

Senate Engrossed House Bill

State of Arizona  
House of Representatives  
Fifty-first Legislature  
Second Regular Session  
2014

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

CHAPTER 260

## **HOUSE BILL 2218**

AN ACT

AMENDING SECTIONS 48-802, 48-816 AND 48-820, ARIZONA REVISED STATUTES;  
RELATING TO FIRE DISTRICTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 48-802, Arizona Revised Statutes, is amended to  
3 read:

4 48-802. Election procedures

5 A. All elections held pursuant to this article shall conform to the  
6 requirements of this section.

7 B. Except as otherwise provided in this article, the manner of  
8 conducting and voting at an election, contesting an election, keeping poll  
9 lists, canvassing votes and certifying returns shall be the same, as nearly  
10 as practicable, as in elections for county officers. ~~If the fire district is~~  
11 ~~administered by a board,~~ After consultation with the officer in charge of  
12 elections, a fire district may divide itself into precincts. To the extent  
13 practicable, the precincts shall be equal or as nearly equal in population  
14 and shall conform to the boundaries of precincts adopted by the board of  
15 supervisors of the county. The fire district shall thereafter conduct its  
16 elections using those precincts.

17 C. No person may vote at the election other than a qualified elector  
18 of this state who has registered to vote at least twenty-nine days before the  
19 election as a resident within the district boundaries, proposed district  
20 boundaries created by the merger of fire districts or the proposed district  
21 boundaries created by a consolidated district. A person offering to vote at  
22 a fire district election for which no fire district register has been  
23 supplied shall sign an affidavit stating the person's address and the fire  
24 district in which the person resides and swearing the person is qualified to  
25 vote and has not voted at the fire district election being held. A person  
26 offering to vote at a fire district election for which a fire district  
27 register has been supplied shall proceed as required for voting at any  
28 election at which precinct registers are used.

29 D. In elections for ~~an elected chief and secretary-treasurer or~~  
30 district board members:

31 1. The person or persons within the district or precinct, as  
32 applicable, receiving the highest number of votes shall be declared elected.

33 2. Candidates must be, and during incumbency must remain, qualified  
34 electors of the fire district. In a fire district that is divided into  
35 precincts as prescribed by subsection B of this section, candidates shall be  
36 qualified electors of the precinct in which they are candidates and during  
37 incumbency must remain qualified electors of that precinct.

38 3. Elections, other than special elections to fill a vacancy or  
39 elections to merge or dissolve fire districts, shall be held on the first  
40 Tuesday after the first Monday in November of the first even numbered year  
41 following the year the district is declared organized by the board of  
42 supervisors and, ~~in the case of a fire district administered by a district~~  
43 ~~board,~~ every two years thereafter on the first Tuesday after the first Monday  
44 in November. ~~Elections shall be held every four years thereafter in~~  
45 ~~districts administered by an elected chief.~~

1           4. Except for an election to reorganize a fire district, nominating  
2 petitions shall be filed with the board of supervisors as prescribed by title  
3 16, chapter 3. If only one person files or no person files a nominating  
4 petition for an election to fill a position on the district board ~~or the~~  
5 ~~position of elected fire chief or elected secretary-treasurer~~ for which the  
6 term of office is to expire, the board of supervisors may cancel the election  
7 for that position and appoint the person who filed the nominating petition to  
8 fill the position. If no person files a nominating petition for an election  
9 to fill a district office, the board of supervisors may cancel the election  
10 for those offices and those offices are deemed vacant and shall be filled as  
11 otherwise provided by law. A person who is appointed pursuant to this  
12 paragraph is fully vested with the powers and duties of the office as if  
13 elected to that office.

14           5. EXCEPT FOR A DISTRICT ORGANIZED PURSUANT TO ARTICLE 3 OF THIS  
15 CHAPTER, FOR AN ELECTION TO REORGANIZE A FIRE DISTRICT, ANY PERSON SEEKING  
16 ELECTION TO THE GOVERNING BODY THAT WOULD BE FORMED OR EXPANDED IF THE  
17 REORGANIZATION IS APPROVED SHALL COMPLY WITH THE NOMINATION REQUIREMENTS FOR  
18 A CANDIDATE AS PRESCRIBED BY TITLE 16, CHAPTER 3, INCLUDING FILING A  
19 NOMINATION PAPER AND NOMINATION PETITION TO APPEAR AS A CANDIDATE ON THE  
20 REORGANIZATION ELECTION BALLOT.

21           ~~5-~~ 6. The names of all nominated persons for office within the  
22 district or precinct, as applicable, shall appear on the ballot without  
23 partisan designation.

24           E. In an election to reorganize, notice of the appropriate order of  
25 the board of supervisors or governing body of the district shall be given as  
26 prescribed by title 16, CHAPTER 2.

27           F. In an election to merge fire districts, notice of the appropriate  
28 order of the board of supervisors shall be given as prescribed by title 16,  
29 CHAPTER 2. In addition, notice of the election with an accurate map of the  
30 territory proposed to be merged shall be sent by first class mail to each  
31 owner of property that would be subject to taxation by the merged district at  
32 least sixty days before the election. An order to hold an election shall be  
33 issued not more than thirty days after the receipt of the resolution to merge  
34 fire districts pursuant to section 48-820.

35           G. In an election to consolidate fire districts, notice of the  
36 appropriate order of the board of supervisors shall be given as prescribed by  
37 title 16, CHAPTER 2. In addition, notice of the election with an accurate  
38 map of the territory proposed to be consolidated shall be sent by first class  
39 mail to each owner of property that would be subject to taxation by the  
40 consolidated district at least sixty days before the election. An order to  
41 hold an election shall be issued not more than thirty days after the receipt  
42 of the resolution to consolidate fire districts pursuant to section 48-822.

1           Sec. 2. Section 48-816, Arizona Revised Statutes, is amended to read:  
2           48-816. Election to reorganize district

3           A. ~~The board of supervisors shall make an order calling an election to~~  
4 ~~decide whether to reorganize a fire district administered by an elected chief~~  
5 ~~as a district administered by a district board, pursuant to section 48-803,~~  
6 ~~or to reorganize a fire district administered by a district board as a~~  
7 ~~district administered by an elected chief, pursuant to section 48-804, when a~~  
8 ~~petition containing signatures of twenty-five per cent of the qualified~~  
9 ~~electors residing within the district and praying that the district be~~  
10 ~~reorganized is filed with the board except the board of supervisors shall not~~  
11 ~~make an order calling for a reorganization election more frequently than once~~  
12 ~~every two years. The election may be held on any consolidated election date~~  
13 ~~as prescribed in section 16-204. The board of supervisors shall give AS~~  
14 ~~PRESCRIBED IN THIS SECTION AND SHALL GIVE notice of the election in the same~~  
15 ~~manner provided for in section 48-806 for bond elections.~~

16           B. ~~The words appearing on the ballot shall be "reorganize as a fire~~  
17 ~~district administered by (insert elected chief or district board, as~~  
18 ~~specified) yes", "reorganize as fire district administered by (insert~~  
19 ~~elected chief or district board, as specified) no". The ballots shall also~~  
20 ~~allow each elector to indicate the elector's choice for elected chief and~~  
21 ~~secretary treasurer or board members, as appropriate, in the event of~~  
22 ~~reorganization.~~

23           C. ~~Within fourteen days after the election, the board of supervisors~~  
24 ~~shall meet and canvass the returns and if it is determined that a majority of~~  
25 ~~the votes cast at the election was in favor of reorganizing the fire~~  
26 ~~district, the board shall enter that fact on its minutes, declare the~~  
27 ~~district duly reorganized and announce the names of those elected to the~~  
28 ~~district board or as chief and secretary treasurer.~~

29           D. B. The board of supervisors shall make an order calling an  
30 election to decide whether to reorganize a fire district that has a  
31 THREE-MEMBER board consisting of three members as a fire district that has a  
32 FIVE-MEMBER board consisting of five members when a petition containing the  
33 signatures of twenty-five per cent of the qualified electors residing within  
34 the district and praying that the district be reorganized is filed with the  
35 board except the board of supervisors shall not make an order calling for a  
36 reorganization election to expand the number of directors on the district  
37 board more frequently than once every two years.

38           E. C. EXCEPT FOR A DISTRICT ORGANIZED PURSUANT TO ARTICLE 3 OF THIS  
39 CHAPTER, FOR AN ELECTION CALLED TO DETERMINE WHETHER TO EXPAND THE NUMBER OF  
40 DIRECTORS AS PRESCRIBED IN SUBSECTION B OF THIS SECTION, the words appearing  
41 on the ballot shall be "reorganize as a fire district administered by a five  
42 member board--yes", "reorganize as a fire district administered by a five  
43 member board--no". The ballots shall also allow each elector to indicate the  
44 elector's choices PROVIDE AS A SEPARATE RACE THE NAMES OF PERSONS WHO  
45 PROPERLY FILED FOR NOMINATION AS PRESCRIBED IN SECTION 48-802 AS CANDIDATES

1 for THE two additional OFFICES OF board members ~~in the event of~~ MEMBER IF THE  
2 reorganization WERE TO BE APPROVED AT THAT ELECTION.

3 ~~F. D. Within fourteen~~ AT LEAST SIX DAYS BUT NOT MORE THAN TWENTY days  
4 after the election, the board of supervisors shall meet and canvass the  
5 returns, and if it is determined that a majority of the votes cast at the  
6 election was in favor of reorganizing the fire district as a district with a  
7 five member board, the board shall enter that fact on its minutes, declare  
8 the district duly reorganized and announce the names of those elected to the  
9 district board.

10 E. FOR A DISTRICT ORGANIZED PURSUANT TO ARTICLE 3 OF THIS CHAPTER, THE  
11 WORDS APPEARING ON THE BALLOT SHALL BE "REORGANIZE AS A FIRE DISTRICT  
12 ADMINISTERED BY A FIVE MEMBER BOARD--YES", "REORGANIZE AS A FIRE DISTRICT  
13 ADMINISTERED BY A FIVE MEMBER BOARD--NO". THE BALLOTS SHALL ALSO ALLOW EACH  
14 ELECTOR TO INDICATE THE ELECTOR'S CHOICES FOR TWO ADDITIONAL BOARD MEMBERS IN  
15 THE EVENT OF REORGANIZATION.

16 F. WITHIN FOURTEEN DAYS AFTER THE ELECTION PRESCRIBED BY SUBSECTION E  
17 OF THIS SECTION, THE BOARD OF SUPERVISORS SHALL MEET AND CANVASS THE RETURNS,  
18 AND IF IT IS DETERMINED THAT A MAJORITY OF THE VOTES CAST AT THE ELECTION WAS  
19 IN FAVOR OF REORGANIZING THE FIRE DISTRICT AS A DISTRICT WITH A FIVE MEMBER  
20 BOARD, THE BOARD SHALL ENTER THAT FACT ON ITS MINUTES, DECLARE THE DISTRICT  
21 DULY REORGANIZED AND ANNOUNCE THE NAMES OF THOSE ELECTED TO THE DISTRICT  
22 BOARD.

23 Sec. 3. Section 48-820, Arizona Revised Statutes, is amended to read:  
24 48-820. Election to merge fire districts; notice; hearing;  
25 approval; joint meeting; merged district board

26 A. Except as provided in subsection ~~J~~ K of this section, the board of  
27 supervisors shall make an order calling for an election to decide whether to  
28 merge fire districts when a resolution for merger from each district is  
29 submitted to the board. The board of supervisors shall not make an order  
30 calling for an election to merge fire districts more frequently than once  
31 every two years. Whether or not the districts are merged, the fire districts  
32 shall reimburse the counties for the expenses of the election, including the  
33 cost of mailing any notices required pursuant to this section. If the  
34 proposed district is located in more than one county, the resolutions shall  
35 be submitted to the board of supervisors of the county in which the majority  
36 of the assessed valuation of the proposed district is located. The words  
37 appearing on the ballot shall be "(insert fire districts' names) merge as a  
38 fire district--yes" and "(insert fire districts' names) merge as fire  
39 district--no."

40 B. ~~Within fourteen~~ EXCEPT FOR A DISTRICT ORGANIZED PURSUANT TO ARTICLE  
41 3 OF THIS CHAPTER, AT LEAST SIX DAYS BUT NOT MORE THAN TWENTY days after the  
42 election, the board of supervisors shall meet and canvass the returns, and if  
43 it is determined that a majority of the votes cast at the election in each of  
44 the affected districts is in favor of merging the fire districts, the board  
45 shall enter that fact on its minutes.

1 C. FOR A DISTRICT ORGANIZED PURSUANT TO ARTICLE 3 OF THIS CHAPTER,  
2 WITHIN FOURTEEN DAYS AFTER THE ELECTION, THE BOARD OF SUPERVISORS SHALL MEET  
3 AND CANVASS THE RETURNS, AND IF IT IS DETERMINED THAT A MAJORITY OF THE VOTES  
4 CAST AT THE ELECTION IN EACH OF THE AFFECTED DISTRICTS IS IN FAVOR OF MERGING  
5 THE FIRE DISTRICTS, THE BOARD SHALL ENTER THE FACT ON ITS MINUTES.

6 ~~C.~~ D. Except as prescribed in subsection ~~D~~- E of this section, two or  
7 more fire districts may merge if the governing body of each affected fire  
8 district, by a majority vote of the members of each governing body, adopts a  
9 resolution declaring that a merger be considered and a public hearing be held  
10 to determine if a merger would be in the best interests of the district and  
11 would promote public health, comfort, convenience, necessity or welfare.  
12 After each district adopts such a resolution, the governing body by first  
13 class mail shall send written notice of the resolution, its purpose and  
14 notice of the day, hour and place of a hearing on the proposed merger to each  
15 owner of taxable property within the boundaries of the district. The notice  
16 shall contain the name and description of the boundaries of each district  
17 proposed to be merged and a detailed, accurate map of the area to be included  
18 in the merger. The notice also shall contain an estimate of the assessed  
19 value of the merged district, the estimated change in property tax liability  
20 for a typical resident of the proposed merged district and a list of the  
21 benefits and injuries that may result from the proposed merged district. No  
22 new territory may be included as a result of the merger.

23 ~~D.~~ E. A noncontiguous county island fire district formed pursuant to  
24 section 48-851 shall not merge with a fire district formed pursuant to  
25 section 48-261.

26 ~~E.~~ F. The clerk of the governing body shall post notice in at least  
27 three conspicuous public places in the district and shall also publish notice  
28 twice in a daily newspaper of general circulation in the county in which the  
29 district is located, at least ten days before the public hearing. The clerk  
30 of each governing body affected by the proposed merger shall also mail notice  
31 and a copy of the resolution in support of considering the merger to the  
32 chairman of the board of supervisors of the county or counties in which the  
33 affected districts are located. The chairman of the board of supervisors  
34 shall order a review of the proposed merger and shall submit written comments  
35 to the governing body of each fire district located in that county within ten  
36 days after receipt of the notice.

37 ~~F.~~ G. At the hearing, each governing body of the district shall  
38 consider the comments of the board of supervisors, hear those persons who  
39 appear for or against the proposed merger and determine whether the proposed  
40 merger will promote public health, comfort, convenience, necessity or  
41 welfare. If, after the public hearing each of the governing bodies of the  
42 districts affected by the proposed merger adopt a resolution by a majority  
43 vote that the merger will promote public health, comfort, convenience,  
44 necessity or welfare, each of the governing bodies of the districts affected

1 by the proposed merger shall submit to the board of supervisors the  
2 resolutions that call for an election.

3 ~~G.~~ H. Before considering any resolution of merger pursuant to this  
4 section, a governing body shall obtain written consent to the merger from any  
5 single taxpayer residing within each of the affected districts who owns  
6 thirty per cent or more of the net assessed valuation of the total net  
7 assessed valuation of the district. If written consent contemplated by this  
8 subsection is not obtained, subsections A and B apply, and the merger may  
9 only be accomplished by election.

10 ~~H.~~ I. If the merger is approved as provided by subsection B or ~~J.~~ K  
11 of this section, WITHIN THIRTY DAYS AFTER THE APPROVAL, the governing body of  
12 the affected district with the largest population ~~within thirty days~~ shall  
13 call a joint meeting of the governing bodies of all of the affected  
14 districts. At the joint meeting, a majority of the members of the governing  
15 body of each affected district constitutes a quorum for the purpose of  
16 transacting business. The members of the governing body shall appoint a  
17 total of five persons from those currently serving on the governing bodies  
18 who shall complete their regular terms of office, except that no more than  
19 three of the persons appointed may serve terms that end in the same year. No  
20 more than three members shall be appointed from the same fire district board.

21 Subsequent terms of office for district board members shall be filled by  
22 election of board members who shall be qualified electors of the merged  
23 district.

24 ~~I.~~ J. The appointed governing body shall immediately meet and  
25 organize itself and elect from its members a chairman and a clerk. The  
26 appointed board by resolution shall declare the districts merged and each  
27 affected district joined. The governing board by resolution shall declare  
28 the name of the newly merged fire district. The resolution and the names of  
29 the new board members for the newly organized district shall be sent to the  
30 board of supervisors, and the districts are merged effective thirty days  
31 after the adoption of the resolution.

32 ~~J.~~ K. If the requirements of subsection ~~G.~~ H of this section are met  
33 and each of the governing body votes required by subsections ~~E.~~ D and ~~F.~~ G of  
34 this section are unanimous, the following apply:

35 1. The governing bodies of each district may choose to merge by  
36 unanimous resolution without an election and subsections A and B of this  
37 section do not apply.

38 2. The governing bodies of each district may choose to hold an  
39 election on the question of merger and subsections A and B of this section  
40 apply.

~~APPROVED BY THE GOVERNOR APRIL 30, 2014.~~

~~FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 30, 2014.~~

Passed the House March 5, 20 14

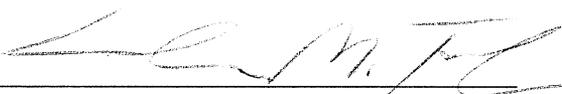
Passed the Senate April 21, 20 14

by the following vote: 58 Ayes,

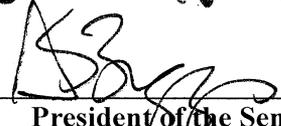
by the following vote: 23 Ayes,

0 Nays, 2 Not Voting

0 Nays, 7 Not Voting



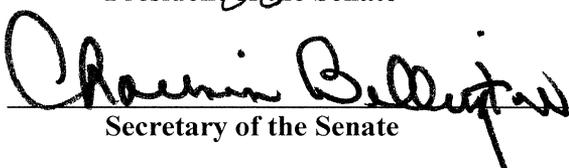
Speaker of the House



President of the Senate



Chief Clerk of the House



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. 2218

HOUSE CONCURS IN SENATE  
AMENDMENTS AND FINAL PASSAGE

April 23, 20 14,

by the following vote: 53 Ayes,

0 Nays, 7 Not Voting



Speaker of the House



Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

24 day of April, 20 14,

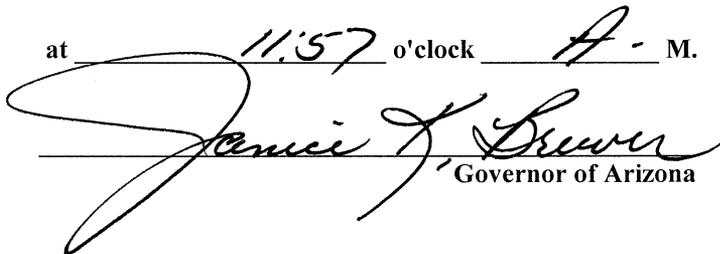
at 9:40 o'clock A M.

  
Secretary to the Governor

Approved this 30<sup>th</sup> day of

April, 20 14,

at 11:57 o'clock A M.

  
Governor of Arizona

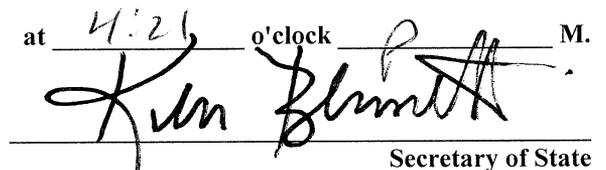
H.B. 2218

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 30<sup>th</sup> day of April, 20 14,

at 4:26 o'clock P M.

  
Secretary of State