vote or to register to vote.

(c) The payment by a political party of the costs of preparation, display, mailing or other distribution incurred by the party with respect to any printed slate card, sample ballot or other printed listing of three or more candidates for any public office for which an election is held, except that this subdivision does not apply to costs incurred by the party with respect to a display of any listing of candidates made on any telecommunications system or in newspapers, magazines or similar types of general public political advertising.

(d) The payment by a political party of the costs of campaign materials, including pins, bumper stickers, handbills, brochures, posters, party tabloids and yard signs, used by the party in connection with volunteer activities on behalf of any nominee of the party or the payment by a state or local committee of a political party of the costs of voter registration and get-out-the-vote activities conducted by the committee if the payments are not for the costs of campaign materials or activities used in connection with any telecommunications system, newspaper, magazine, billboard, direct mail or similar type of general public communication or political advertising.

(e) Any deposit or other payment filed with the secretary of state or any other similar officer to pay any portion of the cost of printing an argument in a publicity pamphlet advocating or opposing a ballot measure.

9. "Exploratory committee" means a political committee that is formed for the purpose of determining whether an individual will become a candidate and that receives contributions or makes expenditures of more than five hundred dollars in connection with that purpose.

10. "Family contribution" means any contribution that is provided to a candidate's campaign committee by a parent, grandparent, spouse, child or sibling of the candidate or a parent or spouse of any of those persons.

11. "Filing officer" means the office that is designated by section 16-916 to conduct the duties prescribed by this chapter.

12. "Identification" means:

(a) For an individual, his name and mailing address, his occupation and the name of his employer.

(b) For any other person, including a political committee, the full name and mailing address of the person. For a political committee, identification includes the identification number issued on the filing of a statement of organization pursuant to section 16-902.01.

13. "Incomplete contribution" means any contribution received by a political committee for which the contributor's mailing address, occupation, employer or identification number has not been obtained and is not in the possession of the political committee.

14. "Independent expenditure" means an expenditure by a person or political committee, other than a candidate's campaign committee, that expressly advocates the election or defeat of a clearly identified candidate, that is made without cooperation or consultation with any candidate or committee or agent of the candidate and that is not made in concert with or at the request or suggestion of a candidate, or any committee or agent of the candidate. Independent expenditure includes an expenditure that is subject to the requirements of section 16-917, which requires a copy of campaign literature or advertisement to be sent to a candidate named or otherwise referred to in the literature or advertisement. An expenditure is not an independent expenditure if any of the following applies:

(a) Any officer, member, employee or agent of the political committee making the expenditure is also an officer, member, employee or agent of the

committee of the candidate whose election or whose opponent's defeat is being advocated by the expenditure or an agent of the candidate whose election or whose opponent's defeat is being advocated by the expenditure.

(b) There is any arrangement, coordination or direction with respect to the expenditure between the candidate or the candidate's agent and the person making the expenditure, including any officer, director, employee or agent of that person.

(c) In the same election the person making the expenditure, including any officer, director, employee or agent of that person, is or has been:

(i) Authorized to raise or expend monies on behalf of the candidate or the candidate's authorized committees.

(ii) Receiving any form of compensation or reimbursement from the candidate, the candidate's committees or the candidate's agent.

(d) The expenditure is based on information about the candidate's plans, projects or needs, or those of his campaign committee, provided to the expending person by the candidate or by the candidate's agents or any officer, member or employee of the candidate's campaign committee with a view toward having the expenditure made.

15. "In-kind contribution" means a contribution of goods or services or anything of value and not a monetary contribution.

16. "Itemized" means that each contribution received or expenditure made is set forth separately.

17. "Literature or advertisement" means information or materials that are mailed, distributed or placed in some medium of communication for the purpose of influencing the outcome of an election.

18. "Personal monies" means any of the following:

(a) Assets to which the candidate has a legal right of access or control at the time he becomes a candidate and with respect to which the candidate has either legal title or an equitable interest.

(b) Salary and other earned income from bona fide employment of the candidate, dividends and proceeds from the sale of the stocks or investments of the candidate, bequests to the candidate, income to the candidate from trusts established before candidacy, income to the candidate from trusts established by bequest after candidacy of which the candidate is a beneficiary, gifts to the candidate of a personal nature that have been customarily received before the candidacy and proceeds received by the candidate from lotteries and other legal games of chance.

(c) The proceeds of loans obtained by the candidate that are not contributions and for which the collateral or security is covered by subdivision (a) or (b) of this paragraph.

(d) Family contributions.

19. "Political committee" means a candidate or any association or combination of persons that is organized, conducted or combined for the purpose of influencing the result of any election or to determine whether an individual will become a candidate for election in this state or in any

county, city, town, district or precinct in this state, that engages in political activity in behalf of or against a candidate for election or retention or in support of or opposition to an initiative, referendum or recall or any other measure or proposition and that applies for a serial number and circulates petitions and, in the case of a candidate for public office except those exempt pursuant to section 16-903, that receives contributions or makes expenditures OF MORE THAN TWO HUNDRED FIFTY DOLLARS in connection therewith, notwithstanding that the association or combination of persons may be part of a larger association, combination of persons or sponsoring organization not primarily organized, conducted or combined for the purpose of influencing the result of any election in this state or in any county, city, town or precinct in this state. Political committee includes the following types of committees:

(a) A candidate's campaign committee.

(b) A separate, segregated fund established by a corporation or labor organization pursuant to section 16-920, subsection A, paragraph 3.

(c) A committee acting in support of or opposition to the qualification, passage or defeat of a ballot measure, question or proposition.

(d) A committee organized to circulate or oppose a recall petition or to influence the result of a recall election.

(e) A political party.

(f) A committee organized for the purpose of making independent expenditures.

(g) A committee organized in support of or opposition to one or more candidates.

(h) A political organization.

(i) An exploratory committee.

20. "Political organization" means an organization that is formally affiliated with and recognized by a political party including a district committee organized pursuant to section 16-823.

21. "Political party" means the state committee as prescribed by section 16-825 or the county committee as prescribed by section 16-821 of an organization that meets the requirements for recognition as a political party pursuant to section 16-801 or section 16-804, subsection A.

22. "Sponsoring organization" means any organization that establishes, administers or contributes financial support to the administration of, or that has common or overlapping membership or officers with, a political committee other than a candidate's campaign committee.

23. "Standing political committee" means a political committee that ~~is~~ SATISFIES all of the following:

(a) IS active in more than one reporting jurisdiction in this state for more than one year.

(b) Files a statement of organization as prescribed by section 16-902.01, subsection E.

(c) Is any of the following as defined by paragraph 19 of this section:

(i) A separate, segregated fund.

(ii) A political party.

(iii) A committee organized for the purpose of making independent expenditures.

(iv) A political organization.

24. "Statewide office" means the office of governor, secretary of state, state treasurer, attorney general, superintendent of public instruction, corporation commissioner or mine inspector.

25. "Surplus monies" means those monies of a political committee remaining after all of the committee's expenditures have been made and its debts have been extinguished.

Sec. 17. Section 16-902.01, Arizona Revised Statutes, is amended to read:

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

A. Each political committee that intends to accept contributions or make expenditures of more than five hundred dollars shall file a statement of organization with the filing officer in the format prescribed by the filing officer before accepting contributions, making expenditures, distributing any campaign literature or circulating petitions. Each political committee that intends to accept contributions or make expenditures of five hundred dollars or less, AND MORE THAN TWO HUNDRED FIFTY DOLLARS, shall file a signed exemption statement in a form prescribed by the filing officer that states that intention before making any expenditures, accepting any contributions, distributing any campaign literature or circulating petitions. If a political committee that has filed a five hundred dollar threshold exemption statement receives contributions or makes expenditures of more than five hundred dollars, that political committee shall file a statement of organization with the filing officer in the format prescribed by the filing officer within five business days after exceeding the five hundred dollar limit.

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

1. The name, address and type of committee.

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

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

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

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

6. A statement that the chairman and treasurer have read all of the applicable laws relating to campaign finance and reporting.

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

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

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

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

Sec. 18. Section 16-913, Arizona Revised Statutes, is amended to read:

16-913. <u>Campaign finance reports; reporting of receipts and disbursements; exemptions; civil penalty</u>

A. Except as provided in subsection K of this section, each political committee shall file campaign finance reports in the format prescribed by the filing officer setting forth the committee's receipts and disbursements according to the schedule prescribed in subsections B and C of this section.

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

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

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

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

C. In any other calendar year, the political committee shall file a report covering the period beginning twenty-one days after the date of the election in the preceding calendar year through December 31 of the nonelection year filed no later than January 31 of the following calendar year. FOR A SPECIAL ELECTION FOR WHICH THE SECRETARY OF STATE IS THE FILING OFFICER, A POLITICAL COMMITTEE THAT RECEIVES CONTRIBUTIONS OR MAKES EXPENDITURES TO INFLUENCE THAT ELECTION SHALL FILE THE FOLLOWING:

1. FOR AN INITIATIVE, REFERENDUM OR RECALL, A PREELECTION REPORT THAT IS DUE WITHIN FIFTEEN DAYS OF FILING THE PETITION WITH THE SECRETARY OF STATE AND CURRENT THROUGH THE DATE THE PETITION WAS FILED.

2. A PREELECTION REPORT THAT IS DUE WITHIN FIFTEEN DAYS OF THE GOVERNOR'S PROCLAMATION CALLING THE SPECIAL ELECTION AND CURRENT THROUGH THE DATE OF THE GOVERNOR'S PROCLAMATION.

3. A PREELECTION REPORT THAT IS DUE AS PRESCRIBED BY SUBSECTION B, PARAGRAPH 2 OF THIS SECTION.

4. A POSTELECTION REPORT THAT IS DUE AS PRESCRIBED BY SUBSECTION B, PARAGRAPH 3 OF THIS SECTION.

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

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

F. A judge who has filed a declaration of the desire to be retained in office is exempt from filing any report required by this section if the judge, not later than twelve days before the general election, files a statement signed and sworn to by the judge certifying that the judge has received no contributions, has made no expenditures and has no campaign committee and that the judge does not intend to receive contributions, make expenditures or have a campaign committee for the purpose of influencing the result of the vote on the question of the judge's retention. With respect to

superior court judges, a statement filed pursuant to this subsection is effective until the earlier of twelve days before the third general election following the filing of this statement or the judge receives contributions, makes expenditures or authorizes a campaign committee. Such a statement filed by a supreme court justice or a court of appeals judge is effective until the earlier of twelve days before the fourth general election following the filing of this statement or the justice or judge receives contributions, makes expenditures or authorizes a campaign committee.

G. Reports in connection with special or recall elections shall conform to the filing deadlines set forth in ~~subsection~~ SUBSECTIONS B AND C of this section.

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

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

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

K. A standing political committee shall file reports with the secretary of state and is exempt from filing a report with any other jurisdiction in which it is active. The reports shall be in an electronic format as prescribed by the secretary of state or by use of the internet. The secretary of state shall promptly make the reports available to the public on the internet and shall make the reports available by electronic means by request. The standing committee shall file the following reports:

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

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

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

Sec. 19. Section 16-914.01, Arizona Revised Statutes, is amended to read:

16-914.01. Reporting of contributions by committees acting on ballot measures; civil penalty; definition

A. In addition to the requirements relating to election contributions prescribed in section 16-913, a committee acting in support of or opposition to the qualification, passage or defeat of an initiative or referendum or any other ballot measure, question or proposition OR IN SUPPORT OF OR OPPOSITION TO A RECALL ELECTION shall give notice to the secretary of state for statewide measures and the local filing officer who is responsible for receiving campaign finance reports for filing for nonstatewide measures of any contribution or group of contributions to the committee that is made from a single source less than twenty days before the day of the election if it exceeds:

1. A cumulative total of ten thousand dollars for a statewide ballot measure, question or proposition.

2. Two thousand five hundred dollars for a nonstatewide ballot measure, question or proposition in a political subdivision with a population of one hundred thousand or more persons.

3. Five hundred dollars for a nonstatewide ballot measure, question or proposition in a political subdivision with a population of less than one hundred thousand persons.

B. In addition to the requirements of section 16-913, a committee acting in support of or opposition to the qualification, passage or defeat of an initiative or referendum or any other ballot measure, question or proposition shall give notice to the secretary of state for statewide measures and the local filing officer who is responsible for receiving campaign finance reports for filing for nonstatewide measures the first time each of the following occurs:

1. The committee has received contributions totaling ten thousand dollars or more.

2. The committee has made expenditures totaling ten thousand dollars or more.

3. The committee has received contributions totaling ten thousand dollars or more from a single source.

4. The committee has received contributions totaling ten thousand dollars or more from different additional single sources.

C. The notices prescribed by this section shall be filed within twenty-four hours, excluding Saturdays, Sundays and other legal holidays, after the ten thousand dollar amount has been reached and shall include the identification of the contributors, the dates of receipt and the amounts of the contributions or the amount, recipient and purpose of the expenditures. Contributions subject to the notification requirements of this section shall be included in the next report filed pursuant to section 16-913.

D. A political committee that violates this section and a person who knowingly violates this section are liable in a civil action for a civil penalty of up to three times the amount improperly reported as prescribed by section 16-924.

E. For the purposes of this section, "single source" includes principals of the same partnership, corporation, limited partnership, limited liability company, limited liability partnership or association.

Sec. 20. Section 16-916, Arizona Revised Statutes, is amended to read:

16-916. Filing statements of contributions and expenditures; public inspection

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

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

2. With the county officer in charge of elections for political committees supporting or opposing the recall of public officers elected to county offices, school district governing boards, community college district governing boards or judges of the superior court, supporting the circulation of petitions for ballot measures, questions and propositions appearing on a county election ballot or for the recall of a public officer elected to county offices, school district governing boards, community college district governing boards or judges of the superior court or supporting or opposing candidates for county offices, school district governing board members or ballot questions, community college district governing board members or ballot questions, judges of the superior court seeking retention, special taxing districts and a county initiative or referendum or any measure or proposition appearing on a county election ballot. For any county with a population of more than one hundred thousand persons that operates a website, the county officer in charge of elections shall post to that website in a format that is viewable by the public the campaign finance information prescribed by this section, WHICH SHALL INCLUDE THE NAMES OF CANDIDATES WHO HAVE FILED AN EXEMPTION STATEMENT PURSUANT TO SECTION 16-902.01, SUBSECTION A WITH THAT FILING OFFICER. ~~The posting requirements of this paragraph do not apply to reports where less than five hundred dollars is spent.~~

3. With the city or town clerk for political committees supporting or opposing the recall of public officers elected to city or town offices, supporting the circulation of petitions for ballot measures, questions and propositions appearing on a city or town election ballot or recall of public officers elected for city or town offices or supporting or opposing candidates for city or town offices and for a city or town initiative or referendum or any measure or proposition appearing on a city or town election ballot. For any city or town with a population of more than two thousand five hundred persons that operates a website, the city or town shall post to that website in a format that is viewable by the public the campaign finance information prescribed by this section, WHICH SHALL INCLUDE THE NAMES OF CANDIDATES WHO HAVE FILED AN EXEMPTION STATEMENT PURSUANT TO SECTION 16-902.01, SUBSECTION A. FOR A CITY OR TOWN WITHOUT A WEBSITE, THE INFORMATION SHALL BE POSTED ON THE WEBSITE OPERATED BY AN ASSOCIATION OF CITIES AND TOWNS IN THIS STATE. ~~The posting requirements of this paragraph do not apply to reports where less than five hundred dollars is spent.~~

B. Campaign finance reports required pursuant to section 16-913 for the office of member of the legislature and statewide offices shall be filed with the secretary of state in the manner prescribed by the secretary of state. The secretary of state may provide through the procedures manual adopted pursuant to section 16-452 for an alternative method for providing public access to the reports prescribed by this section.

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

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

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

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

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

Sec. 21. Section 16-917, Arizona Revised Statutes, is amended to read:

16-917. <u>Independent expenditures; in-kind contribution; civil penalty</u>

A. A political committee, CORPORATION, LIMITED LIABILITY COMPANY OR LABOR ORGANIZATION that makes independent expenditures for literature or an advertisement relating to any one candidate or office within sixty days before the day of any election to which the expenditures relate, shall send by certified mail a copy of the campaign literature or advertisement to each

candidate named or otherwise referred to in the literature or advertisement twenty-four hours after depositing it at the post office for mailing, twenty-four hours after submitting it to a telecommunications system for broadcast or twenty-four hours after submitting it to a newspaper for printing.

B. The copy of the literature or advertisement sent to a candidate pursuant to subsection A of this section shall be a reproduction that is clearly readable, viewable or audible.

C. An expenditure by a political committee, CORPORATION, LIMITED LIABILITY COMPANY, LABOR ORGANIZATION or a person that does not meet the definition of an independent expenditure is an in-kind contribution to the candidate and a corresponding expenditure by the candidate unless otherwise exempted.

D. A person who violates this section is subject to a civil penalty of three times the cost of the literature or advertisement that was distributed in violation of this section. This civil penalty shall be imposed as prescribed in section 16-924.

Sec. 22. Section 16-1005, Arizona Revised Statutes, is amended to read:

16-1005. Ballot abuse; violation; classification

A. Any person who knowingly marks a voted or unvoted ballot or ballot envelope with the intent to fix an election for his own benefit or for that of another person is guilty of a class 5 felony.

B. It is unlawful to offer or provide any consideration to acquire a voted or unvoted early ballot. A person who violates this subsection is guilty of a class 5 felony.

C. It is unlawful to receive or agree to receive any consideration in exchange for a voted or unvoted ballot. A person who violates this subsection is guilty of a class 5 felony.

D. It is unlawful to possess a voted or unvoted ballot with the intent to sell the voted or unvoted ballot of another person. A person who violates this subsection is guilty of a class 5 felony.

E. A person or entity ~~who~~ THAT knowingly solicits the collection of voted or unvoted ballots by misrepresenting itself as an election official or as an official ballot repository or is found to be serving as a ballot drop off site, other than those established and staffed by election officials, is guilty of a class 5 felony.

F. A person who knowingly collects voted or unvoted ballots and does not turn those ballots in to an election official, the United States postal service or ANY other entity permitted by law to transmit post is guilty of a class 5 felony.

G. A person who engages or participates in a pattern of ballot fraud is guilty of a class 4 felony. For the purposes of this subsection, "pattern of ballot fraud" means the person has offered or provided any consideration to three or more persons to acquire the voted or unvoted ballot of a person.

~~H. Any person who delivers more than ten early ballots to an election official for tallying shall also provide to the election official a copy of the person's photo identification. If the person delivering the ballots does not provide a copy of the person's photo identification, the election official shall record the information from the person's photo identification and retain the information as a part of the records of the voting location as prescribed in procedures established by the secretary of state in the instructions and procedures manual adopted pursuant to section 16-452. Within sixty days after the election, the officer in charge of that election shall submit to the secretary of state the photocopies or other electronic facsimiles or other information submitted by the persons delivering the early ballots. The secretary of state shall compile a statewide report on the submittals and shall make that information available to the public on the secretary of state's website. The secretary of state may make any referrals to the appropriate prosecuting agency for purposes of enforcing this chapter.~~

Sec. 23. Title 41, chapter 1, article 2, Arizona Revised Statutes, is amended by adding section 41-134, to read:

41-134. Electronic database system; procedures

A. SUBJECT TO LEGISLATIVE APPROPRIATION OR TRANSFER OF MONIES, THE SECRETARY OF STATE SHALL DEVELOP ELECTRONIC DATABASE SYSTEMS FOR FINANCIAL DISCLOSURES REQUIRED UNDER TITLE 38, CHAPTER 3.1, ARTICLE 1 AND LOBBYIST REPORTING REQUIREMENTS UNDER CHAPTER 7, ARTICLE 8.1 OF THIS TITLE.

B. THE ELECTRONIC DATABASE SYSTEM SHALL ALLOW A COUNTY, CITY OR TOWN TO ELECT TO USE THE SECRETARY OF STATE'S SYSTEM SUBJECT TO:

1. APPROVAL OF THE LOCAL GOVERNING BODY.

2. THE LOCAL GOVERNING BODY CONFORMING THE LOCAL GOVERNING BODY'S FINANCIAL DISCLOSURE REQUIREMENT AND LOBBYING DISCLOSURE REQUIREMENTS WITH REQUIREMENTS OF THIS STATE.

C. THIS SECTION DOES NOT REQUIRE THE SECRETARY OF STATE TO PROVIDE FOR A SYSTEM THAT COMPLIES WITH FILING REQUIREMENTS OTHER THAN THOSE REQUIRED IN SECTIONS 38-542 AND 38-543 AND CHAPTER 7, ARTICLE 8.1 OF THIS TITLE.

Sec. 24. Section 41-1202, Arizona Revised Statutes, is amended to read:

41-1202. Vacancy in legislature; precinct committeemen; appointment; definition

A. If a vacancy occurs in the legislature and the vacant seat was represented by a political party that is organized pursuant to title 16, chapter 5, article 2 and that has at least thirty elected committeemen who are from precincts that are in the legislative district and that are in the county in which the vacancy occurred, the following apply:

1. The secretary of state shall notify the state party chairman of the appropriate political party of the vacancy. Within three business days after notification of the vacancy by the secretary of state, the state party chairman of the appropriate political party or the chairman's designee shall give written notice of the meeting to fill the vacancy to all elected

precinct committeemen of the appropriate political party from precincts that are in the legislative district and that are in the county in which the vacancy occurred.

2. Those elected precinct committeemen shall nominate, within twenty-one days after notification of the vacancy by the secretary of state if the legislature is not in regular session or within five days if the legislature is in regular session and by a majority vote, three qualified electors to fill the vacancy who meet the requirements for service in the legislature and who belong to the same political party and reside at the time of nomination in the same district and county as the person elected to or appointed to the office immediately before the vacancy.

3. The meeting to fill the vacancy is subject to title 38, chapter 3, article 3.1, and the state party chairman of the appropriate political party shall oversee the nominations. Fifty per cent or more of the elected precinct committeemen of the district who are in the legislative district and from the county in which the vacancy occurred, or their proxies, meeting together constitutes a quorum for the purposes of this subsection. A precinct committeeman may choose to permit the use of a proxy that:

(a) Is given by the precinct committeeman to another elected precinct committeeman for the legislative district in which the vacancy occurred for use at the meeting to fill the vacancy.

(b) Only is valid for the length of the meeting for which it was given.

(c) Is attested by a notary public or two witnesses.

4. The state party chairman of the appropriate political party shall forward the names of the three persons named pursuant to paragraph 2 of this subsection to the board of supervisors of the county of residence of the person elected or appointed to the office immediately before the vacancy occurred. The board of supervisors shall appoint a person from the three nominees submitted.

5. If the elected precinct committeemen of the appropriate political party fail to fill the vacancy within twenty-one days if the legislature is not in regular session or within five days if the legislature is in regular session, as provided in subsection A, the state party chairman shall notify the board of supervisors of the appropriate county and the board of supervisors shall fill the vacancy as provided in subsection B. The time frame for appointing a citizens panel shall run from receipt of notification from the state party chairman.

B. If the vacant legislative seat was represented by a political party that is organized pursuant to title 16, chapter 5, article 2 and that has fewer than thirty elected committeemen who are from precincts that are in the legislative district and that are in the county in which the vacancy occurred or if the vacant legislative seat is not represented by a political party that is organized pursuant to title 16, chapter 5, article 2, the following apply:

1. The board of supervisors of the county of residence of the person elected to or appointed to the office immediately before the vacancy shall appoint within three business days after a vacancy occurs a citizens panel to submit to the board within seven business days the names of three qualified electors who are members of the appropriate political party and who are residents of the legislative district and county in which the vacancy occurred to fill the vacancy. If the person elected to or appointed to the office immediately before the vacancy was a registered independent, the qualified electors shall be registered as independent.

2. Within five business days after receiving the list of names submitted by the panel and by a majority vote of all of the supervisors sitting as a board, the board of supervisors shall appoint one person from the list of names submitted by the panel to fill the vacancy.

C. For the purposes of this section, "appropriate political party" means the same political party of which the person who was elected to or appointed to the office was a member immediately before the vacancy occurred EXCEPT THAT IF THE PERSON VACATING THE OFFICE CHANGED POLITICAL PARTY AFFILIATION AFTER TAKING OFFICE, THE PERSON WHO IS APPOINTED TO FILL THE VACANCY SHALL BE OF THE SAME POLITICAL PARTY THAT THE VACATING OFFICEHOLDER WAS WHEN THE VACATING OFFICEHOLDER WAS ELECTED OR APPOINTED TO THAT OFFICE.

Sec. 25. Secretary of state; independent counsel

Notwithstanding section 41-192, Arizona Revised Statutes, the secretary of state may hire independent counsel in place of the attorney general through December 31, 2014.

Sec. 26. Legislative intent

It is the intent of the legislature by enacting section 41-134, Arizona Revised Statutes, as added by this act, to increase transparency in campaign finance compliance in a manner that improves access to information for members of the general public at different levels of local and county government, and to provide for improved voter education, and that this increase in access and transparency will result in a better informed and educated voting public.

APPROVED BY THE GOVERNOR MAY 15, 2012.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 15, 2012.

Passed the House March 6, 2012

by the following vote: 58 Ayes,

2 Nays, 0 Not Voting

Speaker of the House

Cheryl Laube

Chief Clerk of the House

Passed the Senate April 18, 2012

by the following vote: 27 Ayes,

1 Nays, 2 Not Voting

President of the Senate

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. 2033

**HOUSE FINAL PASSAGE**
as per Joint Conference

Passed the House April 30, 2012

by the following vote: 58 Ayes,

0 Nays, 2 Not Voting

Speaker of the House

Cheryl Laube
Chief Clerk of the House

**SENATE FINAL PASSAGE**
as per Joint Conference

Passed the Senate April 30, 2012

by the following vote: 25 Ayes,

4 Nays, 1 Not Voting

President of the Senate

Secretary of the Senate

**EXECUTIVE DEPARTMENT OF ARIZONA**
**OFFICE OF GOVERNOR**

This Bill received by the Governor this

1 day of May, 2012

at 11:50 o'clock A M.

Secretary to the Governor

Approved this 15th day of

May

at 11:10 o'clock A M.

Jan K. Brewer
Governor of Arizona

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

This Bill received by the Secretary of State

this 15th day of May, 2012

at 12:26 o'clock P. M.

Secretary of State

H.B. 2033