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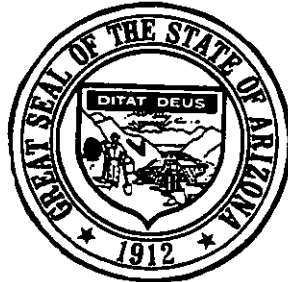
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TITLE 16

Arizona Revised Statutes

ELECTIONS AND ELECTORS



Issued by
the Office of the
Secretary of State

March 1993

F. Clifton White Resource Center
International Foundation
for Election Systems
1101 15th Street, NW
Washington, DC 20005

**RETURN TO RESOURCE CENTER
INTERNATIONAL FOUNDATION
FOR ELECTORAL SYSTEMS
1101 15th STREET, NW 3rd FLOOR
WASHINGTON, DC 20005**

CAMPAIGN CONTRIBUTION LIMITS

Effective February 10, 1993

	<u>LOCAL OFFICES</u> Candidate or Authorized Candidate's Committee	<u>STATEWIDE OFFICES</u> Candidate or Authorized Candidate's Committee
Individual's Contribution to a Candidate A.R.S. §16-905(A)(1) A.R.S. §16-905(B)(1)	\$250	\$640
Committee's Contribution to a Candidate A.R.S. §16-905(A)(1) A.R.S. §16-905(B)(1)	\$250	\$640
Committees Certified by the Secretary of State to give at the upper limit A.R.S. §16-905(G) A.R.S. §16-905(A)(2) A.R.S. §16-905(B)(2)	\$1,270	\$3,200
Combined total from all Campaign Committees A.R.S. §16-905(C)	\$6,390	\$63,880
Candidate's Personal Contribution or Obligation Limit* A.R.S. §16-905(E)	\$12,770	\$127,750

Contribution amounts listed became effective February 10, 1993. They are adjusted biennially by the office of the Secretary of State pursuant to A.R.S. §16-905(H).

The total contributed by an individual to candidates and committees who give to candidates is limited to \$2,560 in a calendar year.

*If a candidate exceeds these limits, he shall, within 24 hours, give written notice of the fact to the Secretary of State and all other candidates for the same office. Limits are then lifted from those local candidates until they raise the \$12,770 figure and for statewide candidates until they raise \$127,750.

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CHAPTER 1.1

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CHAPTER 1

QUALIFICATION AND REGISTRATION OF ELECTORS

ARTICLE 1. QUALIFICATIONS FOR REGISTRATION (L91, 3SS, Ch. 1, Sec. 2.)

§16-101. Qualifications of registrant; definition

A. Every resident of the state is qualified to register to vote if he:

1. Is a citizen of the United States.
2. Will be eighteen years of age or more on or before the date of the regular general election next following his registration.
3. Will have been a resident of the state twenty-nine days next preceding the election, except as provided in section 16-126.
4. Is able to write his name or make his mark, unless prevented from so doing by physical disability.
5. Has not been convicted of treason or a felony, unless restored to civil rights.
6. Is not under guardianship, non compos mentis or insane.

B. For purposes of this title, "resident" means an individual who has actual physical presence in this state, or for purposes of a political subdivision actual physical presence in the political subdivision, combined with an intent to remain. A temporary absence does not result in a loss of residence if the individual has an intent to return following his absence. An individual has only one residence for purposes of this title.

§16-103. Qualified person temporarily absent from state; persons in the service of the United States

A. A qualified person temporarily absent from the state may register by filling out an affidavit of registration which shall be furnished upon request of the registrant by the county recorder of the county in which the registrant has residence pursuant to section 16-593. The registrant shall execute the affidavit of registration and administer the oath himself and shall return the affidavit to the county recorder.

B. The county recorder may accept a federal postcard application in lieu of an affidavit of registration from any qualified person covered under the federal Voting Assistance Act of 1955, as amended, (42 United States Code sections 1973cc through 1973cc-2, 1973cc-11 through 1973cc-15 and 1973cc-21 through 1973cc-26) or the overseas citizens voting rights act (42 United States Code sections 1973dd through 1973dd-6).

C. Any other provisions of law to the contrary notwithstanding, registration for any person in the United States service and the spouse and any dependent of such person if otherwise qualified to vote may be accomplished at

any time prior to 7:00 p.m. of an election day. This subsection applies only to persons residing outside this state.

§16-104. Registration in incorporated cities and towns

A. The provisions of this chapter, except as it applies to registration of absent electors, are applicable to cities and towns incorporated under a board of trustees or common council government.

B. In the registration of electors other than absent electors in a city or town incorporated under a board of trustees government or a common council government, the city or town clerk shall have the same duties as to registration as are imposed upon the county recorder by the provisions of this chapter.

§16-105. Registration required by city ordinance or charter

The provisions of this chapter do not preclude the registration of electors required by the charter or ordinances of a city or town.

ARTICLE 1.1. DRIVER'S LICENSE VOTER REGISTRATION

§16-111. Definitions (L91, Ch. 310, Sec. 1.)

For the purposes of this article, unless the context otherwise requires:

1. "Applicant" means a person who applies for a driver's license.
2. "Driver's license" means any class of driver's license or a nonoperating identification license issued by the motor vehicle division of the department of transportation.
3. "Driver's license examiner" means an employee of the motor vehicle division of the department of transportation who is authorized to examine applicants for driver's licenses.

§16-112. Driver's license voter registration (L91, Ch. 310, Sec. 2.)

A. Every person who is applying for a driver's license or renewal and who is otherwise qualified to register to vote shall, at the same time and place, be permitted to register to vote by completing an affidavit that conforms to section 16-152. A registration form shall be included for a person who is applying for a driver's license renewal by mail.

B. The director of the department of transportation and the secretary of state shall, after consultation with all county recorders, adopt rules to implement a system permitting driver's license applicants to register to vote at the same time and place as they apply for driver's licenses. Such rules shall:

1. Bring the license application and voter registration application forms into substantial conformity.

2. Permit the transfer of driver's license application, including renewal and change of address, and voter registration information from the department of transportation to the voter registration rolls.

3. Respect all rules and statutes of this state concerning the confidentiality of driver's license application information.

ARTICLE 2. QUALIFICATIONS FOR VOTING

§16-120. Eligibility to vote (L91, Ch. 310, Sec. 3.)

No elector shall vote in an election called pursuant to the laws of this state unless the elector has been registered to vote as a resident within the boundaries or the proposed boundaries of the election district for which the election is being conducted and the registration has been received by the county recorder or his designee pursuant to section 16-134 prior to midnight of the twenty-ninth day preceding the date of the election.

§16-121. Qualified elector defined (L91, 3SS, Ch. 1, Sec. 3.)

A person who is qualified to register to vote pursuant to section 16-101 and who is properly registered to vote shall, if he is at least eighteen years of age on or before the date of the election, be deemed a qualified elector for any purpose for which such qualification is required by law, except as provided in section 16-126.

§16-122. Registration and records prerequisite to voting

No person shall be permitted to vote unless such person's name appears as a qualified elector in both the general county register and in the precinct register or list of the precinct and election districts or proposed election districts in which such person resides, except as provided in sections 16-125 and 16-584.

§16-124. Public officer residing in county of post of duty

Any public officer of the state, including a judge of the court of appeals, whose post of duty is located in a county other than in the county from which elected or appointed, and who is physically residing where his post of duty is located, shall be deemed a qualified elector and resident of the county from which elected or appointed if he registers, or remains registered, to vote in a precinct in such county. This section shall also apply to the spouse and any dependents of such public officer if otherwise qualified to vote and actually residing with the public officer.

§16-125. Change of residence to different precinct during twenty-nine day period preceding election (L90, Ch. 321, Sec. 8.)

A registered elector who removes from one precinct to another during the twenty-nine day period preceding either a primary, general or runoff election is deemed to be a resident and registered elector of the precinct from which he removed

until the day after the primary, general or runoff election, whichever applies.

§16-126. Authority to vote in presidential election after moving from state

A. Each person who is properly registered as an elector in any precinct in this state and who has begun residence in another state after the thirtieth day immediately preceding an election in which presidential electors are chosen shall retain his right to vote for presidential electors to be elected, but for no other offices in such election. Such vote may be cast by absentee ballot in the precinct from which he has removed, in person at the office of the county recorder or by mail.

B. Ballots cast by absentee procedures pursuant to this section shall be in the form prescribed by the secretary of state.

C. All applicants pursuant to this section shall have their registration canceled promptly following the election.

§16-127. Repealed by Laws 1990, Ch. 321, Sec. 9.

§16-128. Voting by overseas citizens; application and request for ballot; overseas citizen defined

A. An overseas citizen may request a ballot for federal elections only, to include the offices of presidential elector, United States senator and representative in Congress. Such requests shall be made either in person or in writing and shall be directed to the county recorder where the citizen was previously domiciled. Upon timely receipt of any such request, the county recorder shall deliver or mail an application and ballot to the citizen.

B. A federal postcard application shall be sufficient as both a request and application for ballot. In the absence of such application, the form of the application shall be as prescribed by the secretary of state.

C. Completed applications shall be delivered to the absentee board together with the ballots to be processed.

D. "Overseas citizen" as used in this section includes each citizen residing outside the United States who was qualified to register, except for age, in this state immediately prior to his departure from the United States.

§16-131. Registration of electors; deputy registrars (L92, Ch. 68, Sec. 1.)

A. The county recorder, a justice of the peace or a deputy registrar shall supply, without charge, a registration form to any qualified person requesting registration information.

B. The county recorder shall distribute registration forms at locations throughout the county such as government offices, fire stations, public libraries and other locations open to the general public.

C. Information regarding the qualifications necessary to register to vote, registration deadlines for qualifying to vote at an election, penalties for false registration and locations where

additional voter registration information may be obtained shall be attached to or distributed with the registration form.

D. A county recorder may appoint deputy registrars to assist in distributing registration forms, to assist in registering voters and to accept completed registration forms. A deputy registrar shall be a qualified elector and shall serve without pay.

§16-132. Repealed by Laws 1991, Ch. 310, Sec. 5.

§16-133. Repealed by Laws 1991, Ch. 310, Sec. 5.

§16-134. Return of registrations made outside office of county recorder; incomplete or illegible forms (L91, Ch. 310, Sec. 6.)

A. A county recorder shall authorize persons to accept registration forms and shall designate places for receipt of registration forms.

B. A person authorized by the county recorder to accept registration forms outside the office of the county recorder shall promptly return or mail each completed registration form within forty-eight hours to the county recorder of the county in which the registrant resides.

C. If the information on the registration form is incomplete or illegible and the county recorder is not able to process it, the applicant shall be notified within ten business days of receipt that the registration cannot be completed until the necessary information is supplied.

§16-135. Change of residence from one address to another (L91, Ch. 310, Sec. 7.)

An elector who within an open registration period preceding an election moves from the address at which he is registered to another address shall reregister, before being permitted to vote, and shall supply in addition to his new address the address indicated by the record of his prior registration.

§16-136. Change of political party (L91, Ch. 310, Sec. 8.)

An elector desiring to state a preference for a political party or organization other than the one indicated by the record of his registration shall reregister.

§16-137. Change of name (L91, Ch. 310, Sec. 9.)

An elector desiring to register under a new name, resulting either from a court order or marriage, shall reregister and shall state on the new affidavit of registration his former legal name.

§16-138. Cancellation notice required upon reregistering in another county or jurisdiction (L91, Ch. 310, Sec. 10.)

A cancellation notice is required when an elector removes from a county or other jurisdiction in which he is registered and registers in another county in Arizona. Such cancellation

notice shall be sent by the county recorder of the county of subsequent registration not later than two weeks after receipt of the registration. The notice is returnable to the recorder or other officer in charge of elections of the county or other jurisdiction in which the elector was registered. Upon receipt of the cancellation notice as provided in section 16-155, the recorder shall make the proper cancellation on his records.

§16-139. Registration expenses as county charge (L91, Ch. 310, Sec. 11.)

Necessary expenses incurred by the county recorder in carrying out the provisions of this title relating to the registration of electors shall be a county charge.

ARTICLE 4. FORMS

§16-151. Forms for registration supplied by county recorder (L91, Ch. 310, Sec. 12.)

All necessary blank forms for registration of electors shall be supplied by the county recorder.

§16-152. Registration form (L91, Ch. 310, Sec. 12. & L91, 3SS, Ch. 4, Sec. 1.)

A. The form used for the registration of electors shall contain:

1. The date the registrant signed the form.
2. The given name of the registrant, middle name, if any, and surname.
3. A statement indicating the appropriate title as follows: "Mr.", "Mrs.", "Ms." or "Miss".
4. Complete address of actual place of residence, including street name and number, apartment or space number, city or town and zip code, or such description of the location of the residence that it can be readily ascertained or identified.
5. Complete mailing address, if different from residence address, including post office address, city or town, zip code or other designation used by the registrant for receiving mail.
6. Name or number of precinct, if known.
7. Party preference.
8. Telephone number, unless unlisted.
9. State or country of birth.
10. Date of birth.
11. Occupation.
12. Indian census number (optional to registrant).
13. Father's name or mother's maiden name.
14. The last four digits of the registrant's social security number (optional to registrant).
15. A statement as to whether or not the registrant is currently registered in another state, county or precinct, and if so, the name, address, county and state of previous registration.
16. A statement that the registrant is a citizen of the United States.
17. A statement that the registrant will be eighteen years of age on or before the date of the next general election.

18. A statement that the registrant has not been convicted of treason or a felony, or if so, that his civil rights have been restored.

19. A statement that the registrant is a resident of this state and of the county in which he is registering.

20. A statement that executing a false registration is a class 6 felony.

21. The signature of the registrant.

22. If the registrant is unable to sign the form, a statement that the affidavit was completed according to the registrant's direction.

B. A duplicate voter receipt shall be attached to the form that provides space for the name, street address and city of residence of the applicant, party preference and the date of signing. The voter receipt is evidence of valid registration for the purpose of casting a questioned ballot as prescribed in section 16-584, subsection B.

C. The registration form shall be printed in a form prescribed by the secretary of state.

D. The county recorder may establish procedures to verify whether a registrant has successfully petitioned the court for an injunction against harassment pursuant to section 12-1809 or an order of protection pursuant to section 13-3602 and, if verified, to protect the registrant's residence address from public disclosure.

§16-153. Repealed by Laws 1991, Ch. 310, Sec. 14.

§16-154. Repealed by Laws 1991, Ch. 310, Sec. 14.

§16-155. Cancellation notice required on reregistering in another county

The cancellation notice required by section 16-138 shall be in a form determined by the county recorder and shall contain at least the name of the elector, his former address and his birth date.

ARTICLE 5. REGISTRATION ROLLS

§16-161. Official record of registration
(L91, Ch. 310, Sec. 15.)

When the registration form is filled out, signed by the elector and received by the county recorder, it shall constitute an official public record of the registration of the elector.

§16-162. Permanent preservation of affidavits of registration and applications for cancellation

The county recorder shall provide a means of permanently preserving affidavits of registration and applications for cancellation of registration. Acceptable means of preservation

shall be binders for the original affidavit or application, or photostatic or microfilm reproduction of the originals.

§16-163. Assignment of registrations to general county register; exception; notification to elector; filing of registration forms
(L91, Ch. 310, Sec. 16.)

A. The county recorder shall, upon receipt of a registration in proper form, assign the registration record to its proper precinct and alphabetical arrangement in the general county register, except that a registration form received after the close of registration shall be placed in the general county register before the next close of registration.

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

C. All current original registration forms shall be filed countywide or by precinct in alphabetical order by surname of elector. All original registration forms canceled, and all original applications for cancellation of registration received since the preceding general election, shall be separately filed and maintained. Computer output microfilm, listings or cards containing the information from the original registration form, in the sequence referred to in this section, shall serve to fulfill the requirements of this subsection and section 16-164, subsection A.

§16-164. Cancellation of registration upon new affidavit of registration effecting change of precinct, party, address or name; preservation of canceled affidavits

A. Upon receipt of a new affidavit of registration which effects a change of precinct, political party, address or name, the county recorder shall remove the affidavit of registration to which it relates from the general county register, indicate that the registration has been canceled and the date and reason for cancellation, and place the affidavit in a cancellation file. In lieu of such procedure, the county recorder may modify the record of registration to reflect any changes of address, name or party upon receipt of an affidavit of registration reflecting such changes.

B. Except as provided by subsection C, all canceled affidavits of registration shall be arranged and preserved in like manner as affidavits of registration.

C. The county recorder may provide for preservation of canceled affidavits of registration by microfilming, and upon microfilming of such affidavits, the original copies may be destroyed after the general election next following the cancellation.

§16-165. Causes for cancellation
(L91, Ch. 310, Sec. 17.)

- A. The county recorder shall cancel a registration:
1. At the request of the person registered.
 2. When the county recorder knows of the death of the person registered.
 3. When the insanity of the person registered is legally established.
 4. When the person registered has been convicted of a felony, and the judgment of conviction has not been reversed or set aside.
 5. Upon production of a certified copy of a judgment directing a cancellation to be made.
 6. Promptly after the election if the person registered has applied for a ballot pursuant to section 16-126.
 7. When a person has been on the inactive voter list under section 16-166 for four consecutive years.
 8. When the county recorder knows the person registered has a change of residence and knows the new residence address.

B. If the county recorder cancels a registration pursuant to subsection A, paragraph 8 of this section, the county recorder shall send the person notice that his registration has been cancelled and a registration form with the information described in section 16-131, subsection C, attached to the form.

C. When proceedings are had in the superior court resulting in a person being declared incapable of taking care of himself and managing his property, and for whom a guardian of his person and estate is appointed, or resulting in such person being committed as an insane person, or resulting in a person being convicted of a felony, the clerk of the superior court in the county in which such proceedings were had shall file with the appropriate county recorder a certificate of such fact, and the recorder shall cancel the name of the person upon the register. Such certificate shall name the person covered, shall give his date and place of birth if available, his social security number, if available, his usual place of residence and his address, and shall be filed with the recorder of the county where the person last resided.

D. Each month the department of health services shall transmit to the appropriate county recorder without charge a record of the death of every resident of his county sixteen years of age and older reported to the department within the preceding month. This record shall include only the name of the decedent, his date of birth, his social security number, if available, his usual legal residence at the time of his death and, if available, the decedent's father's name or his mother's maiden name. The record shall be used by the county recorder for the sole purpose of removing the names of deceased persons from the register. Public access to the records is prohibited. Use of information from the records for purposes other than those required by this section is

prohibited. The recorder shall promptly cancel the name of each deceased person from the register.

§16-166. Verification of registration; procedure; transfer of registration to inactive status
(L91, Ch. 310, Sec. 19.)

A. The county recorder shall, by May 1 of the year in which a general election at which a president of the United States is elected, send by nonforwardable first class mail, marked "address correction requested", a verification of registration notice to each elector whose name appears on the general register. The verification of registration notice shall contain the information about the elector as it appears on the general register. The notice shall state that if the information is accurate, the elector need take no further action and that if the information is incorrect, the elector should complete a new registration form.

B. If the verification of registration notice is not returned by the postal service to the county recorder as nonforwardable, no further action by the county recorder is required under this section.

C. If the verification of registration notice is returned by the postal service to the county recorder as nondeliverable, the county recorder shall send a follow-up verification of registration notice to the elector within two weeks of receipt of the returned verification of registration notice. If a forwarding address is indicated on the returned verification of registration notice, the county recorder shall send the follow-up verification of registration notice to the forwarding address. If no forwarding address is indicated on the returned verification of registration notice, the county recorder shall send the follow-up verification of registration notice to the address which appears on the general register. The follow-up verification of registration notice shall include a registration form and information described in section 16-131, subsection C, and state that if the elector does not complete and return a new registration form with current information to the county recorder by July 1, the name of the elector will be removed from the general register and transferred to the inactive voter list.

D. If the elector provides the county recorder with a new registration form, the county recorder shall change the general register to reflect the changes indicated on the new registration. If the elector indicates a new residence address outside the county, the county recorder shall forward the new residence address to the county recorder of the county where the elector's new address is located. If the elector provides a new residence address that is located outside of this state, the county recorder shall cancel the elector's registration.

E. If an elector to whom a follow-up verification of registration notice was sent under subsection C of this section does not provide a new registration form by July 1, the county

recorder shall remove the name of the elector from the general register and transfer it to the inactive voter list.

F. A county recorder or any other officer in charge of elections who makes a mailing other than for sample ballots to any elector shall send the mailing by nonforwardable first class mail marked "address correction requested". If the correspondence is returned by the postal service to the county recorder or other officer in charge of elections, the county recorder shall send a follow-up verification of registration notice in the same manner as prescribed in subsection C of this section. If the elector does not provide a current residence address to the county recorder within thirty-five days after the follow-up verification of registration notice is mailed, the county recorder shall remove the elector's name from the general register and transfer it to the inactive voter list.

G. The county recorder shall maintain the names of electors who have been removed from the general register under the provisions of subsection E or F of this section on the inactive voter list for four consecutive years.

H. On notification that a government agency has changed the name of a street, route number, post office box number or other address designation, the county recorder shall update the records of the registration and send a new verification of registration notice to the electors whose records were changed.

§16-167. Repealed by Laws 1991, Ch. 310, Sec. 18

§16-168. Precinct registers; date of preparation; contents; copies; reports; violation; classification
(L92, Ch. 212, Sec. 1.)

A. By the tenth day preceding the primary, general and runoff election the county recorder shall prepare from the original affidavits of registration at least four printed or typed lists of all qualified electors in each precinct in the county, and such 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. Such names shall be in alphabetical order and, in a column to the left of the names, such names shall be numbered consecutively beginning with number 1 in each precinct register.

C. The county recorder shall, in addition to preparing the official precinct registers, provide a means for mechanically reproducing the precinct registers and shall unless otherwise agreed deliver within eight days after the close of registration for the primary, general and runoff elections, without charge, on the same day two copies of each precinct register within the county to the county chairman and one copy to the state chairman of each party which has at least four candidates

other than presidential electors appearing upon the ballot in that county at the current election. The county recorder shall also, upon request and without charge, deliver one copy of the precinct register to legislative council. The county recorder of a county with a population of fewer than four hundred thousand persons shall, on the same day precinct registers are delivered to county chairmen, deliver one copy of each precinct register within the county to the state chairman of each party which has at least four candidates other than presidential electors appearing on the ballot in this state at the current election. The copies of the precinct registers shall be on individual cards or magnetic computer tape, or both, or in any other form unanimously agreed upon by such county and state chairmen and the county recorder, which 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. The zip code.
7. The telephone number if given.
8. Birth date.
9. Occupation.
10. Primary election and general election voting history for the prior four years and other information regarding registered voters which the county recorder maintains on magnetic computer tape and which is public information.

D. The names on the precinct registers shall be in alphabetical order and any changes, additions or deletions to the precinct registers shall unless otherwise agreed be delivered to each county chairman and each state chairman at least quarterly and within ten business days of the close of each quarter.

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. The county recorder shall, upon a request for such use and within thirty days from receipt of such request, prepare additional copies of any precinct register and furnish them to any person requesting them upon payment of a fee equal to five cents for each name appearing on the register for a printed list and ten cents for each name for an electronic data medium, plus the cost of the blank computer tape or disc if furnished by the recorder, for each copy so furnished.

F. Any person in possession of a precinct register, in whole or part, or any reproduction of a precinct register, shall not permit such register to be used, bought, sold or otherwise transferred for any purpose except for uses otherwise authorized by this section. Any person violating the provisions of this subsection is guilty of a class 2

misdemeanor. Nothing in this subsection shall preclude public inspection of voter registration records.

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

3. The county recorder shall count all persons who are registered to vote as of the last day on which a person may register to be eligible to vote in a second election if a second election is held pursuant to article V, section 1, Constitution of Arizona.

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, paragraphs 1 and 2 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 upon 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 shall provide to the secretary of state a list of registered voters in the county, including the voter's name, date of birth and state of birth along with the count of registered voters pursuant to subsection G of this section. The list of registered voters is a public record and shall be in a format agreed upon between the secretary of state and each county recorder. The list shall be labeled to show that it is not an official listing of registered voters. The secretary of state shall compare the lists to identify persons registered in more than one county. If a person is registered in more than one county, the secretary of state shall notify, within fifteen days after receipt of the list, the county recorder in each county in which the person is registered except the county recorder in the county in which the person registered last. The notice shall include the date of the person's latest registration. After receiving this notice the county recorder shall cancel the person's registration as of the date of the newest registration and notify the person of the cancellation at the address provided by the secretary of state from the county of the latest registration.

§16-169. Disposition and use of precinct registers; signature roster; form

A. Upon completion of the precinct registers, the county recorder shall certify to their completeness and correctness and shall transmit the original and two copies thereof to the several election boards. A copy shall be retained by the recorder for verification purposes on election day and then such copy shall be delivered by the recorder to the absentee election boards. The board of election shall use the original of the precinct register, which shall be known as the "signature roster", for identifying the electors qualified to vote in the precinct and may use the remaining copies to process voters or may place them in a convenient place outside the poll limits for use by the electors. After the canvass is completed, a copy of the precinct register shall be delivered to the county chairman of each political party having at least two candidates other than presidential electors on the ballot in the last general election.

B. The signature roster shall be bound with suitable covers and shall bear on the outside front cover the title, "signature roster _____ precinct, _____ county, Arizona." On the inside of the back cover thereof shall appear, printed or typed, a certificate to be signed by the inspector substantially as follows: I, _____ inspector of the board of election of _____ precinct, _____ county, Arizona, hereby certify that the foregoing (excepting signatures in red) are true and correct signatures of all electors who voted in _____ precinct on day of ____ 19__.

(Inspector)

§16-170. Transmittal of signature roster to county recorder; comparison of names by recorder

Upon return of the signature rosters to the board of supervisors after the election, the board shall immediately return them to the county recorder, who may compare the names and signatures with the names and signatures in corresponding precincts in the general county register, and if the recorder discovers that any person has voted in violation of any provision of this title he shall report the violation to the county attorney.

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

The signature roster of a precinct register shall be preserved as a permanent record.

§16-172. Use of county registration rolls by political subdivisions

A. Any political subdivision of this state conducting an election pursuant to the laws of this state, which lies within a county, may use the county registration rolls to conduct such an election. The governing body of such a political

subdivision shall negotiate a contract with the county recorder to reimburse the county recorder for his actual expenses in preparing the necessary lists for use in the election. In no case shall the county recorder charge more than the actual additional cost that such preparation entails. Such contracts shall be negotiated at least sixty days in advance of the election.

B. After July 1, 1985 the county recorder of each county shall prepare, pursuant to the provisions of subsection A, the necessary lists for use in all city and town elections. The county recorder shall prepare such lists by city ward where applicable.

§16-173. County recorder to file data processing system or program

In each county in which an electronic data processing system or program is used for voter registration, the county recorder shall file with the board of supervisors a detailed and complete explanation of such data processing system or program and any subsequent revision thereof.

ARTICLE 6. PENAL PROVISIONS

§16-181. Return of registration; violation; classification

An intentional failure of an authorized person to return the completed registration materials as provided in this chapter is a class 2 misdemeanor.

§16-182. False registration; classification; cancellation of registration

A. A person who knowingly causes, procures or allows himself to be registered as an elector of any county, city, town, district or precinct, knowing that he is not entitled to such registration, or a person who knowingly causes or procures another person to be registered as an elector of any county, city, town, district or precinct, knowing that such other person is not entitled to such registration, or an officer who knowingly enters the name of any person not entitled to registration upon the register or roll of electors, is guilty of a class 6 felony.

B. If on the trial of a person charged with an offense under this section, it appears that the accused is registered as an elector of any county, city, town or precinct, without being qualified for such registration, the court shall order his registration canceled.

§16-183. Violations; classification
(L91, Ch. 310, Sec. 21.)

A county recorder, justice of the peace or other person who is authorized to accept registration forms and who knowingly disregards any provision of this chapter, or a person who

knowingly registers more than once, or registers under any name other than his true name, or attempts to vote by personating another who is registered, or knowingly registers in a precinct where he is not a resident at the time of the registration is guilty of a class 6 felony unless another classification is specifically prescribed in this chapter.

§16-184. Additional violations; classification

A. Any person who knowingly swears falsely to an affidavit required under the provisions of this chapter is guilty of a class 5 felony unless another classification is specifically prescribed in this chapter.

B. An officer of an election who knowingly fails or refuses to perform any duty required of him under this chapter is guilty of a class 2 misdemeanor unless another classification is specifically prescribed in this chapter.

CHAPTER 1.1

GENERAL PROVISIONS

ARTICLE 1. APPLICABILITY

§16-191. Applicability
(L92, Ch. 70, Sec. 4.)

A. Except as provided by subsection B and except where different election procedures or provisions are set forth by statute, the provisions of this title apply to all elections in this state.

B. The provisions of this title apply to all elections held pursuant to title 48, chapters 5, 6, 8, 10 and 13 through 16, notwithstanding any conflicting election procedures or provisions in such chapters.

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TITLE 16 SESSION LAW

Laws 1991, Chapter 246, Add to A.R.S § 16-225.

Sec. 4. Election dates: voluntary consolidation program

A. At least one hundred eighty days before each consolidated election date prescribed in subsection C, each county board of supervisors or its designee shall give notice in writing regarding the consolidated election program to each school district, city, town and special taxing district organized pursuant to title 48, Arizona Revised Statutes, in that county. The notice shall state the date of the election and the deadline by which the school district, city, town or special taxing district must notify the county that it wishes to participate in the consolidated election.

B. Notwithstanding any other law, a school district, city, town or special taxing district may participate in an election pursuant to subsection C if the school district, city, town or special taxing district notifies the board of supervisors of its participation in the election at least ninety days before the election date. If a school district, city, town or special- taxing district changes its decision on whether to participate in the consolidated election, it shall notify the board of supervisors of that change at least seventy-five days before the election.

C. If entities that are qualified to participate in the consolidated election program choose to participate, the board of supervisors or its designee shall hold an election each year on the following dates:

1. The second Tuesday in March.
2. The third Tuesday in May.
3. The second Tuesday in October.
4. The first Tuesday after the first Monday in November.

D. The secretary of state shall coordinate the consolidated elections with the boards of supervisors or their designees.

E. The secretary of state or a board of supervisors may refuse to allow an entity that is otherwise qualified to participate in a consolidated election if the secretary of state or the board determines that the number of candidates and propositions on the ballot will be confusing to the voters.

F. The board of supervisors shall enter into an intergovernmental agreement pursuant to title 11, chapter 7, article 3, Arizona Revised Statutes, with each entity participating in a consolidated election in order to regulate and administer those elections.

G. Following each consolidated election, the board of supervisors shall compile a comparison between the cost to each school district, city, town or special taxing district holding separate elections and the cost of holding those same elections on consolidated election dates. The board shall also compile a report on the impact of the consolidated election on voter turnout and the number of polling places. The reports shall be submitted to the secretary of state, the speaker of the house of representatives and the president of the senate on or before January 1, 1993 for consolidated elections held in 1992 and on or before January 1, 1994 for consolidated elections held in 1993.

Sec. 5. Applicability This act does not apply to any election held before January 1, 1992.

Sec. 6. Delayed repeal Section 4 of this act is repealed on January 1, 1994.

CHAPTER 2

ELECTION DATES

ARTICLE 1. PRIMARY ELECTION

§16-201. Primary elections

On the eighth Tuesday prior to a general or special election at which candidates for public office are to be elected, a primary election shall be held.

§16-202. Notice of offices for which candidates are to be nominated at primary

At least one hundred twenty days before the date of a regular primary election, the secretary of state shall prepare and transmit to the board of supervisors of each county a notice in writing designating the offices for which candidates are to be nominated at the primary election.

§16-203. Primary election for nomination of candidates in municipalities

A primary election for nominations of candidates entitling the nominated candidates to have their names printed on the official ballots at municipal elections in incorporated cities and towns shall be held not less than thirty days prior to the elections.

ARTICLE 2. GENERAL ELECTION

§16-211. General election

On the first Tuesday after the first Monday in November of every even-numbered year, a general election shall be held for the election of representatives in Congress, members of the legislature, and state, county and precinct officers whose terms expire at the end of the year in which the election is being held or in the following year.

§16-212. Election of presidential electors

On the first Tuesday after the first Monday in November, 1956, and quadrennially thereafter, there shall be elected a number of presidential electors equal to the number of United States senators and representatives in Congress from this state.

§16-213. Election of United States senator

There shall be at each general election immediately preceding the expiration of the term of office of a United States senator from this state, an election of a United States senator.

§16-214. Issuance of proclamation for general election by governor; publication by boards of supervisors

A. At least thirty days before a general election, the governor shall issue a proclamation containing a statement of the time of election and the offices to be filled.

B. The governor shall transmit a copy of the election proclamation to the clerk of each board of supervisors of the several counties.

C. The board of supervisors shall be notified by the clerk of receipt of the election proclamation, and within five days after its receipt the board shall meet and publish a copy thereof in an official newspaper of the county at least ten days before a general election.

ARTICLE 3. OTHER ELECTIONS; SPECIAL PROVISIONS RELATING TO ELECTION OF CERTAIN OFFICERS

§16-221. Special election to fill vacancy in state legislature or in Congress

Special elections to fill a vacancy in the office of a member of the legislature, or a representative or senator in Congress, shall be held only on the proclamation of the governor and for that purpose only.

§16-222. Vacancy in the office of United States senator or representative

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. 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 special primary election shall be held no less than seventy-five nor more than one hundred five days after the occurrence of the vacancy, and the special general election shall be held not less than thirty-five nor more than forty-five days after the special primary election.

§16-223. Issuance of proclamation for special election by governor; publication by boards of supervisors

A. Within ten days after a vacancy occurs in the office of United States senator or representative in congress, if a special primary and special general election is required by section 16-222, the governor shall issue a proclamation containing a statement of the time of the special primary election and the special general election and the offices to be filled.

B. The governor shall transmit a copy of the election proclamation to the clerk of each board of supervisors of the several counties.

C. The board of supervisors shall be notified by the clerk of receipt of the election proclamation, and within five days after its receipt the board shall meet and publish a copy of the election proclamation in an official newspaper of the county at least five days before the special primary election and at least five days before the special general election.

§16-224. Proclamation by governor; time for electing delegates to convention for ratification of amendment to the Constitution of the United States

A. When Congress proposes an amendment to the Constitution of the United States, and proposes that it be ratified by conventions in the several states, the governor shall fix by proclamation the date of an election for the purpose of electing delegates to the convention to be held in this state.

B. The election may be a special election, or it may be held at the same time as a general election, but the election shall be held at least as soon as the next special or general election occurring more than three months after the amendment has been proposed by Congress.

§16-225. Special district election dates
(L91, Ch. 246, Sec. 3 & Ch. 308, Sec. 1.)

A. A special district as described in title 48 shall not hold any election except on the second Tuesday in March, the third Tuesday in May or the second Tuesday in October in odd-numbered years, or the second Tuesday in March, the third Tuesday in May or the first Tuesday after the first Monday in November of even-numbered years.

B. The board of supervisors of the county in which the special district or greater part thereof is located shall call the election for the formation of special districts in accordance with subsection A.

C. The governing body of a special district shall call all other elections for the district in accordance with subsection A and shall notify the board of supervisors of the county in which the special district or greater part of the district is located of the date, manner of balloting and purpose of the election within ten days after calling the election.

D. On approval of the county board of supervisors, the governing body of a special district may authorize that any special district election that is not held on the first Tuesday after the first Monday in November be conducted by mail pursuant to chapter 4, article 8.1 of this title.

§16-226. Nonpartisan elections; time of calling

Nonpartisan elections shall be called no later than one hundred twenty days before the date of holding the election.

§16-227. Publication of call of election for nonpartisan elections
(L91, Ch. 308, Sec. 2.)

A. The governing body shall publish a call of election at least twice in a newspaper of general circulation in the election district in which a nonpartisan election is being held not less than once a week during each of the two calendar weeks preceding ninety days before the election which shall contain:

1. The purpose of the election.
2. The date of holding the election.
3. The last date and place for filing nomination petitions, if applicable.
4. The last date to register to vote in the election.
5. The name of the election district conducting the election.
6. The proposed boundaries of the election district, if for establishment or annexation.

7. If the election is a special district mail ballot election as described in chapter 4, article 8.1 of this title, the date the mail ballots will be mailed to qualified electors of the district.

B. In lieu of publishing the call described in subsection A, the governing body may mail a call of election to each household in the district containing a qualified elector. Such call shall contain the same information described in subsection A and be mailed not later than ninety days before the election.

§16-228. Notice of election for nonpartisan elections
(L91, Ch. 308, Sec. 3.)

A. The governing body shall publish a notice of election at least twice in a newspaper of general circulation in the election district in which a nonpartisan election is being held not less than once a week during each of the two calendar weeks preceding twenty days before the election. This notice shall contain at least:

1. The date of the election.
2. The location of the polls.
3. The hours the polls will be open.
4. The purpose of the election.
5. The election district conducting the election.

B. In lieu of publishing the notice described in subsection A, the governing body may, and for a nonresident qualified elector shall, mail a notice of election to each household containing a qualified elector of the district. Such notice shall contain the same information described in subsection A and be mailed not later than ten days before the election.

C. In mail ballot elections, the governing body shall publish a notice of election at least twice in a newspaper of general circulation in the special district in which the election is being held at least once a week during each of the two weeks immediately preceding the thirty days before the election. This notice shall contain at least:

1. The date of the election.
2. The date ballots will be mailed.
3. The deadline and location for return of the ballots.
4. How to obtain a replacement if a ballot is destroyed, lost, spoiled or not received.
5. A statement that no polling place will be provided.
6. The name of the district that is conducting the election.
7. The qualifications of electors.

D. In lieu of publishing the notice described in subsection C, the governing body may, and for a nonresident qualified elector shall, mail a notice of election to each household containing a qualified elector of the district. The notice shall contain the same information described in subsection C and shall be mailed not later than forty-five days before the election.

§16-229. Affidavit of compliance

The governing body of a special district as described in title 48 shall submit to the board of supervisors an affidavit certifying compliance with the applicable federal and state election laws not later than five days before the election.

ARTICLE 4. PRESIDENTIAL PREFERENCE PRIMARY ELECTION

§16-241. Presidential preference primary election; conduct of election (L92, Ch. 255, Sec. 1.)

A. A presidential preference primary election shall be held on the second Tuesday in March or on the first date on which any other state shall hold a similar election, whichever is earlier, 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.

B. Except as otherwise provided in this article, the presidential preference primary 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.

16-242. Qualifications for ballot; nomination petition (L92, Ch. 255, Sec. 1.)

A candidate for the office of president of the United States shall file with the secretary of state a nomination petition that

contains signatures of at least three hundred qualified electors who are members of the candidate's political party. The nomination petitions shall be filed no later than thirty days before the presidential preference primary. Except as modified by this section the nomination petition shall meet the requirements for nomination petitions under chapter 3, articles 2 and 3 of this title. A candidate for the office of president shall also file with the secretary of state a copy of those documents that indicate that the candidate has filed with the federal election commission as a candidate for president.

16-243. National convention delegates; pledged support to candidates (L92, Ch. 255, Sec. 1.)

A. The selection of delegates to the political party national conventions shall be as provided in the bylaws of each state party.

B. Each delegate to the national convention shall use his best efforts at the convention for the party's presidential nominee candidate who received the greatest number of votes in the presidential preference primary until the candidate is nominated for the office of president of the United States by the convention, until the candidate releases the delegate from his obligation or until two convention nominating ballots have been taken. After a candidate is nominated, delegates are released or two ballots are taken, each delegate is free to vote as he chooses, and no rule may be adopted by a delegation requiring the delegation to vote as a body or causing the vote of any delegate to go uncounted or unreported.

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CHAPTER 3

NOMINATING PROCEDURES

ARTICLE 1. PARTY NOMINATION REQUIREMENTS

§16-301. Nomination of candidates for printing on official ballot of general or special election (L92, Ch. 306, Sec. 1)

At a primary election, each political party entitled and intending to make nominations for the ensuing general or special election shall, if it desires to have the names of its candidates printed on the official ballot at such general or special election, nominate its candidates for all elective, senatorial, congressional, state, judicial, county and precinct offices to be filled at such election except as provided in section 16-344.

§16-302. Failure to nominate candidate in primary election (L92, Ch. 306, Sec. 2.)

If no candidate is nominated in the primary election for a particular office, then no candidate for that office for that party may appear on the general or special election ballot except as provided in section 16-344.

ARTICLE 2. FILING AND FORMS

§16-311. Nomination papers; definitions; filing (L92, Ch. 306, Sec. 3.)

A. Any person desiring to become a candidate at a primary election for a political party and to have his name printed on the official ballot shall be a qualified elector of such party and shall, not less than seventy-five nor more than one hundred five days before the primary election, sign and cause to be filed a nomination paper giving his place of residence and post office address, naming the party of which he desires to become a candidate, stating the office and district or precinct, if any for which he offers his candidacy, stating the exact manner in which he desires to have his name printed on the official ballot pursuant to subsection E, and giving the date of the primary election and, if nominated, the date of the general election at which he desires to become a candidate. A candidate for public office shall reside in the county, district or precinct which he proposes to represent.

B. Any person desiring to become a candidate at any nonpartisan election and to have his name printed on the official ballot shall be a qualified elector of such city, town or district and, not less than sixty nor more than ninety days before the election, shall sign and cause to be filed a nomination paper giving his place of residence and post office address, stating the office and district and ward or precinct, if any, for which he offers his candidacy, stating the exact manner in which he desires to have his name printed on the

official ballot pursuant to subsection G and giving the date of the election. A candidate for public office shall reside in the county, district, ward or precinct which he proposes to represent.

C. Notwithstanding the provisions of subsection B to the contrary, any city or town may adopt by ordinance for its elections the time frame provided in subsection A for filing nomination petitions. Such ordinance shall be adopted not less than one hundred twenty days before the first election to which it applies.

D. Such person desiring to become a candidate shall file with the nomination paper provided for in subsection A an affidavit which shall be printed in a form prescribed by the secretary of state. The affidavit shall include facts sufficient to show that, other than the residency requirement provided in subsection A of this section, the candidate will be qualified at the time of election to hold the office he seeks.

E. The nomination paper of a candidate for the office of United States senator, representative in Congress or for a state office, including a member of the legislature, or for any other office for which the electors of the entire state or a subdivision of the state greater than a county are entitled to vote, shall be filed with the secretary of state no later than five o'clock p.m. on the last date for filing.

F. The nomination paper of a candidate for superior court judge or for a county, district and precinct office for which the electors of a county or a subdivision of a county other than an incorporated city or town are entitled to vote shall be filed with the clerk of the board of supervisors no later than five o'clock p.m. on the last date for filing. The nomination paper of a candidate for a city or town office shall be filed with the city or town clerk no later than five o'clock p.m. on the last date for filing. The nomination paper of a candidate for school district office shall be filed with the county school superintendent no later than five o'clock p.m. on the last date for filing.

G. The nomination paper shall include the exact manner in which the candidate desires to have his name printed on the official ballot and shall be limited to the candidate's surname and given name or names, an abbreviated version of such names or appropriate initials such as "Bob" for "Robert", "Jim" for "James", "Wm." for "William" or "S." for "Samuel". Nicknames are permissible, but in no event shall nicknames, abbreviated versions or initials of given names suggest reference to professional, fraternal, religious or military titles. No other descriptive name or names shall be printed on the official ballot, except as provided in this section. Candidates' abbreviated names or nicknames may be printed within quotation marks. The candidate's surname shall be printed first, followed by the given name or names.

H. As used in this title:

1. "Election district" means the state, any county, city, town, precinct, other political subdivision or a special district which is not a political subdivision, which is authorized by statute to conduct an election and which is authorized or required to conduct its election in accordance with this title.

2. "Nomination paper" means the form filed with the appropriate office by a person wishing to declare his intent to become a candidate for a particular political office.

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

A. Any person desiring to become a write-in candidate for an elective office in any election shall file a nomination paper, signed by the candidate, giving his place of residence and post office address, age, length of residence in the state and date of birth.

B. A write-in candidate shall file the nomination paper no later than 5:00 p.m. on the fourteenth day prior to the election. Write-in filing procedure shall be in the same manner as prescribed in section 16-311. Any person not filing such a statement shall not be counted in the tally of ballots.

C. The secretary of state shall notify the various boards of supervisors as to write-in candidates filing with his office. The county school superintendent shall notify the appropriate board of supervisors as to write-in candidates filing with his office. The board of supervisors shall notify the appropriate election board inspector of all candidates who have properly filed such statements. In the case of a city or town election, the city or town clerk shall notify the appropriate election board inspector of candidates properly filed. No other write-ins shall be counted. The election board inspector shall post the notice of official write-in candidates in a conspicuous location within the polling place.

§16-313. Filing of nomination paper and petitions for special primary election

In a special primary election called by proclamation, nominating papers may be filed not less than sixty days before the date fixed by the proclamation for the special primary election. Nomination petitions shall be filed no later than sixty days before the special primary election and signed by qualified electors as provided in section 16-322.

§16-314. Filing and form of nomination petitions; definition

(L91, Ch. 243, Sec. 3.)

A. Any person desiring to become a candidate at any election and to have his name printed on the official ballot shall, within the same time and with the same officer as provided by section 16-311, file a nomination petition in addition to the nomination paper required.

B. As used in this title, "nomination petition" means the form or forms used for obtaining the required number of signatures of qualified electors, which is circulated by or on behalf of the person wishing to become a candidate for a political office.

C. Nomination petitions shall be captioned "partisan nomination petition" or "nonpartisan nomination petition", followed by the language of the petition in substantially the following form:

Partisan Nomination Petition

"I, the undersigned, a qualified elector of the county of _____, state of Arizona, and of (here name political division or district from which the nomination is sought) and a member of the _____ party, hereby nominate _____ who resides at _____ in the county of _____ for the party nomination for the office of _____ to be voted at the primary election to be held _____ as representing the principles of such party, and I hereby declare that I have not signed, and will not sign, any nomination petition for more persons than the number of candidates necessary to fill such office at the next ensuing election."

Nonpartisan Nomination Petition

"I, the undersigned, a qualified elector of the county of _____, state of Arizona, and of (here name political division or district from which the nomination is sought) hereby nominate _____ who resides at _____ in the county of _____ for the office of _____ to be voted at the _____ election to be held _____, and hereby declare that I have not signed and will not sign any nomination petitions for more persons than the number of candidates necessary to fill such office at the next ensuing election."

D. The nomination petition of a person seeking to fill an unexpired vacant term for any public office shall designate the expiration date of the term following the name of the office being sought.

§16-315. Form of petitions

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

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

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 twenty-five lines spaced three-eighths of an inch apart and consecutively numbered one through twenty-five.

4. The signature portion of the petition shall be divided into columns headed by the titles: signature as registered; residence or mailing address, city, town or post office; and 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 must be a qualified elector of this state.
3. Circulator's name shall be typed or printed under such person's signature.
4. The elector shall sign with the elector's given name, middle initial or middle name, if any, and surname under which registered.

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

ARTICLE 3. SIGNATURE REQUIREMENTS

§16-321. Signing and certification of nomination petition

A. Each signer of a nomination petition shall sign only one petition for the same office unless more than one candidate is to be elected to such office, and in that case not more than the number of nomination petitions equal to the number of candidates to be elected to the office. A signature shall not be counted on a nomination petition unless the signature is upon a sheet having at the top the form prescribed by section 16-314.

B. The person before whom the signatures were written on the signature sheet shall be a qualified elector of this state and shall verify that each of the names on the petition was signed in his presence on the date indicated, and that in his belief each signer was a qualified elector who resides at the address given as their residence on the date indicated and, if for a partisan election, that each signer is a member of the party the nomination of which the candidate whose name appears on the nomination petition is seeking. The way the name appears on the petition shall be the name used in determining the validity of the name for any legal purpose pursuant to the election laws of this state. Signature and handwriting comparisons may be made.

§16-322. Number of signatures required on nomination petitions

(L90, Ch. 248, Sec. 7. & L91, Ch. 154, Sec. 12.)

A. Nomination petitions shall be signed:

1. If for a candidate for the office of United States senator or for a state office, excepting members of the legislature and superior court judges, by a number of qualified electors who are qualified to vote for the candidate whose nomination petition they are signing equal to at least one-half of one per cent of the voter registration of the party of the candidate in at least three counties in the state, but not less than one-half of

one per cent nor more than ten per cent of the total voter registration of his party in the state.

2. If for a candidate for the office of representative in Congress, by a number of qualified electors who are qualified to vote for the candidate whose nomination petition they are signing equal to at least one-half of one per cent but not more than ten per cent of the total voter registration of the party designated in the district from which such representative shall be elected.

3. If for a candidate for the office of member of the legislature, by a number of qualified electors who are qualified to vote for the candidate whose nomination petition they are signing; equal to at least one and one-half per cent but not more than three per cent of the total voter registration of the party designated in the district from which the member of the legislature may be elected.

4. If for a candidate for a county office or superior court judge, by a number of qualified electors who are qualified to vote for the candidate whose nomination petition they are signing; equal to at least two per cent but not more than ten per cent of the total voter registration of the party designated in the county or district, provided that in counties with a population of two hundred thousand persons or more, a candidate for a county office shall have nomination petitions signed by a number of qualified electors who are qualified to vote for the candidate whose nomination petition they are signing; equal to at least one-half of one per cent but not more than ten per cent of the total voter registration of the party designated in the county or district.

5. If for a candidate for county precinct committeeman, by a number of qualified electors who are qualified to vote for the candidate whose nomination petition they are signing equal to at least two per cent of the party voter registration in the precinct.

6. If for a candidate for justice of the peace or constable, by a number of qualified electors who are qualified to vote for the candidate whose nomination petition they are signing equal to at least two per cent of the party voter registration in the precinct.

7. If for a candidate for mayor or other office nominated by a city at large, by a number of qualified electors who are qualified to vote for the candidate whose nomination petition they are signing equal to at least five per cent and not more than ten per cent of the designated party vote in the city.

8. If for an office nominated by ward, precinct or other district of a city, by a number of qualified electors who are qualified to vote for the candidate whose nomination petition they are signing equal to at least five per cent and not more than ten per cent of the designated party vote in the ward, precinct or other district.

9. If for a candidate for an office nominated by a town at large, by a number of qualified electors who are qualified to vote for the candidate whose nomination petition they are signing equal to at least five per cent and not more than ten per cent of the vote in the town.

10. If for a candidate for a governing board of a school district, by a number of qualified electors who are qualified to vote for the candidate whose nomination petition they are

signing equal to at least one per cent of the vote in the school district if the governing board members are elected at large or one per cent of the vote in the single member district if governing board members or joint technological education district board members are elected from single member districts.

11. If for a candidate for a governing body of a special district as described in title 48 by a number of qualified electors who are qualified to vote for the candidate whose nomination petition they are signing equal to at least one per cent of the vote in the special district but not more than two hundred fifty and not fewer than five signatures.

B. The basis of percentage in each instance referred to in subsection A of this section, except in cities, towns and school districts, shall be the number of voters registered in the designated party of the candidate as reported pursuant to section 16-168, subsection G on March 1 of the year in which the general election is held. In cities, the basis of percentage shall be the vote of the party for mayor at the last preceding election at which a mayor was elected. In towns, the basis of percentage shall be the highest vote cast for an elected official of the town at the last preceding election at which an official of the town was elected. In school districts, the basis of percentage shall be the highest vote cast for a candidate for the governing board at the last general election at which a governing board member was elected. In special districts, other than school districts, the basis of percentage shall be the highest vote cast for a candidate for the governing body at the last election.

C. In primary elections the signature requirement for party nominees, other than nominees of the parties entitled to continued representation pursuant to section 16-804, is at least one-tenth of one per cent of the total vote for the winning candidate or candidates for governor or presidential electors at the last general election within the district. Signatures must be obtained from qualified electors who are qualified to vote for the candidate whose nomination petition they are signing.

D. If new boundaries for congressional districts, legislative districts, supervisorial districts, justice precincts or election precincts are established and effective subsequent to March 1 of the year of a general election and prior to the date for filing of nomination petitions, the basis for determining the required number of nomination petition signatures is the number of registered voters in the designated party of the candidate in the elective office district or precinct on the day the new districts or precincts are effective.

ARTICLE 4. JUDICIAL OFFICES

§16-331. Election of superior court judges by declared divisions of court
(L92, Ch. 255, Sec. 2.)

A. In any election at which two or more judges of the superior court are to be voted for or elected for the same term, it shall be deemed that there are as many separate offices to be filled as there are judges of the superior court to be elected. Each separate office shall be designated by the distinguishing number of the division of the court occupied on January 1 preceding the primary election by the respective judges whose terms expire after the general election and on or

before the first Monday in January next succeeding such election.

B. The designation shall remain the same for all purposes of both the primary and general election and shall be used on all nominating petitions, nomination papers, ballots, certificates of election and election papers referring to the office. After election and the issuance of the certificate of election, the designating number shall have no further significance.

§16-332. Election of justices of supreme court or judges of court of appeals by declared terms

A. In any election at which two or more justices of the supreme court or judges of the court of appeals are to be voted for or elected for the same length of term, it shall be deemed that there are as many separate offices to be filled as there are judges of the court to be elected. Each office shall be designated by a distinguishing number, as "term number one expiring the first Monday in January, 19__". The court or division concerned shall, on or before April 30 of each election year, designate the members of the court who hold such terms of office which expire in January next following such election year.

B. The designation shall remain the same for all purposes of both the primary and general election and shall be used on all nominating petitions, nomination papers, ballots, certificates of election and all election papers referring to the office. After election and the issuance of the certificate of election, the designating number shall have no further significance.

§16-333. Preparation and filing of nominating petition for certain judicial offices

Any nominating petition for a candidate for judge of the superior court, judge of the court of appeals or justice of the supreme court to be voted on at any election shall be prepared and filed in accordance with the provisions of this chapter. Any petition filed by a candidate for any such court which does not comply with the provisions of this chapter shall have no force or effect at any such election.

ARTICLE 5. NOMINATION OTHER THAN BY PRIMARY

§16-341. Nomination petition; method and time of filing; form; qualifications and number of petitioners required
(L92, Ch. 306, Sec. 4.)

A. Candidates for public office may be nominated otherwise than by primary election or by party committee pursuant to this section, unless such candidates were defeated or failed to obtain nomination in the immediately preceding primary election.

B. The provisions of this article shall not be used to place on the general election ballot the name of a political party which fails to meet the qualifications specified in section 16-804, or the name of any candidate representing such party.

C. A nomination petition stating the name of the office to be filled, the name and residence of the candidate and other

information required by this section shall be filed with the officer with whom primary nomination papers and petitions are required to be filed no later than 5:00 p.m. on the tenth day after the primary election. The petition shall be signed only by voters who have not signed the nomination petitions of a candidate for the office to be voted for at the last primary election and who have not voted at the primary election unless the voter's party ballot did not give the voter the opportunity to vote for a particular office because of the absence of the office from the party's ballot.

D. The nomination petition shall be in substantially the following form: "The undersigned, qualified electors of the _____ precinct of _____ county, state of Arizona, do hereby nominate _____, who resides at _____ in the county of _____, as a candidate for the office of _____ at the general (or special, as the case may be) election to be held on the _____ day of _____, 19 _____.

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

E. The nomination petition shall conform as nearly as possible to the provisions relating to nomination petitions of candidates to be voted for at primary elections and shall be signed by at least one per cent of the qualified electors of the state, county, subdivision or district for which the candidate is nominated.

F. The percentage of qualified electors necessary to sign the nomination petition shall be determined by the total vote cast for governor or presidential electors in the state, county, subdivision or district at the last general election.

G. Nomination petitions filed pursuant to this section may be circulated the day following the primary election. Signatures collected prior to that date are not valid.

H. For the purposes of this section, a nomination petition for the office of presidential elector may include a group of names of candidates equal to the number of United States senators and representatives in Congress from this state instead of separate nomination petitions for each candidate for the office of presidential elector. A valid signature on a petition containing a group of presidential electors candidates is counted as a signature for the nomination of each of the candidates. The presidential candidate whom the candidates for presidential elector will represent shall designate in writing to the secretary of state the names of the candidates who will represent the presidential candidate before any signatures for the candidate can be accepted for filing.

§16-342. Special election nominations by delegate convention

Nominations entitling candidates to have their names printed on the official ballot for a special election held for the purpose of filling a vacancy in an office may be made by delegates assembled in convention if, in the judgment of the secretary of

state and the attorney general, the time is too short in which to hold a primary election, or the cost of such primary election would be excessive or unnecessarily burdensome.

§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. In the case of a United States senator or statewide candidate, the state executive committee of the candidate's political party 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. 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 file a nomination paper and affidavit complying with the requirements of section 16-311. 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 and, in counties with a population greater than two hundred fifty thousand the county officers of the party together with the chairman of the party precinct committeemen in each legislative district of the county, shall file a nomination paper and affidavit complying with the requirements of section 16-311 to fill such vacancy. The nomination paper and affidavit shall be filed with the office with whom nomination petitions were to be filed at any time before the official ballots are printed.

B. 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.

C. A vacancy which occurs following the printing of official ballots shall not be filled in accordance with this section, however, prospective candidates shall comply with the provisions of section 16-312.

D. 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.

E. The inspectors shall post the notice of vacancy in the same manner as posting official write-in candidates.

§16-344. Office of presidential elector; appointment by state committee chairman
(L92, Ch. 306, Sec. 5.)

A. The chairman of the state committee of a political party which is qualified for representation on the ballot as provided in section 16-802 or 16-804 shall appoint candidates for the office of presidential elector equal to the number of United States senators and representatives in Congress from this state and shall file for each candidate with the secretary of state, not less than seventy-five days or more than one hundred five days before the primary election, by five p.m. on the last day for filing:

1. A nomination paper giving the candidate's place of residence and post office address, naming the party of which the candidate desires to become a candidate, stating his candidacy for the office of presidential elector, stating the exact manner in which the candidate desires to have his name printed on the official ballot pursuant to section 16-311, subsection G, and the date of the general election at which he desires to become a candidate.

2. An affidavit including facts sufficient to show that the candidate resides in this state and will be qualified at the time of the election to hold the office of presidential elector.

B. The nomination paper and affidavit of qualification pursuant to subsection A of this section shall be printed in a form prescribed by the secretary of state.

ARTICLE 6. CHALLENGE OF NOMINATION PETITIONS

§16-351. Limitations on appeals of validity of nomination petitions

A. Any elector filing any court action challenging the nomination petitions provided for in this chapter shall do so within five days, excluding Saturday, Sunday and legal holidays, after the last day for filing nomination papers and petitions. Within ten days after the filing of the action, the superior court shall hear and render a decision on the matter. Such decision shall be appealable only to the supreme court and notice of appeal shall be filed within five days after the decision of the superior court in the action. The supreme court shall hear and render a decision on the appeal promptly.

B. For the purposes of an action challenging nomination petitions, each person filing a nomination petition under this chapter appoints the officer with whom he files his nomination paper and petitions as his agent to receive service of process. Immediately upon receipt of process served upon the officer as agent for a person filing a nomination petition, the officer shall mail the process to the person.

C. Notwithstanding the system used pursuant to section 16-163, subsection C, the most current version of the general county register at the time of filing of a court action challenging a nomination petition shall constitute the official record to be used to determine on a prima facie basis by the challenger that the signer of a petition was not registered to vote at the address given on the date of signing of the petition.

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CHAPTER 4

CONDUCT OF ELECTIONS

ARTICLE 1. GENERAL PROVISIONS

§16-400. Definition of mark

For the purposes of this chapter, "mark" means a character or symbol which is distinguishable and noticeable to a reasonable person but which does not identify or reveal the voter in a primary, general or special election conducted by this state or any political subdivision of this state.

§16-401. Applicability of general election law to primary elections

A. A primary election shall be held, the voters shall vote therein, the method of voting shall be followed, the votes shall be counted and canvassed, the returns shall be made, all in the same manner as provided for a general election and shall otherwise conform to the laws governing general elections except as otherwise specifically provided. All provisions of other laws governing elections not in conflict and including registrations and qualifications of voters are made applicable to and shall govern primary elections.

B. The powers and duties conferred by law upon boards and clerks of elections, registration officers, canvassing boards and other public officials in connection with general elections are conferred upon all such officers of primary elections and, unless such powers or duties are otherwise specifically conferred, shall be exercised by them in connection with primary elections.

C. Every act declared to be an offense by the general election law shall be an offense under the primary election law and the offender shall be subject to the penalties prescribed by such general election law.

§16-402. Absence from employment for purpose of voting; application therefor; violation; classification

A. A person entitled to vote at a primary or general election held within this state may, on the day of election, absent himself for the purpose of voting from the service or employment at which he is employed if there are less than three consecutive hours between the opening of the polls and the beginning of his regular workshift or between the end of his regular workshift and the closing of the polls. In such event, he may absent himself for such length of time at the beginning or end of his workshift that, when added to the time difference between workshift hours and opening or closing of the polls, will provide a total of three consecutive hours. He shall not, because of such absence, be liable for any penalty, nor shall any deduction be made therefor from his usual salary or wages. Application shall be made for such absence prior to the day of election, and the employer may specify the hours during which the employee may absent himself.

B. A person who refuses an employee the right conferred by this section, or who subjects an employee to a penalty or reduction of wages therefor, or who directly or indirectly

violates the provisions of this section, is guilty of a class 2 misdemeanor.

§16-403. City or town primaries; duties of officers

In city or town primary elections, the duties devolving upon the secretary of state in other elections shall devolve upon the mayor or similar governing officer, board or commission, and the duties prescribed in this chapter devolving upon the clerk of the board of supervisors shall devolve upon the city or town clerk.

§16-404. Preparation of polling place; voting booths; ballot boxes for paper ballots

Each polling place shall be provided by the board of supervisors with a sufficient number of voting booths furnished with shelves on which voters may conveniently mark their ballots screened from the observation of others. Each booth shall be at least three feet square and contain a shelf at least one foot wide extending across one side of the booth at a convenient height for writing. Each booth shall be supplied with such conveniences, including pens or pencils, as will enable the voter to prepare his ballot for voting. The board of supervisors shall also furnish each polling place with ballot boxes, equipped with locks, large enough to properly receive and hold the ballots cast.

§16-405. Preparation for elections

The board of supervisors or other authority in charge of elections shall provide voting or marking devices, voting booths, ballots, absentee ballots as prescribed by section 16-545, ballot boxes, ballot labels, ballot cards, write-in ballots and other supplies as required. Where ballot cards are used each ballot card shall have a serially numbered stub which shall be removed before the ballot card is deposited in the ballot box. The precinct number and, in primary elections, the party designation shall be printed on each ballot card.

§16-406. Public display of voting equipment

The board of supervisors or other authority in charge of elections shall place voting equipment on public display at such times and places as it may determine for the education of voters in their use.

§16-407. Election officers; qualifications; certificates; certification programs; advisory committee; plan; exemption

A. Except as provided in subsection H, no person may perform the duties or exercise the authority of an election officer or of the clerk of the board of supervisors or the county recorder in performance of election duties in or on behalf of any county unless he is the holder of an election officer's certificate issued by the secretary of state before January 1 of each general election year.

B. The secretary of state shall provide for the examination of applicants for election officer certificates. The secretary of state may not issue a certificate to a person who has not

demonstrated to the satisfaction of the secretary of state that he is competent to perform the work of an election officer or of the clerk of the board of supervisors or the county recorder in the performance of election duties.

C. The secretary of state shall provide for election officer certification programs of which successful completion by a person attests to the attendance at, participation in and completion of a course of instruction in the technical, legal and administrative aspects of conducting elections within this state.

D. An election officer education, training and certification advisory committee is established consisting of the following members:

1. An assistant attorney general appointed by the attorney general.
2. Three election officers, deputy county election officers or county recorders appointed by the secretary of state.
3. A training coordinator in the office of the secretary of state appointed by the secretary of state.

E. The terms of members appointed pursuant to subsection D, paragraphs 1 and 2 are one year. The training coordinator appointed pursuant to subsection D, paragraph 3 serves at the pleasure of the secretary of state. The members of the advisory committee shall choose a chairman from among themselves. The advisory committee shall meet at least semiannually at a time and place set by the chairman. Additional meetings shall be held on the call of the chairman or at the request of two or more members.

F. The advisory committee shall evaluate:

1. The curriculum proposed by the secretary of state for the election officer certification program.
2. The procedures proposed by the secretary of state for evaluation of participants.
3. The form and content of all examinations given in the election officer certification program.

G. On or before December 31 of each year of a general election, the secretary of state shall submit an election officer education, training and certification plan to the advisory committee and to the president of the senate and the speaker of the house of representatives. The plan shall outline the achievements and problems of the previous two year period and specify the expected education, training and certification activities of the coming two year period.

H. Subsection A does not apply to elected officials, clerical and secretarial personnel, counting center personnel, precinct election and tally board members and election officials in cities or towns.

§16-408. Cost of special district elections; bond

A. The cost of all special district elections provided in this title, including the preparation of ballots and signature comparison, shall be charged against the funds of the special district pursuant to law.

B. At the time of filing a petition for the formation of a special district, or at any time thereafter but before publication of the call of election, a bond shall be filed by the petitioners,

with security approved by the board of supervisors, sufficient to pay the expenses connected with the proceedings in case the election to form the district fails.

C. If at any time during the proceedings the board determines the bond to be insufficient, it may order the filing of an additional bond within a fixed time.

D. The governing body of any election district authorized to conduct an election may contract with the board of supervisors and county recorder for election services. The contracted cost of such special elections shall be a charge against the election district.

ARTICLE 2. ELECTION PRECINCTS AND POLLING PLACES

§16-411. Designation of election precincts and polling places (L92, Ch. 92, Sec. 1.)

A. The board of supervisors of each county shall, on or before December 1 of each year preceding the year of a general election, by an order, establish a convenient number of election precincts in the county and define the boundaries thereof. Such election precinct boundaries shall be so established as included within election districts prescribed by law for elected officers of the state and its political subdivisions including community college district precincts, except those elected officers provided for in titles 30 and 48.

B. Not less than twenty days before a general or primary election, and at least ten days before a special election, the board shall designate one polling place within each precinct where the election shall be held. Upon a specific finding of the board, included in the order or resolution designating polling places pursuant to this subsection, that no suitable polling place is available within a precinct, a polling place for such precinct may be designated within an adjacent precinct. Any such polling places shall be listed in a separate section of the order or resolution.

C. If the board fails to designate the place for holding the election, or if it cannot be held at or about the place designated, the justice of the peace in the precinct shall, two days before the election, by an order, copies of which he shall immediately post in three public places in the precinct, designate the place within the precinct for holding the election. If there is no justice of the peace in the precinct, or if he fails to do so, the election board of the precinct shall designate and give notice of the place within the precinct of holding the election.

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

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

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

1. Space is not available at the school.
2. A disruption of the normal school activities would occur.
3. The safety or welfare of the children would be jeopardized.

§16-412. Effective date of new precincts

After establishing precincts as provided in section 16-411, the board of supervisors of each county shall deliver to the county recorder a complete description of these precincts immediately after adoption. The county recorder shall then transfer all the voters who reside in a new precinct as the result of this adoption by March 1 of the year of the next general election. The county recorder shall mail the notice of the precinct change to each household containing a registered voter, unless a sample ballot containing the precinct name or number is mailed prior to the primary election. For the purpose of conducting any election called pursuant to the laws of this state, precincts adopted under the provisions of section 16-411 shall not become effective until March 1 of the year of the next general election.

§16-413. Precincts; special district boundaries (L91, Ch. 308, Sec. 5.)

A. Except as provided in subsection D of this section, the governing body of a special district, except a district organized under title 48, chapter 17, shall establish district election precincts that have the same boundaries as county election precincts pursuant to section 16-411 or 16-1122 and designate one polling place within each precinct. In those cases where a district boundary bisects a county election precinct, that portion of the election precinct that is within the district shall be the district election precinct. The governing body may consolidate district election precincts if it deems it necessary and designate one polling place for the election precincts it consolidates.

B. The governing body shall provide the county recorder with a description of the district election precincts no later than sixty days before an election for which signature rosters are to be prepared.

C. In elections to establish special districts, the board of supervisors shall act as the governing body for purposes of this section.

D. If an election is a mail ballot election, the governing body shall not designate polling places but shall determine the number and location of sites where ballots may be returned.

ARTICLE 3. VOTING EQUIPMENT; LEVER

§16-421. Adoption of voting machines; experimental use

A. The governing body of a county, city or town may adopt for use at elections any voting machine meeting with the requirements of section 16-424 and thereupon the voting

machine may be used at any or all elections for voting, registering and counting votes cast at elections.

B. A governing body may provide for the experimental use of voting machines in one or more polling places without a formal adoption thereof, and its use at the election is as valid as if the machines had been permanently adopted.

§16-422. Definitions; applicability of general laws

A. In this article, unless the context otherwise requires:

1. "Ballot", in its relation to a voting machine, means that portion of the cardboard, paper or other material within the ballot frames containing the name of the candidate, party designation or a statement of a proposed constitutional amendment, or other question, proposition or measure with the word "yes" for voting in favor of any proposed constitutional amendment, question, proposition or measure, or the word "no" for voting against any thereof.

2. "Irregular ballot" means the vote cast for or on a special device for a person whose name does not appear on the ballot labels.

3. "Protective counter" means the separate counter built into a voting machine which cannot be reset and which records the total number of movements of the operating lever.

B. The provisions of other election laws shall apply as far as practicable to voting machines except as provided in this article.

§16-423. Authorization for use at all elections

At all state, county, city or town elections and primary elections, ballots or votes may be cast, registered, recorded and counted by voting machines, as provided in this article, except questions voted on at the election which are unsuitable for voting machines.

§16-424. Specifications of voting machine

A. A voting machine shall be constructed to provide facilities for voting for candidates at both primary and general elections.

B. A voting machine shall:

1. Permit a voter to vote for any person for any office whether or not nominated as a candidate.

2. Insure voting in absolute secrecy.

3. Permit a voter to vote for any candidate or on any proposed constitutional amendment, question, proposition or measure for whom or on which he is entitled to vote, but none other.

4. Permit a voter to vote for the lawful number of candidates for an office, but no more.

5. Prevent the voter from voting for the same person twice.

6. Be provided with a lock by which immediately after the polls are closed any movement of the voting or registering mechanism is absolutely prevented.

C. A voting machine may be equipped with a device or devices for printing, embossing or photographing the count as shown on the candidate and amendment counters. The device will furnish a sheet of machine counter readings prior to the opening of the polls and in addition will provide a sheet of

machine counter readings immediately upon close of polls in a minimum of three copies.

§16-425. Preparation of machines prior to election

A. The board of supervisors or other authority in charge of elections where voting machines are to be used shall:

1. Cause the proper ballot labels to be placed on the voting machines and place the machines in proper order for voting.
2. Examine the machines before sending them to the polling places.
3. See that the registering counters are set at zero.
4. Lock the machines so that the counting mechanism cannot be operated and seal each one with a numbered metal seal.

B. Before preparing the voting machines for an election, written notices shall be mailed to the chairmen of the county committees of the different political parties stating when and where the machines will be prepared, at which time and place one representative of each of the political parties designated by the chairmen of the county committees of the parties may be present.

C. When the machines have been prepared for an election the board of supervisors or other authority shall make a certificate which shall be filed in its office stating:

1. The number of machines to be used at the election.
2. That all the machines were set at zero.
3. The number registered on the protective counters.
4. The number on the metal seal with which the machine is sealed.

§16-426. Equipment to be provided with machine

Every voting machine shall be furnished with a light sufficient to enable the voters to read the ballot labels and enable the election officers to examine the counters and shall be provided with a curtain or other equipment so as to completely conceal the voter and his action while voting.

§16-427. Instruction of voters prior to election as to use of machine

A. The board of supervisors or other authority in charge of elections where voting machines are used shall provide adequate facilities for instruction of voters prior to an election and shall cause to be placed in one or more convenient public places a voting machine or model with sample ballot labels affixed for the purpose of instructing voters in the operation of the machine.

B. If the ballot labels used for this purpose are the same as those which will be used for the ensuing election, the counting mechanism of the machine shall be concealed from view until the machine is prepared for the election. If the machine or machines used for instruction purposes are not to be used at the election, the counting mechanism shall remain concealed from view until after the election.

§16-428. Machine to remain sealed after election

A. The voting machine shall remain locked against voting for the period of fifteen days and as much longer as may be

necessary or advisable because of an existing or threatened contest of the result of the election, except as provided in this chapter for a retally of the vote, and except that it may be opened and all data and figures therein examined upon order of the court.

B. If the voting machine or machines are equipped with a device or devices for printing, embossing or photographing the count as shown on the candidate and amendment counters, the provisions of subsection A shall not apply.

§16-429. Custody of voting machines and keys

A. The local authorities adopting the machines shall have the custody when not in use at an election and shall preserve and keep them in repair.

B. All keys for voting machines shall be kept securely under lock by the officers having them in charge.

C. A public officer, who by any provision of law is entitled to the custody of the machine for any period of time, shall be entitled to the keys of such machines in his charge.

D. It is unlawful for any unauthorized person to have in his possession a key of any voting machine.

E. All election officers or persons entrusted with the keys for election purposes, or in the preparation of the machine therefor, shall not retain them longer than necessary to use them for lawful purposes.

§16-430. Number of voting machines in a precinct

Where voting machines are used, precincts shall be equipped by the board of supervisors to provide a minimum of two voting machines for any number up to five hundred registered electors, with one additional voting machine provided for each additional two hundred fifty registered voters, or major fraction thereof, up to one thousand registered voters, one additional voting machine for each additional five hundred registered voters, or major fraction thereof, up to two thousand registered voters, and one additional voting machine for each additional one thousand registered voters, or major fraction thereof, for all over two thousand registered voters.

ARTICLE 4. VOTING EQUIPMENT; ELECTROMECHANICAL

§16-441. Applicability of article; effective date of article; approval of counting equipment

This article applies only in counties in which the board of supervisors provides, by resolution, that it shall apply, and provisions of this article shall become effective and operative when electronic or electromechanical vote recording and ballot counting equipment has been satisfactorily tested and has received the approval of the secretary of state.

§16-442. Committee approval; adoption of vote tabulating equipment; experimental use

A. The secretary of state shall appoint a committee of three persons, to consist of a member of the engineering college at

one of the universities, a member of the state bar of Arizona and one person familiar with voting processes in the state, no more than two of whom shall be of the same political party, who shall investigate and test the various types of vote recording or tabulating machines or devices which may be used under the provisions of this article. They shall submit their recommendations to the secretary of state who shall make final adoption of the type or types, make or makes, model or models to be used. The committee shall serve without compensation.

B. The board of supervisors of a county, or the governing body of a city or town, or the council of an agricultural improvement district may adopt for use in elections any kind of electronic voting system or vote tabulating device approved by the secretary of state, and thereupon the voting or marking device and vote tabulating equipment may be used at any or all elections for voting, recording and counting votes cast at election.

C. The governing body may provide for the experimental use of vote tabulating equipment without a final adoption thereof, and its use at the election is as valid as if the machines had been permanently adopted.

§16-443. Authorization of use at all elections

At all state, county, city or town elections, agricultural improvement district elections and primary elections, ballots or votes may be cast, recorded and counted by voting or marking devices and vote tabulating devices as provided in this article.

§16-444. Definitions; applicability of general laws

A. In this article, unless the context otherwise requires:

1. "Ballot" means a paper ballot on which votes are recorded, or alternatively may mean ballot cards and ballot labels.

2. "Ballot card" means a tabulating card on which votes may be recorded by means of punching or marking.

3. "Ballot labels" means the cards, papers, booklet, pages or other material containing the names of offices and candidates and the statements of measures to be voted on, which are placed on the voting device.

4. "Computer program" includes all programs and documentation adequate to process the ballots at an equivalent counting center.

5. "Counting center" means one or more locations selected by the board of supervisors for the automatic counting of ballots.

6. "Electronic voting system" means a system in which votes are recorded on a paper ballot or ballot cards by means of marking or punching, and such votes are subsequently counted and tabulated by vote tabulating equipment at one or more counting centers.

7. "Instructions and procedures manual" means the manual prepared for use as a guide for the conduct of elections by an approved electronic voting system, including, but not limited to, detailed instructions for the performance of each task relating to the collection of ballots and the counting of votes in a manner which will provide maximum security, efficiency and accuracy.

8. "Vote tabulating equipment" includes apparatus necessary to automatically examine and count votes as designated on ballots or ballot cards and tabulate the results.

9. "Voting device" means an apparatus which the voter uses to record his votes by marking or punching a hole in a paper ballot or tabulating card, which votes are subsequently counted by electronic tabulating equipment.

B. The provisions of all state laws relating to elections not inconsistent with this article apply to all elections where electronic or electromechanical tabulating devices are used. Any provision of law which conflicts with this article shall not apply to the elections in which electronic or electromechanical tabulating devices are used.

§16-445. Filing of computer election programs with secretary of state

A. For any state, county, city or town election, including primary elections, utilizing vote tabulating devices as provided in this article, there shall be filed with the secretary of state a copy of each computer program for each election at least one week prior to the election.

B. A copy of any subsequent revision of the computer program shall be filed in the same manner within forty-eight hours following the revision.

C. Any tape or disc used in the programming or operation of a vote tabulating device upon which votes are counted and any tape used in compiling vote totals shall be kept under lock and seal and if there is a retally of votes, the officer entrusted with the tapes or discs shall submit his affidavit stating that they are the tapes or discs, or both, used in the election and have not been altered.

D. All materials submitted to the secretary of state shall be used by the secretary of state or attorney general to preclude fraud or any unlawful act under the laws of titles 16 and 19 and shall not be disclosed or used for any other purpose.

E. Each program tape, disc or any other material submitted to the secretary of state shall be returned to the county, city or town six months after the close of the election for which it was submitted except:

1. When a court ordered recount is pending.
2. When a restraining order is in effect.
3. When any other legal action is pending.

§16-446. Specifications of electronic voting system

A. An electronic voting system consisting of a voting or marking device in combination with vote tabulating equipment shall provide facilities for voting for candidates at both primary and general elections.

B. An electronic voting system shall:

1. Provide for voting in secrecy when used with voting booths.
2. Permit each elector to vote at any election for any person for any office whether or not nominated as a candidate, to vote for as many persons for an office as he is entitled to vote for, to vote for or against any question upon which he is entitled to vote, and the vote tabulating equipment shall reject

choices recorded on his ballot card or paper ballot if the number of choices exceeds the number which he is entitled to vote for the office or on the measure.

3. Prevent the elector from voting for the same person more than once for the same office.

4. Be suitably designed for the purpose used, of durable construction, and may be used safely, efficiently and accurately in the conduct of elections and counting ballots.

5. Be provided with means for sealing the voting or marking device against any further voting after the close of the polls and the last voter has voted.

6. When properly operated, record correctly and count accurately every vote cast.

§16-447. Number of voting devices; inspection of voting devices; specifications and number of booths

A. If an electronic voting system is in use in a regular primary election held for federal, state or county offices, the board of supervisors or other authority in charge of elections shall provide each polling place with at least two voting devices for the two political parties which cast the highest number of votes in this state at the last preceding general election. Two voting devices for each political party as provided in this subsection is the minimum number of voting devices required for two hundred fifty registered electors, and one additional voting device shall be provided for each additional one hundred twenty registered electors, or fraction in excess of such number of electors, except that for precincts with fewer than one hundred registered electors the board of supervisors may provide sufficient additional supplies, including repair parts, instead of a second voting device.

B. In a regular general election held for federal, state or county offices the board of supervisors or other authority in charge of elections shall provide at least two voting devices for two hundred fifty registered electors, and one additional voting device shall be provided for each additional one hundred twenty registered electors, or fraction in excess of such number of electors, except that for precincts with fewer than one hundred registered electors the board of supervisors may provide sufficient additional supplies, including repair parts, instead of a second voting device.

C. Prior to any election at which electronic voting devices are used, the board of supervisors or other authority in charge of elections shall have the voting devices prepared for the election and mail a notice to the chairmen of the county committees of the different political parties, stating when and where the voting devices may be inspected before they are sealed and delivered to the polling places.

D. The board of supervisors or other authority in charge of elections shall have delivered to each polling place a sufficient number of voting booths and voting or marking devices. The voting booths shall be durably constructed and shall be of sufficient size and so designed as to enable the voter to mark his ballot in secrecy.

§16-448. Write-in votes; marking with rubber stamp or other devices; instructions

A. Whenever ballots are to be counted by electronic data processing equipment, all write-in votes for candidates, to be

counted, shall be marked by the voter with the rubber stamp or other marking device in the space provided opposite the names of the write-in candidates. The instructions to voters printed on the ballots shall instruct the voter that the vote will not be counted unless the rubber stamp or other marking device is used in marking the ballot when writing in a candidate's name.

B. When ballot cards are used to record votes, write-in votes may be recorded by writing the name of the candidate and the office title on a separate ballot, which may be in the form of a card or envelope.

§16-449. Required test of equipment and programs; notice

Within seven days prior to the election day, the board of supervisors or other election officer in charge shall have the automatic tabulating equipment and programs tested to ascertain that the equipment and programs will correctly count the votes cast for all offices and on all measures. Public notice of the time and place of the test shall be given at least forty-eight hours prior thereto by publication once in one or more daily or weekly newspapers published in the town, city or village using such equipment, if a newspaper is published therein, otherwise in a newspaper of general circulation therein. The test shall be observed by at least two election inspectors, who shall not be of the same political party, and shall be open to representatives of the political parties, candidates, the press and the public. The test shall be conducted by processing a preaudited group of ballots so punched or marked as to record a predetermined number of valid votes for each candidate and on each measure and shall include for each office one or more ballots which have votes in excess of the number allowed by law in order to test the ability of the automatic tabulating equipment and programs to reject such votes. If any error is detected, the cause therefor shall be ascertained and corrected and an errorless count shall be made before the automatic tabulating equipment and programs are approved. A copy of a revised program shall be filed with the secretary of state within forty-eight hours after the revision is made. If the error was created by automatic tabulating equipment malfunction, a report shall be filed with the secretary of state within forty-eight hours after the correction is made, stating the cause and the corrective action taken. The test shall be repeated immediately before the start of the official count of the ballots in the same manner as set forth above. After the completion of the count, the programs used and the ballots shall be sealed, retained and disposed of as provided for paper ballots.

§16-450. Location and acquisition of vote tabulating devices

The vote tabulating device may be located at any place within the state approved by the board of supervisors of the county or the governing board of other political subdivisions using the device. The same device may be jointly owned, borrowed, leased or used by two or more counties, cities or other political subdivisions to tabulate ballots cast in any election.

§16-451. Cost; means of financing

The board of supervisors may provide for the payment of the cost of vote tabulating equipment in such manner and by such method as it may deem for the best local interests and also may for that purpose issue bonds, certificates of indebtedness or other obligations which shall be a charge on the county or city. The bonds, certificates or other obligations may be issued with or without interest, payable at such time as the authorities may determine, but shall not be issued or sold at less than par. The board of supervisors may enter into lease agreements or lease purchase agreements for the use of vote tabulating equipment.

§16-452. Rules and regulations; instructions and procedures manual; approval of manual; field check and review of systems; violation; classification

A. The secretary of state in concert with each county board of supervisors or other officer in charge of elections shall prescribe rules and regulations to achieve and maintain the maximum degree of correctness, impartiality, uniformity and efficiency on the procedures for absentee voting, voting, and of collecting, counting, tabulating and recording votes.

B. Such rules and regulations shall be prescribed in an official instructions and procedures manual to be issued not later than thirty days prior to each election. Prior to its issuance, the manual shall be approved by the governor and the attorney general. The secretary of state shall submit the manual to the governor and the attorney general not fewer than ninety days before each election.

C. A person who violates any rule or regulation adopted pursuant to this section is guilty of a class 2 misdemeanor.

D. The secretary of state shall provide personnel, expert in electronic voting systems and procedures and in electronic voting system security, to field check and review electronic voting systems and recommend needed statutory and procedural changes.

ARTICLE 5. BALLOTS AND SUPPLIES; PRIMARY

§16-461. Sample primary election ballots; submission to party chairmen for examination; preparation, printing and distribution of ballot

A. At least forty-five days before a primary election each clerk of the boards of supervisors and, before an election in a city or town, each city or town clerk shall:

1. Prepare a proof of a sample ballot.
2. Submit the sample ballot proof of each party to the county chairman or in city or town primaries to the city or town chairman.
3. Mail a sample ballot proof to each candidate for whom a nomination paper and petitions have been filed.

B. The county chairman of each political party shall on or before the fortieth day preceding the primary election suggest to the clerk any change he considers should be made in his party ballot, and if upon examination the clerk finds an error or omission in the ballot he shall correct it. The clerk shall cause the sample ballots to be printed and distributed as

required by law, shall maintain a copy of each sample ballot in his office and shall post a notice indicating that sample ballots are available on request in his office. The official sample ballot shall be printed on colored paper.

C. Not later than forty days before a primary election, the county chairman of a political party may request one sample primary election ballot of his party for each election precinct.

D. The board of supervisors shall have printed mailer-type sample ballots for a primary election and shall mail at least ten days prior to the election one sample ballot of a political party to each household containing a registered voter of that political party. A certified claim shall be presented to the secretary of state by the board of supervisors for the actual cost of printing and postage of each sample ballot actually mailed, and the secretary of state shall direct payment of the authenticated claim from funds of his office.

E. For city and town elections, the governing body of a city or town may have printed mailer-type sample ballots for a primary election. If the city or town has printed such sample ballots, the city or town shall provide for the distribution of such ballots and shall bear the expense of printing and distribution of such sample ballots.

F. The return address on the mailer-type sample ballots shall not contain the name of an appointed or elected public officer nor may the name of an appointed or elected public officer be used to indicate who produced the sample ballot.

G. The great seal of the state of Arizona shall be imprinted along with the words "official voting materials" on the mailing face of each sample ballot. In county, city or town elections the seal of such jurisdiction shall be substituted for the state seal.

§16-462. Form of paper ballot

The ballots for a primary election shall be printed on colored paper. At the top and above the heading there shall be a stub on which shall be printed, "stub no. _____, register no. _____, to be torn off by inspector", separated from the ballot by a perforated line. Below the perforated line shall be printed, "official ballot of the _____ party, primary election (date), _____ precinct, county (or city or town) of _____, state of Arizona." Below the heading shall be placed the title of each office to be voted for, and an instruction to the voter as to how many are to be voted for for the particular office, thus: "vote for not more than _____" (insert the number to be elected), under which shall be placed alphabetically and alternated, as provided by law, the names of all the party's candidates to be voted for in each precinct of the county or precinct or ward of the city or town for whom nomination papers have been filed for such office, leaving as many blank lines as there are offices under that title to be filled, followed by a square to the right of the candidate's name, and of the blank line. Double or more columns may be arranged on the ballot. In other respects the ballot shall conform as nearly as possible to the ballot prescribed for general elections.

§16-463. Form of ballots; lever machines

A. Ballots prepared for use in a primary election shall be printed on material of a different color for each political party represented.

B. The party name for each political party represented on the machines shall be prefixed to the list of candidates of such parties.

C. The titles of offices may be arranged horizontally with the names of candidates arranged vertically under the title of the office, or the titles of the offices may be arranged vertically with the names of the candidates arranged horizontally opposite the respective titles.

D. The arrangement of the names of the candidates and the offices shall be as uniform as practicable and if not specifically provided for in this article shall be so arranged as to comply with the law governing the use of paper ballots at elections insofar as the construction of the machine will permit.

E. The machine shall be so adjusted that when one or more voting pointers equalling the total number of persons to be elected to that office shall have been operated, all other voting pointers connected with that office shall be thereby locked.

§16-464. Rotation of names on ballots (L92, Ch. 306, Sec. 6.)

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.

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

§16-465. Arrangement of candidates' names at primary election (L92, Ch. 306, Sec. 7.)

A. When there are two or more candidates of the same political party on the ballot, the names of such candidates, except in the case of precinct committeemen, shall be so alternated on the ballots used in each election precinct that the name of each candidate shall appear substantially an equal number of times in each possible location.

B. In a primary election where voting machines are used, names of candidates for precinct committeemen shall appear on the voting machine in alphabetical order according to the first letter of the surnames of the candidates.

§16-466. Ballots and ballot labels; electromechanical

A. Ballots and ballot labels shall, as far as practicable, be in the same order of arrangement as provided for paper ballots, except that such information may be printed in vertical or horizontal rows, or in a number of separate pages which are placed on the voting device.

B. Ballot labels shall be printed in plain clear type in black ink and, for use in a general election, upon clear white materials and be of such size and arrangement as to fit the construction of the voting device or the vote tabulating equipment. Ballots prepared for use in a primary election shall be printed on material of a different color for each political party represented. Ballots may contain printed code marks or punched holes which may be used for placing the ballots in correct reading positions in counting devices. The code marks or punched holes shall not be used in any way that will reveal the identity of the voters voting the ballot.

C. The titles of offices may be arranged in vertical columns or in a series of separate pages and shall be printed above or at the side of the names of candidates so as to indicate clearly the candidates for each office and the number to be elected. In case there are more candidates for an office than can be printed in one column or on one ballot page, the ballot label shall be clearly marked that the list of candidates is continued on the following column or page, and insofar as may be practicable, the same number of names shall be printed on each column or page.

D. In primary and nonpartisan elections the names of candidates for each office shall appear on the ballot or ballot labels so that each candidate occupies each position on the ballot or ballot labels substantially the same number of times insofar as may be practicable.

E. In primary elections for a judicial office if there are two or more candidates of the same political party their names shall be alternated on the ballots so that the name of each candidate shall appear substantially an equal number of times in each possible location on the ballot.

F. Five sample ballots, which shall be facsimile copies of the official ballot or ballot labels, shall be provided for each polling place and shall be posted on election day as provided for paper ballots. Sample ballots may be printed on a single page or on a number of pages stapled together.

§16-467. Method of voting on ballot

A. At primary elections there shall be provided a separate ballot for each party entitled to participate in the primary.

B. Each party ballot shall be designated by the name of the party, and the voter shall be given by the judge of election one ballot only of the party with which the voter is affiliated as it appears in the precinct register.

C. If a person is nominated on more than one ticket, he shall forthwith file with the officer in charge of the preparation of election ballots a written declaration indicating the party name under which his name is to be printed on the official election ballot, and his name shall be printed only under the party name.

ARTICLE 6. BALLOTS AND SUPPLIES; GENERAL

§16-501. Compliance with primary election law as prerequisite to printing name on ballot (L92, Ch. 306, Sec. 8.)

Except as provided in title 16, chapter 3, article 5, no person shall have his name printed on the official ballot as a candidate in a general election unless he has complied fully with the provisions of law applicable to primary elections.

§16-502. Form and contents of ballot

A. Ballots shall be printed with black ink on white paper of sufficient thickness to prevent the printing thereon from being discernible from the back, and the same type shall be used for the names of all candidates. The ballots shall be headed "official ballot" in bold-faced plain letters, with a heavy rule above and below the heading. Immediately below shall be placed the words "election, (date of election)", and alongside these words shall be placed the name of the county and the name or number of the precinct in which the election is held. No other matter shall be placed or printed at the head of any ballot, except above the heading there shall be a stub which shall contain the words "stub no. _____, register no. _____, to be torn off by inspector." The stub shall be separated from the ballot by a perforated line, so that it may be easily detached from the ballot. The official ballots shall be bound together in blocks of not less than five nor more than one hundred.

B. Immediately below the ballot heading shall be placed the following:
"Section One
Partisan Ballot

1. Put a mark in the square after the name of each candidate for each partisan office for whom you wish to vote.
2. If you wish to vote for a person whose name is not printed on the ballot, write such name in the blank space opposite the office for which he is a candidate and put a mark in the square opposite the name so written."

C. Immediately below the instructions for voting in section one there shall be placed, in columns, the names of the candidates of the several political parties. At the top of each column shall be printed, in bold-faced letters, the name of the political party. Below the columns and running across the ballot there shall be a heavy line, and below the line shall be printed in each column the names of the candidates of each of the political parties for the several offices. At the left of the several columns shall be printed the heading "name of office to be voted for", and below and in regular order the names of the offices to be filled with the name of each office being of uniform type size. At the head of each column shall be printed in the following order the names of candidates for:

1. Presidential electors.
2. United States senator.
3. Representatives in Congress.

4. The several state offices.
5. The several county and precinct offices.

D. The names of candidates for the offices of state senator and state representative along with the district number shall be placed among the candidates for state offices and immediately below the candidates for the office of governor. The number of the supervisorial district of which a candidate is a nominee shall be printed in brackets immediately to the right of the name of each candidate for supervisor.

E. The lists of the candidates of the several parties shall be arranged with the names of the parties in descending order according to the votes cast for governor for that county in the most recent general election for the office of governor, commencing with the left-hand column. In the case of political parties which did not have candidates on the ballot in the last general election, such parties shall be listed in alphabetical order to the right of the parties which did have candidates on the ballot in the last general election. The names of all candidates nominated under the provisions of section 16-341 shall be placed in a single column at the right of the party columns and shall bear the heading in bold-faced type: "Other candidates", and immediately under such heading the words: "Vote separately for each office." Immediately above the name of each candidate, in parenthesis, shall be printed the designation prescribed in the candidate's certificate of nomination.

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

G. In each column at the right of the name of each candidate and on the same line there shall be an eighteen point square. Below the name of the last named candidate for each office there shall be as many blank lines as there are offices of the same title to be filled, with a square after each line. Upon the blank line the voter may write the name of any person for whom he desires to vote whose name is not printed, and in the square opposite the name so written he shall designate his choice by a mark as in the case of printed names.

H. When there are two or more candidates of the same political party for the same office, or more than one candidate for a judicial office, the names of all such candidates shall be so alternated on the ballots used in each election district that the name of each candidate shall appear substantially an equal number of times in each possible location.

I. Immediately below section one of the ballot shall be placed the following: "Section Two
Nonpartisan Ballot

1. Put a mark opposite the name of the candidate for each nonpartisan office for which you wish to vote.
2. If you wish to vote for a person whose name is not printed on the ballot, write such name in the blank space opposite the office for which he is a candidate and put a mark in the square opposite the name so written.
3. Put a mark in the square preceded by the word 'yes' (or for) for each proposition or question you wish to be adopted. Put a mark in the square preceded by the word 'no' (or

against) for each proposition or question you wish not to be adopted."

J. Immediately below the instructions for voting in section two shall be placed the names of the candidates for justice of the supreme court, judges of the court of appeals, judges of the superior court, school district officials and other nonpartisan officials in a column or in columns without partisan or other designation except the title of office.

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

L. All proposed constitutional amendments and other propositions or questions to be submitted to the voters shall be printed immediately below the names of candidates for nonpartisan positions in such order as the secretary of state, or if a city or town election, the city or town clerk, designates. Except as provided by section 19-125, each proposition or question shall be followed by the words "yes" and "no" or "for _____" and "against _____" as the nature of the proposition or question requires, and at the right of and opposite each of such words shall be placed a square of the size of those placed opposite the names of the candidates, in which the voter may indicate his vote for or against such proposition or question by a mark as defined in section 16-400.

§16-503. Duty to prepare and provide ballots; cost of printing ballots and instruction cards as public expense

A. The board of supervisors, and in city and town elections, the city or town clerk, shall prepare and provide ballots containing the names of all persons whose certificates of nomination have been filed with them. The ballots shall be printed and ready for inspection by the candidates and their agents at least ten days before a general election and at least five days before a city or town election.

B. All ballots cast in elections for public office within the state, and the cards of instruction to voters, shall be printed, delivered and distributed at public expense and shall be a county charge, but when used at local elections shall be a charge against the city or town in which the local election is held.

C. For special district elections the governing body is responsible for the duties and charges as provided in subsections A and B.

§16-504. Form of ballots; lever machines

Ballots for voting machines shall be printed in black ink and, for use in a general election, on clear, white material of such size as will fit the ballot frame, and in as plain, clear type as the space will reasonably permit and as otherwise provided in section 16-502.

§16-505. Procedure for excessive size of ballot

Where voting machines are used and the number of partisan offices and propositions or the number of political parties

makes the ballot too large to fit on the voting machine, the board of supervisors may have the propositions printed on a separate paper ballot.

§16-506. Ballot and ballot labels; electromechanical

A. In all elections the ballots shall provide a means whereby each elector may vote for the candidates of his choice.

B. Immediately below the designation of the office to be voted for shall appear the words: "Vote for not more than _____" (insert the number to be elected).

C. In general elections for the state house of representatives the names of the candidates of the same political party shall be alternated on the ballots used in each district so that the name of each candidate shall appear substantially an equal number of times in each possible location on the ballot as may be practicable.

§16-507. Presentation of presidential electors on ballot

When presidential electors are to be voted for, the candidates therefor of each party shall be grouped and printed together, arranged in each group in alphabetical order, and the entire group of electors of each party shall be enclosed in a scroll or bracket to the right and opposite the center on which shall be printed in bold type the surname of the presidential candidate represented. To the right of and on a line with the surname shall be placed a square in which the voter may indicate his choice by a mark as defined in section 16-400, and one mark opposite a group of presidential electors shall be counted as a vote for each elector in such group.

§16-508. Number of ballots furnished each polling place

There shall be furnished to each polling place at which an election is to be held, a number of printed ballots exceeding by at least two per cent the number of registered voters whose names appear on the precinct register of the precinct, city, town or district for which the ballots are printed.

§16-509. Delivery of ballots to election officers

The board of supervisors, city or town clerk or governing body of a special district shall deliver, by mail or other reliable method, to the inspector of each election board one package containing the required number of ballots, at least forty-eight hours before the hour for opening the polls on election day, unless prevented by some unavoidable delay or accident which shall be established by affidavit of election officers or bearers of ballots. The official ballots shall be sent in sealed packages with marks on the outside of the package clearly designating the polling place for which they are intended and the number of ballots enclosed. Upon delivery of the package to him, the inspector shall return receipts therefor to the person from whom received.

§16-510. Sample ballots; preparation and distribution

A. Before printing the sample ballots for the general election the board of supervisors shall send to each candidate whose name did not appear on the preceding primary election ballot a proof of the sample ballot for his review.

B. The board of supervisors shall print and distribute, for the information of voters at each polling place, a number of sample ballots as it deems necessary.

C. The board of supervisors shall have printed mailer-type sample ballots for a general election and shall mail at least ten days prior to the election one such sample ballot to each household containing a registered voter. A certified claim shall be presented to the secretary of state by the board of supervisors for the actual cost of printing and postage of each such sample ballot actually mailed, and the secretary of state shall direct payment of such authenticated claim from funds of his office.

D. For city and town elections the governing body of a city or town may have printed mailer-type sample ballots for a general election. If the city or town has printed such sample ballots, the city or town shall provide for the distribution of such ballots and shall bear the expense of printing and distributing such sample ballots.

E. For special district elections the governing body of a special district may have printed mailer-type sample ballots. If the special district has printed such sample ballots, the special district shall provide for the distribution of such ballots and shall bear the expense of printing and distributing such sample ballots.

§16-511. Duty of board of supervisors to furnish election supplies to precinct officers

The necessary printed blanks for poll lists, tally lists, lists of voters, ballots, oath and returns, together with envelopes in which to enclose the returns, shall be furnished by the board of supervisors to the officers of each election precinct at the expense of the county. For those elections over which the board of supervisors has no responsibility, the governing body of each election district is responsible for furnishing the necessary supplies for elections which it calls.

§16-512. Displaying United States flag at polls

The board of supervisors shall provide for the display of the flag of the United States in or near every polling place on election days during the hours the polls are open. This section shall apply only to elections over which the county board of supervisors has jurisdiction.

§16-513. Instructions for voters and election officers; form; preparation and distribution

A. The board of supervisors shall prepare the following instructions for the guidance of voters and election officers at the election, according to which the election shall be conducted and which shall govern the voters and election officers:

"Instructions to Voters and Election Officers

1. On entering the polls each voter shall give his name in full and his place of residence to the election official in charge of the signature roster. The inspector or other election official

shall ascertain if the name of the voter appears on the precinct register, and, if so, the voter will be given a ballot on the stub of which shall be written the initials of the election official delivering the ballot and the register number of the voter.

2. The voter shall retire to a booth provided for voting and in such booth mark or punch his ballot. He will mark or punch his ballot opposite the name of each candidate whose name is printed on the ballot for whom he desires to vote.

3. If the voter desires to vote for any person whose name is not printed on the ballot, he shall write the name of such person on the blank lines printed on the ballot except when a write-in ballot envelope is provided for such purpose he shall write the name and title of office of such person.

4. If the voter by reason of infirmity, or for any reason, is physically unable to mark his ballot, he may obtain the assistance of two election officers of opposite political parties in marking or punching the ballot. When a voter, for any such reason, requests assistance in marking or punching his ballot, two election officers, not of the same political party, shall accompany him to the booth and there distinctly state to him the names of the several candidates for each office, and the political parties by which they were nominated, and shall ask the voter for which candidate he desires to vote, and shall mark or punch his ballot correctly. Neither of the election officers shall in any way attempt to influence the voter in his choice of candidates, nor in any manner suggest or recommend that he vote for any particular candidate, or for the candidate of any political party.

5. If a voter accidentally spoils his ballot, he shall present the ballot concealing any marks thereon to the judge having charge of the ballots, who shall mark the ballot spoiled and deliver to the voter another ballot. This process may be repeated until the voter has received three ballots, but no more. All spoiled ballots shall be returned with official returns of the election."

B. The board of supervisors shall furnish to the inspector in each election precinct at least five instruction cards, at the time and in the same manner as the printed ballots are furnished.

§16-514. Notice to voters; form

The board of supervisors shall furnish, to be placed in each voting booth, unless the information is printed on the sample ballot, a card or poster printed in English in large plain type containing the following:

"Notice to Voters.

Section one of this ballot is comprised of partisan candidates. To vote for the candidates for the partisan offices, mark or punch the ballot next to the name of the candidate for each partisan office for whom you wish to vote. If you wish to vote for a person whose name is not printed on the ballot, write such name in the blank space provided, except that if a write-in ballot envelope is provided for such purpose, write the name and title of office of such person.

Section two of this ballot is comprised of nonpartisan candidates including judicial candidates, school district candidates and initiative or referendum propositions. To vote for the candidates for the nonpartisan offices, mark or punch

the ballot opposite the name of the candidate for each nonpartisan office for which you wish to vote. If you wish to vote for a person whose name is not printed on the ballot, write such name on the blank lines printed on the ballot, except that when a write-in ballot envelope is provided for such purpose, write the name and title of the office of such person. Mark or punch the ballot by the word 'yes' (or for) for each proposition or question which you wish to be adopted. Mark or punch the ballot by the word 'no' (or against) for each proposition or question which you wish not to be adopted.

When marking a paper ballot the voter shall do so by placing a mark in the square following the printed name or in the square following the name written in.

When punching a ballot card the voter shall do so by punching the position next to the right of the name of the candidate or the position next to the right of the 'yes' or 'no' for the measures submitted to the voters."

§16-515. "Fifty-foot limit" notices; posting; violation; classification
(L91, Ch. 145, Sec. 1.)

A. The board of supervisors shall furnish, with the ballots for each polling place, three notices, printed in letters not less than two inches high, reading: "Fifty-foot limit" and underneath that heading the following:

No person shall be allowed to remain inside these limits while the polls are open, except for the purpose of voting, and except the election officials, one representative at any one time of each political party represented on the ballot who has been appointed by the county chairman of such political party, and the challengers allowed by law. Voters having cast their ballots shall at once retire without the fifty-foot limit. A person violating any provision of this notice is guilty of a class 2 misdemeanor.

B. A minor voting in a simulated election at a polling place is subject to the same fifty-foot limit restrictions prescribed for a voter. Persons supervising or working in a simulated election in which minors vote may remain within the fifty-foot limit of the polling place. The inspector for the polling place shall exercise authority over all election and simulated election related activities at the polling place.

C. Any person violating any provision of the fifty-foot limit notice is guilty of a class 2 misdemeanor.

§16-516. Form of poll lists

The following form of poll lists shall be kept by boards and clerks of election: "Poll lists.

Of the election held in the precinct of _____ in the county of _____ on the _____ day of _____ nineteen hundred _____, A.B., C.D. and E.F., judges, and G.H. and J.K., clerks of the election, were respectively sworn or affirmed, as the law directs, previous to their entering on the duties of their respective

offices, and the following is the number and name of electors voting:

Ballot Stub No.	Register No.	Name

We hereby certify that the number of electors voting at this election was

 Clerks _____

 Board of election."

§16-517. Form of tally list

The tally list shall be in the following form: We hereby certify the following to be a true tally of the votes for the candidates and offices shown herein cast at the election held on the _____ day of _____, 19__ in _____ election precinct, _____ county, Arizona:

Names of Offices and Candidates	Tally of Votes (To be tallied in blocks of five as:)			Total Vote (as:)
For Representative in Congress				
JOHN DOE IIII				

We further certify that the total vote set opposite the name of each candidate is the total number of votes received by him in the precinct of election.
(Leaving lines with designation, for signatures of clerks and board of election or tally board.)

ARTICLE 7. ELECTION BOARDS AND TALLY BOARDS

§16-531. Appointment of election boards and tally boards; qualifications

A. When an election is ordered, and not less than twenty days prior to a general or primary election, the board of supervisors shall appoint for each election precinct one inspector, one marshal, two judges and not less than two clerks of election. The inspector, marshal, judges and clerks shall be qualified voters of the precinct for which appointed, unless there are not sufficient members of either of the two largest political parties available to provide the number of appointments required. The judges and clerks shall also be members of the two political parties which cast the highest number of votes in the state at the last preceding general election and shall be divided equally between these two parties. One-half or one more than one-half of the inspectors

in the various precincts in the county shall be members of one of the two largest political parties and the remaining inspectors shall be members of the other of the two largest political parties. In each precinct where the inspector is a member of one of the two largest political parties, the marshal in that precinct shall be a member of the other of the two largest political parties. Whenever possible, any person appointed as an inspector shall have had previous experience as an inspector, judge, marshal or clerk of elections. If there is no qualified person in a given precinct, the appointment of an inspector may be made from names provided by the county party chairman. If not less than thirty days prior to the election the chairman of the county committee of either of the parties designates qualified voters of the precinct, or of another precinct if there are not sufficient members of his party available in the precinct to provide the necessary representation on the election board, as judge and as clerk, such designated qualified voters shall be appointed. The judges, together with the inspector, shall constitute the board of elections.

B. If the election precinct consists of fewer than two hundred qualified electors, the board of supervisors may appoint not fewer than one inspector and two judges. The board of supervisors shall give notice of election precincts consisting of fewer than two hundred qualified electors to the county chairmen of the two largest political parties not later than thirty days before the election. The inspector and judges shall be appointed in the same manner by party as provided in subsection A.

C. If a nonpartisan election is ordered, not less than twenty days before the election the governing board holding the election shall appoint, without consideration for political party, a minimum of three election workers for each polling place. The election workers shall consist of at least one inspector and two judges. Whenever possible, they shall be qualified electors of the precinct located within the district, without consideration for political party.

D. Where the election precinct consists of three hundred fifty or more qualified electors, the board of supervisors may in addition to the board of elections appoint a similar board to be known as the tally board. The tally board shall take custody of the ballots from the closing of the polls until the tally of the ballots is completed. The tally board shall consist of the inspector of the board of elections, two judges and not less than two clerks and shall be appointed to provide as equal as practicable representation of members of the two largest political parties on the board in the same manner as provided for the election boards. A member appointed to serve on the tally board, with the exception of the inspector of the board of elections, shall not be appointed to serve on the board of elections. The inspector of the board of elections shall be a member of the tally board and during such time shall act as the supervisor of the tally board. No United States, state, county or precinct officer, nor a candidate for office at the election, other than a precinct committeeman or a candidate for the office of precinct committeeman, is qualified to act as judge, inspector, marshal or clerk.

E. If an electronic voting system is in use the write-in ballots shall be tallied by a board of elections consisting of one inspector and two judges who are appointed in the same manner by party as provided in subsection A.

F. At least ten days before a special election, the governing body conducting the election may in like manner appoint a special tally board or boards for the specific purpose of tallying the ballots on the closing of the polls. The tally boards shall consist of at least one inspector and two judges. The inspector of the board of elections shall act as the supervisor of the tally board.

G. Nothing in this section shall prevent the board of supervisors or governing body from refusing for cause to reappoint, or from removing for cause, an election or tally board member.

§16-532. Instruction of election board inspectors and judges; certificate of qualification; optional training; instruction of counting center election officials

A. Not more than thirty days prior to an election the board of supervisors or other authority in charge of elections shall conduct a class for the instruction of election board members in their duties, which shall include instruction in the voting system to be used and the election laws applicable to such election. Each election board member receiving instructions and properly qualified shall receive a certificate of qualification. Only election board members who have received the required instruction class shall serve at any election, except as provided pursuant to sections 16-533 and 16-534.

B. The instructor of election board members shall be qualified in election law and shall have had practical experience in the election process such person is teaching.

C. The election authority in charge of the instructional classes may conduct multiple sessions to insure that election board members receive adequate instruction.

D. Not more than thirty days prior to the day of an election utilizing a punch card method of voting and electromechanical tabulation of ballots, the board of supervisors or other authority in charge of elections shall conduct a class for the deputized counting center election officials in their duties.

§16-533. Filling vacancy in election board by electors

If the board of supervisors fails to appoint the board of election, or if all members appointed do not attend at the opening of the polls on the morning of the election, the members of the election board of the precinct present at that hour may fill the board or supply the place of an absent member thereof from the list of alternate election board members supplied by the county chairman of the political party from which another election board member is needed to maintain a political party balance. Such alternate board

member is not required to be a qualified elector in the precinct for which the election board is serving.

§16-534. Inspector as chairman and supervisor of board; powers; power of board and clerks to administer oaths; oath of members

A. The inspector shall be chairman of the election board, and supervisor of the tally board, and may appoint judges, clerks and a marshal if during the election a judge, clerk or marshal fails to act, or has not been appointed, and if the list of alternate board members as specified in section 16-533 is not available.

B. The inspector, any member of the election board or clerks thereof may administer and certify oaths required in the election.

C. Before opening the polls, each member of the board and each clerk shall take an oath to faithfully perform the duties imposed upon him by law. Any elector of the precinct may administer and certify the oath.

§16-535. Election marshal; appointment; powers and duties

A. The board of supervisors shall, at the time provided in section 16-531, appoint a qualified voter of the precinct as election marshal.

B. The election marshal shall preserve order at the polls and permit no violation of the election laws and for that purpose is vested with powers of a constable from the opening of the polls until the count of the ballots is completed. The election marshal may perform the duties of any other election board member on a relief basis.

§16-536. Compensation of election and tally board officers

The compensation of the election and tally board officers shall be fixed by the board of supervisors and shall be a county charge. In no case shall an election or tally board member be paid less than thirty dollars per day.

§16-537. Powers and duties of election officers with respect to special elections

The powers and duties conferred or imposed by law upon any public officer with respect to regular elections are conferred and imposed upon such officers with respect to special elections.

ARTICLE 8. ABSENTEE VOTING

**§16-541. Voting absentee
(L91, Ch. 51, Sec. 1 & Ch. 308, Sec. 6.)**

A. Any election called pursuant to the laws of this state shall provide for absentee voting. Any qualified elector may vote by absentee ballot.

B. A qualified elector of a special district organized pursuant to title 48 shall be permitted to vote absentee in any special district mail ballot election as provided in article 8.1 of this chapter.

**§16-542. Request for ballot
(L91, Ch. 310, Sec. 22.)**

A. Within ninety days next preceding the Saturday before any election called pursuant to the laws of this state, an elector may make a signed request to the county recorder, or other officer in charge of elections for the applicable political subdivision of this state in whose jurisdiction the elector is registered to vote, for an official absentee ballot. If the signed request indicates that the elector needs a primary election ballot and a general election ballot, the county recorder or other officer in charge of elections shall honor the request.

B. The recorder or other officer in charge of elections shall mail postage prepaid to the requesting elector the absentee ballot and the envelope for its return within five days after receipt of the official absentee ballots from the officer charged by law with the duty of preparing ballots pursuant to section 16-545. Only the elector may be in possession of that elector's unvoted absentee ballot, either at his place of residence or at a location where he is temporarily residing while absent from his precinct. If the request is made by the elector within thirty days next preceding the Saturday before the election, such mailing must be made within forty-eight hours after receipt of the request. Saturdays, Sundays and holidays are excluded from the computation of the forty-eight hour period prescribed by this subsection.

C. The county recorder or other officer in charge of elections shall direct the voting of an elector by absentee ballot when it appears that the request of the elector was received before five o'clock p.m. on the Friday preceding the election.

D. The county recorder or other officer in charge of absentee balloting shall provide an alphabetized list of all voters in the precinct who have requested and been sent an absentee ballot to the election board of the precinct in which the voter is registered not later than the day prior to the election. No person shall vote at the polling place who has received an absentee ballot except pursuant to section 16-579, subsection B.

E. Qualified electors as a result of an emergency occurring between five o'clock p.m. on the Friday preceding the election and five o'clock p.m. on the Monday preceding the election may request to vote absentee in the manner prescribed by the county recorder of their respective county. For purposes of this subsection, "emergency" means any unforeseen circumstances which would prevent the elector from voting at the polls.

§16-543. Application for ballot; United States service

Any elector in the United States service, and the spouse and any dependent of such elector if otherwise qualified to vote,

may request an absentee ballot with a federal postcard application, as provided for in the federal voting assistance act of 1955 (Public Law 296, 84th Congress, 69 Stat. 584). Upon receipt of such application, the county recorder or other officer in charge of elections shall determine whether or not the elector is registered. If the applicant is so registered, the recorder or other officer in charge of elections shall forward to him an official absentee ballot. If the applicant is not registered, and the request is for a ballot for use in a county election but the federal postcard application is complete, the recorder shall forward an official absentee ballot to the applicant. If the applicant is not registered to vote and the federal postcard application is not used or complete the recorder shall forward an affidavit of registration as provided in section 16-103 and shall at the same time forward to the unregistered applicant an official absentee ballot and application.

§16-543.01. Procedures for voting with special write-in absentee ballots

A. Notwithstanding any other provision of law, any elector in the United States service, or the spouse or dependent of such elector qualified to vote, may request not earlier than ninety days before an election a special write-in absentee ballot if the elector submits with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The special write-in absentee ballots shall be provided for presidential electors and United States senator and representative in Congress.

B. The request for a special write-in absentee ballot may be made on a federal postcard application.

C. Upon receipt of such request, the county recorder shall immediately forward to the elector a special write-in absentee ballot and application in a form prescribed and provided by the secretary of state. Upon receipt of such request, the recorder shall determine whether or not the elector is registered. If the elector is so registered, the recorder shall forward to him a special write-in absentee ballot and application. If the applicant is not registered but the federal postcard application is complete, the recorder shall forward a special write-in absentee ballot and application to the applicant. If the applicant is not registered and the federal postcard application is not used or complete, the recorder shall forward an affidavit of registration as provided in section 16-103 and shall at the same time forward to the unregistered applicant a special write-in absentee ballot and application. The recorder shall send with the special write-in absentee ballot a list of all candidates who have qualified for the primary ballot by the sixtieth day before the primary election or who have qualified for the general ballot by the fiftieth day before the general election. The elector shall be entitled to write in the name of any candidate who has qualified for a specific office listed on the ballot, whether the candidate is seeking the nomination or election to such office.

D. Write-in votes on special write-in absentee ballots shall be counted in the same manner provided by law for the counting of other write-in votes.

§16-544. Form of application
(L91, Ch. 51, Sec. 2 & Ch. 310, Sec. 23.)

A. Application for an absentee ballot shall be made in duplicate upon blanks furnished by the county recorder, or other officer in charge of elections of the political subdivision in which the election is to be held, and shall be in substantially the following form:

"Application for Absentee Ballot"

State of Arizona

County of _____

Other political subdivision (if applicable)

I, _____, do solemnly swear that I am the identical person whose name is signed to this application and that such name and signature are my true name and signature (or, if I did not personally sign, it was because of physical disability, viz: _____ and that I requested another person to sign); that I am an elector of the state of Arizona and the county of _____; that I am registered in _____ precinct in said county and reside at _____, where I resided at the date of my registration; and that I have not voted and will not vote in this election in any other state during the calendar year of this application. I hereby make application to the county recorder of _____ county, Arizona, or other officer in charge of elections of _____ (name of political subdivision) for an absentee ballot. I understand that knowingly voting more than once in any election is a class 5 felony. For the purpose of identification, I declare that I am more than eighteen years of age and that my post office address is _____ (address to which ballot is to be mailed). I am confined at _____, Arizona (hospital, residence or other place of confinement, if applicable). If a challenge is filed against my absentee ballot, I understand that a copy of the challenge will be sent to me by first class mail and that I may have as little as forty-eight hours notice of an opportunity to appear. For purposes of notifying me of a ballot challenge between the time I return my ballot and a few days after election day, please use the following address: _____. (If no address is provided, notice will be mailed to the mailing address listed on the registration rolls.)

Elector

B. The county recorder or other officer in charge of elections shall supply printed instructions to absentee voters, worded substantially as follows:

1. Sign both copies of this application.
2. Mark your ballot and seal it in the white envelope marked "for absentee ballot only". Do not enclose the application with the ballot.
3. Sign the oath on the back of the white envelope marked "for absentee ballot only".
4. Place both copies of this application for ballot, complete with signature, together with the white envelope containing your ballot, in the enclosed self-addressed envelope. Check

to see that the application is not enclosed in the envelope marked "for absentee ballot only" and mail.

5. The ballot and application must be in the office of the recorder or other officer in charge of elections before seven o'clock p.m. on election day. Name (printed)

County recorder or other officer in charge of elections

C. Instructions to absentee voters who are overseas citizens, qualified electors absent from the United States or in the United States service, or the spouse or dependents of such a person, shall include information substantially as follows: If you are an overseas citizen, qualified elector absent from the United States or in the United States service, or the spouse or dependent of such a person, you may sign the application and ballot affidavit.

§16-545. Absentee ballot

A. The absentee ballot shall be one prepared for use in the precinct in which the applicant resides and, if a partisan primary election, of the political party with which the applicant is affiliated as shown by the affidavit of registration. The ballot shall be identical with the regular official ballots, except that it shall have printed or stamped on the stub thereof "absentee".

B. The officer charged by law with the duty of preparing ballots at any election shall prepare the official absentee ballot and deliver a sufficient number to the recorder or other officer in charge of elections not later than the thirtieth day preceding the Saturday before the election.

§16-546. Absentee votes

A. Absentee votes may be cast on paper ballots or ballot cards, except that any county, city or town in which electronic machines are used shall have a punch card absentee ballot suitable for data processing machines which shall be identical to those used in precinct voted ballots. Such ballot shall provide the same information as a marked paper ballot.

B. In the event absent voter ballots are to be tabulated by an electronic or electromechanical tabulating device, the county recorder or other officer in charge of elections shall also deliver to the applicant a marking device which would make a mark suitable for use with the electronic or electromechanical device or a supply of stickers which would be suitable for use with the electronic or electromechanical tabulating device.

§16-547. Ballot affidavit; form (L91, Ch. 51, Sec. 3.)

A. The absentee ballot may be combined with the application form prescribed in section 16-544 and shall be accompanied by an envelope bearing upon the front the name, official title and post office address of the recorder or other

officer in charge of elections and upon the other side a printed affidavit in substantially the following form:
State of Arizona
County of

I, _____, do solemnly swear that I am a qualified elector of the _____ precinct of the county of _____, state of Arizona. I further swear that I personally voted the enclosed ballot (or that it was marked according to my instructions because I was unable to do so).

Signature of elector

B. The face of each envelope in which a ballot is sent to a federal postcard applicant or in which a ballot is returned by such applicant to the recorder or other officer in charge of elections shall be in the form prescribed in accordance with the uniformed and overseas citizens absentee voting act of 1986 (P.L. 99-410, 42 USC 1973 ff). Otherwise, the envelopes shall be the same as those used to send ballots to, or receive ballots from, other absentee voters.

§16-548. Preparation and transmission of ballot (L91, Ch. 51, Sec. 4 & Ch. 308, Sec. 7.)

A. The absentee voter shall make and sign the application and ballot affidavit. The absentee voter shall then mark his ballot in such a manner that his vote cannot be seen. The absentee voter shall fold the ballot, if a paper ballot, so as to conceal the vote and deposit the voted ballot in the envelope provided for that purpose, which shall be securely sealed and, together with the application, delivered or mailed to the county recorder or other officer in charge of elections of the political subdivision in which the elector is registered.

B. If the absentee voter is an overseas citizen, a qualified elector absent from the United States or in the United States service, a spouse or dependent residing with the absentee voter or a qualified elector of a special district mail ballot election as provided in article 8.1 of this chapter, the absentee voter may subscribe to the application and ballot affidavit before and obtain the signature and military identification number or passport number, if available, of any person who is a United States citizen eighteen years of age or older.

§16-549. Special election boards; procedure for voting ill or disabled electors; expenses

A. The county recorder or other officer in charge of elections, for the purpose of making it possible for qualified electors who are ill or disabled to vote, may appoint such number of special election boards as needed. In a partisan election, each such board shall consist of two members, one from each of the two political parties which cast the highest number of votes in the state in the last preceding general election. The county chairman of each such party shall furnish, within sixty days prior to the election day, the county recorder with a list of names of qualified electors within his political party, and such additional lists as may be required, from which the county recorder shall appoint members to such special election boards. The county recorder may refuse for

cause to appoint or may for cause remove a member of this board.

B. Members of special election boards appointed under the provisions of this section shall be reimbursed for travel expenses in the manner provided by law and shall also receive such compensation as the board of supervisors or the governing body prescribes, all of which shall be paid by the county or other political subdivision.

C. In lieu of the mailed absentee ballot procedure, any qualified elector who is confined as the result of a continuing illness or physical disability and is, therefore, not able to go to the polls on the day of the next election and who does not wish to vote by the mailed absentee ballot procedure, may request in writing to the county recorder or other officer in charge of elections to have a ballot personally delivered to him by the special election board at his place of confinement within the county or other political subdivision. The ballot shall be delivered to him in person by a special election board as provided in this section. Such requests must be made by five o'clock p.m. on the second Friday before the election.

D. Qualified electors who become ill or disabled after the second Friday before the election may nevertheless request personal ballot delivery pursuant to this section and the county recorder or other officer in charge of elections shall when possible honor such requests up to and including the last day before the election.

E. The manner and procedure of voting shall be as provided in section 16-548, except that the marked ballot in the sealed envelope shall be handed by the elector to the special election board and shall be delivered by the board to the county recorder or other officer in charge of elections.

§16-550. Receipt of voter's ballot
(L91, Ch. 310, Sec. 24.)

A. Upon receipt of the envelope containing the absentee ballot and the completed application, the county recorder or other officer in charge of elections shall compare the signatures thereon with the signature of the elector on his registration form. If satisfied that the signatures correspond, the recorder or other officer in charge of elections shall hold them unopened in accordance with the rules of the secretary of state.

B. The recorder or other officer in charge of elections shall thereafter safely keep the applications and absentee ballots in his office until delivered pursuant to section 16-551 and shall file the duplicate application in his office.

C. The county recorder shall send a list of all voters who were issued absentee ballots to the election board of the precinct in which the voter is registered.

§16-551. Absentee election board

A. The board of supervisors or the governing body of the political subdivision shall appoint one or more absentee election boards to serve at places to be designated by the board of supervisors or the governing body to canvass and tally absentee ballots. Members of absentee boards shall be selected in accordance with the provisions for selecting members of regular election boards as provided in section 16-531.

B. If an electronic voting system is in use for absentee voting, the absentee election board shall consist of at least one inspector and two judges who shall perform the processing requirements in accordance with the rules and regulations issued by the secretary of state. The inspector and judges shall be appointed in the same manner by party as provided in section 16-531.

C. All absentee ballots received by the county recorder or other officer in charge of elections before seven o'clock p.m. on election day and the original application of the voter shall be delivered to the absentee boards for processing as provided in the rules and regulations of the secretary of state. The office of the county recorder or other officer in charge of elections shall remain open until seven o'clock p.m. on election day for the purpose of receiving absentee ballots. In no event shall partial or complete tallies of the absentee board be released or divulged before one hour following the closing of the polls on election day.

D. The necessary printed blanks for poll lists, tally lists, lists of voters, ballots, oaths and returns, together with envelopes in which to enclose the returns, shall be furnished by the board of supervisors or the governing body of the political subdivision to the absentee board for each election precinct at the expense of the county or the political subdivision.

§16-552. Casting absentee ballot
(L91, Ch. 51, Sec. 5.)

A. The absentee election board, immediately upon receipt of the absentee ballots, shall, as provided by this section, cast separately for each precinct the absentee ballots which have been received.

B. The board shall check the voter's application and his affidavit on the envelope containing the absentee ballot. If these are found to be sufficient, the board shall check the voter's name on the precinct register. If the board then finds that the applicant is a duly qualified elector of the voting precinct, the vote shall be allowed. If the application or the affidavit is insufficient, or if the applicant is not a duly

qualified elector of the voting precinct, the vote shall not be allowed.

C. The county chairman of each political party represented on the ballot may, by written appointment addressed to the absentee election board, designate party representatives and alternates to act as absentee ballot challengers for the party. No party may have more than the number of such representatives or alternates which were mutually agreed upon by each political party to be present at one time. If such agreement cannot be reached, the number of representatives shall be limited to one for each political party.

D. An absentee ballot may be challenged on any grounds set forth in section 16-591. All challenges shall be made in writing with a brief statement of the grounds prior to the absentee ballot being placed in the ballot box. A record of all challenges and resulting proceedings shall be kept in substantially the same manner as provided in section 16-594. If an absentee ballot is challenged, it shall be set aside and retained in the possession of the absentee election board or other officer in charge of absentee ballot processing until a time that the absentee election board sets for determination of the challenge, subject to the procedure in subsection E of this section, at which time the absentee election board shall hear the grounds for the challenge and shall decide what disposition shall be made of the absentee ballot by majority vote. If the absentee ballot is not allowed, it shall be handled pursuant to subsection G of this section.

E. Within twenty-four hours of receipt of a challenge, the absentee election board or other officer in charge of absentee ballot processing shall mail, by first class mail, a notice of the challenge including a copy of the written challenge, and also including the time and place at which the voter may appear to defend the challenge, to the voter at the mailing address shown on the request for absentee ballot or, if none was provided, to the mailing address shown on the registration rolls. Notice shall also be mailed to the challenger at the address listed on the written challenge and provided to the county chairman of each political party represented on the ballot. The board shall meet to determine the challenge at the time specified by the notice but, in any event, not earlier than ninety-six hours after the notice is mailed, or forty-eight hours if the notifying party chooses to deliver the notice by overnight or hand delivery, and not later than five o'clock p.m. on the Monday following the election. The board shall provide the voter with an informal opportunity to make, or to submit, brief statements regarding the challenge. The board may decline to permit comments, either in person or in writing, by anyone other than the voter, the challenger and the party representatives. The burden of proof is on the challenger to show why the voter should not be permitted to vote. The fact that the voter fails to appear shall not be deemed to be an admission of the

validity of the challenge. The absentee elections board or other officer in charge of absentee ballot processing, is not required to provide the notices described in this subsection if the written challenge fails to set forth at least one of the grounds listed in section 16-591 as a basis for the challenge. In that event, the challenge will be summarily rejected at the meeting of the board. Except for election contests pursuant to section 16-672, the board's decision is final and may not be appealed.

F. If the vote is allowed, the board shall open the envelope containing the ballot in such a manner that the affidavit thereon is not destroyed, take out the ballot without unfolding it or permitting it to be opened or examined, endorse the stub in the same manner that the other ballots are endorsed, deposit the ballot and the write-in envelope in which it was enclosed in the ballot box, and show by the records of the election that the elector has voted.

G. If the vote is not allowed, the affidavit envelope containing the absentee ballot shall not be opened and the board shall mark across the face of such envelope the grounds for rejection. The affidavit envelope and its contents shall then be deposited with the opened affidavit envelopes and shall be preserved with official returns. If the voter does not enter an appearance, the board shall send the voter a notice stating whether the absentee ballot was disallowed and, if disallowed, providing the grounds for the determination. The notice shall be mailed, by first class mail, to the voter's mailing address as shown on the registration rolls within three days after the board's determination.

H. The processing of absentee ballots deposited in the ballot box by the absentee boards shall be as provided for regular precincts.

I. Party representatives and alternates may be appointed as provided in subsection C of this section to be present and to challenge the verification of questioned ballots pursuant to section 16-584 on any grounds permitted by this section. Questioned ballots which are challenged shall be presented to the absentee election board for decision under the provisions of this section.

ARTICLE 8.1 OPTIONAL SPECIAL DISTRICT MAIL BALLOT ELECTIONS (L91, Ch. 308, Sec. 8.)

§16-558. Special districts; mail ballot election option; conduct

A. Notwithstanding section 16-225, a special district as described in title 48 may conduct a mail ballot election if the governing board of the special district obtains approval from

the board of supervisors of the county in which the special district or greater part of the special district is located before publishing the call of election as provided in section 16-227.

B. Except as otherwise provided in this article, special district mail ballot elections shall be conducted in accordance with the provisions of article 8 of this chapter.

§16-558.01. Mailing of ballots
(L91, Ch. 308, Sec. 8.)

Not more than thirty-three days before the election and not fewer than fifteen days before the election the county recorder or other officer in charge of elections for the special district shall send by first class mail all official ballots with printed instructions and a return envelope bearing a printed ballot affidavit as described in section 16-547 to each qualified elector entitled to vote in the election. The envelope in which the ballot is mailed shall be clearly marked "Do not forward. Return to sender. Return postage guaranteed. Address correction requested." The district governing board shall determine whether the voter or the district governing board will pay for the postage for the return of electors' marked ballots. An elector who votes in a special district mail ballot election shall return the elector's marked ballot to the recorder or other officer in charge of the election or to a designated depository site as provided in section 16-411 no later than 7:00 p.m. on the day of the election.

§16-558.02. Replacement ballots
(L91, Ch. 308, Sec. 8.)

A. The county recorder or other officer in charge of the election shall determine a central location in the district for electors to obtain a replacement ballot. The location shall be open until 7:00 p.m. of the day of the election. An elector may obtain a replacement ballot until 7:00 p.m. on the day of the election on presentation of a signed, sworn statement that the ballot was lost, spoiled, destroyed or not received.

B. The recorder or other officer in charge of elections shall keep a record of each replacement ballot provided pursuant to this section.

C. If an elector to whom a replacement ballot is issued votes more than once, only the last ballot received shall be counted.

ARTICLE 9. POLLING PLACE PROCEDURES

§16-561. Examination of machines on election day

A. The keys to the voting machine shall be delivered to the judges at least one-half hour before the time set for opening the polls in a sealed envelope on which shall be written or printed:

1. The number and location of the voting machine.

2. The number of the seal.

3. If provided with a protective counter, the number registered on the counter as reported by the voting machine custodian.

B. The envelope containing the keys shall not be opened until the election officers of the district have examined the envelope to see that it has not been opened, and they shall further ascertain that the number registered on the protective counter and the numbers on the seals with which the machine is sealed correspond with the numbers written on the envelope containing the keys. If the envelope has been torn open, or if the numbers do not correspond, or any other discrepancy is found, the election officers shall immediately acquaint the voting machine official or other authorized person with the facts, who shall present himself at the polling place for the purpose of reexamining the machine and shall certify that it is properly arranged.

C. If the numbers on the seals and the protective counter are found to correspond with the numbers on the envelope, the judges shall then open the door concealing the counters and carefully examine every counter to see that it registers zero and shall also allow the watchers to examine them. If the machines are equipped with a device or devices for printing or photographing the count as shown on the candidate and amendment counters, it shall not be necessary to expose the counter compartment of such machines, unless the photographed or printed count is found illegible, in which case the judges of the election shall be privileged to open the counter compartment to verify the count. The judges of elections shall take the necessary steps to obtain a record showing that all counters are set at zero. This record shall be retained by the election officials until the time for challenging the results of each particular election has expired. The judges shall then sign and post in a prominent place at the polls a certificate showing:

1. The delivery of the keys in a sealed envelope.
2. The number on the seal.
3. The numbers registered on the protective counter.
4. That all counters are set at zero.
5. That the ballot labels are properly placed in the machine.

D. If any counter is found not to register zero the judges of the election shall immediately notify the proper official who shall, if practicable, adjust the counters at zero, but if it is impracticable for the official to arrive in time to adjust the counters before the time set for opening the polls, the judges shall immediately make a written statement of the designating letter and number of the counter together with the number registered thereon and shall sign and post the statement upon the wall of the polling place where it shall remain throughout election day. In filling out the statement of tally the judges shall subtract such number from the number then registered on the counter.

§16-562. Preparation and arrangement of polling place with voting booths and ballot boxes

A. The arrangement of the polling place shall be such that neither the ballot boxes nor the voting booths are hidden from the view of persons immediately outside the voting area.

B. No person other than the election officers, voters, party representatives and challengers shall be permitted within six feet of the ballot boxes or voting booths except by authority of the election officers for the purpose of keeping order and enforcing the law.

§16-563. Posting sample ballots, instruction cards and notice to voters before opening polls

Before opening the polls the inspector of election shall direct the following postings:

1. One of the sample ballots provided for in section 16-510 and one of the cards of instructions provided for in section 16-513 in plain view in the room where the ballots are cast. At least four other sample ballots and cards of instructions shall be posted in conspicuous places in and around the polling place.

2. Three fifty-foot limit notices approximately fifty feet in different directions from the main outside entrance of the place in which the election is being held.

3. In each voting booth, a notice to voters provided in section 16-514 at general elections only.

§16-564. Opening, exhibiting and locking ballot box before receipt of ballots; removal and opening of box

Before receiving any ballots the election board shall, in the presence of the persons assembled at the polling place, open, exhibit and lock the ballot box, and thereafter it shall not be removed from the polling place or presence of the bystanders until all ballots are counted, nor opened until after the polls are finally closed.

§16-565. Hours polls opened and closed; proclamation of opening and closing polls

A. For any election called pursuant to the laws of this state, the polls shall be opened in every precinct at six o'clock a.m. on the day of election and shall be closed at seven o'clock p.m.

B. Before the election board receives any ballots, it shall proclaim aloud at the place of election that the polls are open and voting may thereupon commence and continue during the time the polls remain open.

C. The election marshal shall proclaim the opening of the polls and shall proclaim the closing of the polls one hour and thirty minutes before closing, fifteen minutes before closing and at the moment of closing. The inspector and two judges

shall determine when the hour for closing the polls has arrived.

D. Any qualified voter who at the moment of closing is in the line of waiting voters shall be allowed to prepare and have his ballot deposited by the election board official in the presence of the election board and himself.

§16-566. Opening and closing of polling place; unused ballots

A. At least thirty minutes before the opening of the polls the precinct election officers shall arrive at the polling place and set up the voting booths so that they will be in clear view of the election officers. If voting devices are used, they shall open and place them in the voting booths, examine them to see that they have the correct ballot labels by comparing them with the sample ballots and are in proper working order. They shall open and check the ballots, ballot cards, supplies, records and forms, and post the sample ballots and instructions to voters.

B. As soon as the polls have been closed and the last qualified voter has voted, the voting or marking devices shall be sealed against further voting. All unused ballots or ballot cards shall be placed in a container and sealed for return to the board of supervisors or other officer in charge of elections.

§16-570. Conduct of election; duties of officers; placing machines

A. One election official shall attend the voting machine, and the other officers shall attend the poll books and perform the duties of election officials as provided by law.

B. The voting machine shall be so placed and protected that it is accessible to only one voter at a time and is in full view of all election officers and watchers at the polling place.

C. The election officer attending the machine shall inspect the face of the machine periodically to ascertain whether the ballot labels are in their proper places and that the machine has not been injured or tampered with.

D. During elections the door or other compartment of the machine shall not be unlocked or opened or the counters exposed except for good and sufficient reasons, a statement of which shall be made and signed by the election officers and attached to the returns.

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

A. Each 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. The poll list as prescribed in section 16-516 shall be written on one side only, and the copies thereof shall be legible carbon copies. Immediately upon the completion of each page of the poll list one copy shall, upon request, be given to a representative designated by each major political party. 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.

§16-572. Delivery and custody of ballots at polling place

A. On opening the polls, the inspector shall produce the sealed package of official ballots and publicly open it and deliver one book or block of ballots therein contained to the judges. The other blocks or books of ballots, if any, shall be retained by the inspector until called for by the judges and required for voting.

B. One of the judges of election shall keep the ballots within the polling place in plain view of the public and deliver them only to qualified voters.

C. A person shall not take or remove a ballot from the polling place before the polls are closed.

§16-573. Substitution of ballots when official ballots not available

If the official ballots at an election precinct at which a voting machine is to be used are not delivered at the time required, or if after the delivery they are lost, destroyed or stolen, the election judges shall immediately notify the clerk or other authority under whose direction the ballots are printed who shall cause other ballots to be prepared, printed or written as nearly in the form of the official ballots as practicable. The judges shall cause the substituted ballots to be used in the same manner as the official ballots.

§16-574. Repair or substitution of machines; use of paper ballots

A. If a voting machine being used at an election becomes out of order during the election, it shall be repaired if possible or another machine substituted as promptly as possible. Such repairs to the voting machines shall be made only under the scrutiny of two elections board workers who shall be members of different political parties.

B. If repair or substitution of a machine cannot be made, paper ballots printed or written and of any suitable form may be used for taking votes, and for that purpose the sample ballots may be employed.

§16-578. Instruction and assistance to voters

A. For instruction of voters there shall be, so far as practicable in each polling place, an operating model of a voting device.

B. The model furnished shall be located during the election in some place which the voter must pass, and each voter before using the device shall be instructed regarding its operation, have such instruction illustrated on the model and given an opportunity to personally operate the model. The voter's attention shall also be called to the diagram of the face of the device so that the voter may become familiar with the location of the questions and the names of the officers and candidates.

C. If any voter, after entering the voting booth, asks for assistance the assistance shall be given as provided in section 16-580.

§16-579. Procedure for obtaining ballot by elector

A. Every qualified elector, before receiving his ballot, shall announce his name and place of residence in a clear, audible tone of voice to the election official in charge of the signature roster or present his name and residence in writing. If the name is found upon the precinct register by the election officer having charge thereof, or the qualified elector presents a certificate from the county recorder showing that he is entitled by law to vote in the precinct, the election official in charge of the signature roster shall repeat the name and the qualified elector shall be allowed within the voting area.

B. Any qualified elector who is listed as having applied for an absentee ballot, but states that he did not receive or did not vote such ballot, shall be allowed to vote pursuant to the procedure set forth in section 16-584.

C. Each qualified elector's name shall be numbered consecutively by the clerks, with the number upon the stub of the ballot delivered to him, and in the order of applications for ballots. The election judge having charge of the ballots shall also write his initials upon the stub and the number of the qualified elector as it appears upon the precinct register. The judge shall give the qualified elector only one ballot, and his name shall be immediately checked on the precinct register.

D. Each qualified elector shall sign his name in the signature roster prior to receiving his ballot, but an inspector or judge may sign the roster for an elector who is unable to sign because of physical disability, and in that event the name of the elector shall be written with red ink, and no attestation or other proof shall be necessary. The provisions of this subsection relating to signing the signature roster shall not apply to absentee, sick or disabled electors.

E. A person offering to vote at a special district election for which no special district register has been supplied shall sign an affidavit stating his address and that he resides within the district boundaries or proposed district boundaries and swearing that he is a qualified elector and has not already voted at the election being held.

§16-580. Manner of voting; assistance for certain electors (L92, Ch. 24, Sec. 1.)

A. 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 his ballot the voter shall forthwith and without leaving the voting area, retire alone, except as provided in subsection G, to one of the voting booths not occupied, prepare his 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 he refuses to leave after the lapse of five minutes he may be removed by the judges.

D. Before leaving the voting booth the voter shall fold his ballot lengthwise and crosswise, or place his card in the ballot envelope, but in such a way that the contents of the ballot shall be concealed and the stub can be removed without exposing the contents of the ballot and shall keep the ballot folded until he 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 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 upon a string provided therefor. If the stub has been removed from the ballot prior to 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 he is an authorized election official.

G. Any registered voter may, at his option, be accompanied and assisted by a person of his own choice or shall 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.

§16-581. Elderly or handicapped persons; inaccessible polling places; definitions

A. If the board of supervisors determines that a polling place is inaccessible to elderly or handicapped persons, it shall provide for alternative voting according to procedures established by the chief election officer of the state pursuant to the voting accessibility for the elderly and handicapped act

(P.L. 98-435; 98 Stat. 1678, 1984; 42 United States Code section 1973).

B. For the purposes of this section:

1. "Elderly" means sixty-five years of age or older.
2. "Handicapped" means having a temporary or permanent physical disability that substantially restricts or limits a person's access to polling places.

§16-583. Voter not on precinct register; inactive voter list; procedure (L91, Ch. 310, Sec. 25.)

A. On or before election day, the county recorder shall provide to each precinct the names of electors on the inactive voter list. If a person whose name is not on the precinct register appears at a polling place, an election official shall determine whether the person is on the inactive voter list. If the person is on the inactive voter list, the person shall be allowed to vote. The elector's name shall be entered on a separate signature roster page at the end of the signature roster, and voters' names shall be numbered consecutively.

B. Following the election, the county recorder shall remove from the inactive voter list the names of all electors who voted pursuant to subsection A and shall place the electors' names back on the general register.

§16-584. Qualified elector not on precinct register; recorder's certificate; verified ballot; procedure

A. The name of a qualified elector not on the precinct register who presents a certificate from the county recorder showing that he is entitled by law to vote in the precinct shall be entered on the signature roster on the blank following the last printed name, shall be given the next consecutive register number and the qualified elector shall sign in the space provided.

B. A qualified elector not on the precinct register, upon presentation of a voter receipt, notification or identification card from the county recorder and upon a determination by the election board that the address of the registrant is within the designated precinct and upon presentation of additional identification verifying the identity of the elector, shall be allowed to vote. The elector's name shall be entered on a separate signature roster page at the end of the signature roster. Voters names shall be numbered consecutively beginning with the number Q-1. The elector shall sign in the space provided. The ballot shall be placed in a separate envelope, the outside of which shall contain the precinct name or number, the signature of the elector and voter registration number of the elector, if available. The elector receipt card, notification or identification card from the county recorder shall be attached to the envelope. Such ballot shall be verified for proper registration of the elector by the county recorder before being counted. Such verification shall be made by the county recorder within two days following the election, and the voter receipt card, notification or identification card from

the county recorder used therefor shall be returned to the elector within a reasonable time thereafter. Verified ballots shall be counted using the procedure outlined for counting absentee ballots. If registration is not verified the ballot shall remain unopened and shall be destroyed.

§16-585. Spoiled ballots; disposition

If a voter spoils a ballot or ballot card and obtains another, the inspector and one of the judges shall write on the back thereof the words "returned spoiled", sign their names thereto, and without opening the ballot, string it upon a string provided for that purpose and return it with the stubs of voted ballots to the board or persons from whom the ballots were originally received.

§16-590. Appointment of challengers and party representatives

A. The county chairman of each party may, for each precinct, by written appointment addressed to the election board, designate a party agent or representative and alternates for a polling place in the precinct who may act as challengers for the party which appointed him.

B. At each voting place, one challenger for each political party may be present and act, but no challenger may enter a voting booth except to mark his ballot.

C. Not more than the number of party representatives for each party which were mutually agreed upon by each political party represented on the ballot shall be in the polling place at one time. If such agreement cannot be reached, the number of representatives shall be limited to one in the polling place at one time for each political party.

§16-591. Grounds for challenging elector (L90, Ch. 321, Sec. 14.)

A person offering to vote may be orally challenged by any qualified elector of the county upon any of the following grounds:

1. That he is not the person whose name appears upon the register.
2. That he has not resided within the state and election district for twenty-nine days next preceding the election.
3. That he has changed his residence from the precinct in which he is registered more than twenty-nine days next preceding the election.
4. That he has voted before at that election.
5. That he has been convicted of a felony and has not been restored to civil rights.
6. That he is otherwise not a qualified elector.

§16-592. Proceedings on challenge; disposition of ballot; failure to be sworn or answer

A. Upon challenge being made, the person challenged, if he appears to be registered, shall take and subscribe to the oath prescribed in the "affidavit of registration" and, if he so elects, may be at once sworn to answer fully and truly all questions material to the challenge as are put to him by the inspector. Any returned United States mail addressed to the person

challenged, the spouse of the person challenged, or both, and to the address appearing on the precinct register or affidavit shall be considered as sufficient grounds to proceed under this section.

B. If after the examination on the challenge, a majority of the election board is satisfied that the challenge is not valid, the person challenged shall be permitted to vote, otherwise not, and the ballot, if he has received one, shall without examination be at once destroyed in his presence by the inspector.

C. If the person challenged refuses to be sworn or affirmed, or refuses to answer questions material to the challenge, he shall not be allowed to vote.

§16-593. Rules determining residence of voter upon challenge; reading of rules upon request

A. The election board, in determining the place of residence of a person, shall be governed by the following rules, so far as applicable:

1. The residence of a person is that place in which his habitation is fixed and to which he has the intention of returning when absent.

2. A person does not gain or lose his residence by reason of his presence at or absence from a place while employed in the service of the United States or of this state, or while engaged in navigation, or while a student at an institution of learning or while kept in an almshouse, asylum or prison.

3. A person does not lose his residence by leaving his home to go to another county, state or foreign country for merely temporary purposes, with the intention of returning.

4. A person does not gain a residence in any county into which he comes for merely temporary purposes, without the intention of making that county his home.

5. If a person removes to another state with the intention of making it his residence, he loses his residence in this state.

6. If a person removes to another state with the intention of remaining there for an indefinite time, and of making the place his present residence, he loses his residence in this state, even though he has an intention of returning at some future period.

7. The place where a person's family permanently resides is his residence, unless he is separated from his family, but if it is a place of temporary establishment for his family, or for transient purposes, it is otherwise.

8. If a person has a family residing in one place and he does business in another, the former is his place of residence, but a person having a family who has taken up his abode with the intention of remaining and whose family does not so reside with him shall be regarded as a resident where his abode has been taken.

9. The mere intention of acquiring a new residence without the act of removal avails nothing and neither does the act of removal without the intention.

B. The term of residence shall be computed by including the day on which the person's residence commenced and by excluding the day of election.

C. Before administering an oath to a person touching his residence, the inspector shall, if requested by any person, read to the person challenged the rules set forth in subsection A.

§16-594. List of challenges, grounds and rulings
(L91, Ch. 51, Sec. 6.)

The board shall require one of the clerks to keep a list of the names of all persons challenged, the grounds of the challenge and the determination of the board upon the challenge. Copies of the list shall be kept in the office of the county recorder or other officer in charge of absentee ballot processing as a public record. Affidavits of challenged voters, decisions of election officials and challenge lists shall be a part of the official returns and shall be delivered to the board of supervisors.

ARTICLE 10. TALLY AND RETURNS

§16-601. Tally of vote

As soon as the polls are closed and the last ballot has been deposited in the ballot box, the election board or the tally board shall immediately count the votes cast. The count shall be public, in the presence of bystanders, and shall be continued without adjournment until completed and the result determined and declared.

§16-602. Removal of ballots from ballot boxes; disposition of ballots folded together or excessive ballots

A. The ballots cast in the election shall first be removed from the ballot box and counted without being opened, except as may be necessary to ascertain that the number of ballots cast corresponds with the number of names on the poll lists.

B. If two or more ballots are found folded together appearing as a single ballot, they shall be laid aside until the count of the ballots is completed. If it then appears by comparison of the count with the number of names on the poll lists, that the ballots thus folded together were cast by one elector, they shall be destroyed. If the ballots in the box are still found to exceed in number the names on the poll lists, the ballots, except those destroyed, shall be replaced in the box, and one of the judges shall, without looking in the box, draw therefrom, one at a time, and destroy unopened, a number of ballots equal to the excess, and the election board shall record on the poll lists the number of ballots so destroyed and shall then sign the poll list.

§16-603. Inspection of ballots by party representative

A mutually agreed upon number of representatives and alternates of each political party represented on the ballot by a party designation and column, appointed in the manner provided by section 16-590, may remain inside the voting area from the time the polls are closed, and, without unduly hindering or delaying the count, one representative from each party at a time may inspect the ballots as they are read and the tally lists as the votes are tallied or counted, but the ballots and tally lists shall at all times remain under the personal

charge and keeping of the election officers and shall not be permitted to pass from their hands.

§16-604. Count of votes cast; tally list

A. The election board or the tally board shall, after complying with section 16-602, count the number of votes cast for each person voted for, and for and against each proposed constitutional amendment and initiated or referred measure on the ballot.

B. Each clerk shall write on a tally list the titles of the offices to be filled, and underneath each title the names of the persons voted for to fill the office, and the number as given on the ballot of each proposed constitutional amendment and initiated or referred measure, and keep in the squares and lines opposite the names and numbers, respectively, the number of votes by tallies as the votes are read aloud.

§16-605. Disposition of paper ballots after count; marking rejected ballots

A. All paper ballots, as soon as read, or rejected for illegality, shall be strung, those allowed on one string and those rejected on another, and shall not thereafter be examined by any person. Each ballot rejected shall be marked "rejected" and the cause of the rejection endorsed on the back thereof and signed by a majority of the election board or tally board.

B. All ballots shall, as soon as the counting is completed, be tied with the string on which they are strung and carefully sealed in a strong envelope to be provided for that purpose, and each member of the board shall write his name across the seal.

§16-606. Tally and return of votes; lever voting machine

A. As soon as the polls of the election are closed, the judges and inspectors shall immediately lock and seal the voting machine against voting. The judges and inspectors shall then sign a certificate stating:

1. The machine has been locked against voting and sealed.
2. The number of voters as shown on the public counters.
3. The number of the seal.
4. The number registered on the protective counter.
5. The voting machine is closed and locked.

The judges and inspectors shall then open the counter compartment in the presence of the watchers and all other persons who are lawfully within the polling place, affording full view of all the counter numbers. Where machines equipped with a device or devices for printing, embossing or photographing the count as shown on the candidate and amendment counters are used it shall not be necessary for the judges or inspectors to open the counter compartments, unless the photographed or printed count is found illegible, in which case the judges of the election shall be privileged to open the

counter compartment to verify the count, but the judges shall immediately post one of the printed, embossed or photographed records secured from such machine.

B. One of the election officers shall, under the scrutiny of the judge or inspector of a different political party, in the order of the officers as their titles are arranged on the machine, read and announce distinctly the designating number and letter on each counter for each candidate's name, the result as shown by the counter numbers, and shall read the votes recorded for each office on the irregular ballots. He shall also in the same manner announce the vote on each constitutional amendment, question, proposition or measure.

C. The counter shall not, in the case of presidential electors, be read consecutively along the party row column, but shall be read along the office columns or rows, completing the tally of each office. If a separate ballot in each party column or row entitled "presidential electors" is provided, a vote for such ballot shall operate as a vote for all candidates of such party for presidential electors.

D. The vote as registered shall be entered on the statements of tally in ink by two election officers of opposing political parties, but not including the inspector, in the same order on the space which has the same designating number and letter, after which the figures shall be verified by being called off in the same manner from the counters of the machine by an election officer of a political party opposing that of the inspector. The return of the tally shall then be filled out, showing the total number of votes cast for each candidate, as shown on his counter, and the number of votes for persons not nominated, and the statement shall be signed by each judge.

E. After proclaiming the vote, ample opportunity shall be given to any person lawfully present to compare the results so announced with the counter dials of the machine, and necessary corrections shall then be made by the board.

F. If write-in votes have been cast they shall be tallied and added to the regular votes cast, and the paper roll containing the write-in votes shall be preserved as regular paper ballots.

G. The judge or inspector filing the returns shall deliver to the board or officer from whom they were received the keys of the voting machine enclosed in a sealed envelope which shall have endorsed thereon a certificate of the election officers stating:

1. The number of the machine.
2. The election precinct where it has been used.
3. The number of the seal.
4. The number of the protective counter.

H. If the machine or machines are equipped with a device or devices for printing, embossing or photographing the count as shown on the candidate and amendment counters, the judges of elections shall obtain not less than three copies of such

printed, embossed or photographed record and shall immediately post one copy in the polling place as provided in subsection A and shall after preparation of the statement of tally attach one of the printed, embossed or photographed records to the official statement of tally, and the remaining copy shall be attached to the unofficial statement of tally.

§16-607. Statements of tally

A. In each election precinct where voting machines are used, statements of tally shall be printed to conform with the type of voting machine used. The designating number and letter on the counter for each candidate shall be printed next to the candidate's name on the statements of tally and shall provide for the entry of the number of votes for each candidate and the "yes" and "no" over each question.

B. The delivery of statements to stations designated by the board of supervisors shall be accomplished as is provided for ballots in section 16-608.

§16-608. Delivery of ballots; electronic voting system

A. After the close of the polls and after compliance with section 16-602 the members of the election board shall prepare a report in duplicate of the number of voters who have voted, as indicated on the poll list, and place this report in the ballot box or metal container, in which the voted ballots have been placed, which thereupon shall be sealed with a numbered seal and delivered promptly by two members of the election board of different political parties to the central counting place or other receiving station designated by the board of supervisors or officer in charge of elections, which shall not be more than fifty miles from the polling place from which the ballots are delivered. The person in charge of receiving ballots shall give a numbered receipt acknowledging receipt of such ballots to the person in charge who delivers such ballots.

B. The chairman of the county committee of each political party represented on the ballot may designate a member of his party to accompany the ballots from each polling place to the central counting place. Such party representative shall serve without compensation.

§16-609. Questioned legality of ballots; procedure

A. No ballots but those provided in accordance with the provisions of law shall be counted.

B. When a question arises as to the legality of a ballot, or a part thereof, the action taken upon the decision of the election board or tally board as to its legality, signed by the majority voting for the action, with a concise statement of the facts giving rise to the question, shall be endorsed upon the ballot and signed by a majority of the board.

§16-610. Uncertainty of voter's choice as cause for rejection

If on any ballot the names of more persons are designated for the same office than are to be chosen, or if for any reason it is impossible to positively determine the voter's choice, all the names designated for that office shall be rejected.

§16-611. Certain defects invalidating vote for particular office

If the voter marks more names than there are persons to be elected to an office, or if from the ballot it is impossible to determine the voter's choice for an office, his ballot shall not be counted for that office.

§16-612. Determination of write-in choice of voter

A. When the printed name of a candidate is followed by the name of another person written on the ballot by the voter in the space provided for that purpose, and a mark as defined in section 16-400 appears in the space after either the printed or the written names, but not both, the printed name shall be rejected and the written one counted, and the action of the board shall be noted on the back of the ballot and signed by a majority of the election board or tally board.

B. If the name of a person appears as having been voted for two or more times for the same office, the ballot shall be counted as one vote.

C. If an elector writes upon his ballot the name of any person who is a candidate for any office upon some other ballot than that upon which his name is so written, such elector shall thereby invalidate his vote for that particular office, but the vote on the remainder of the ballot shall be counted.

§16-613. Ballot marked with intent to disclose voter

If a ballot is folded in a manner, or bears upon it any distinguishing impression, device or mark, intended to designate or impart knowledge of the person who voted the ballot, it shall be rejected.

§16-614. Signing of tally lists after completion of tally

When the votes are counted and the ballots sealed in the envelope, as required by law, the tally lists shall be signed by the members of the board and attested by the clerks.

§16-615. Delivery of returns to board of supervisors

A. Before it adjourns, the election board or tally board shall enclose and seal in a strong envelope provided for that purpose, one of the poll lists and one of the tally lists, signed

as required, and the stubs of the voted ballots and shall direct it to the board of supervisors.

B. The envelope containing the poll list, the tally list and the stubs of the voted ballots shall constitute the official returns of the election and shall, together with the envelope containing the voted ballots, be delivered to one of the members of the election board or tally board, previously determined by lot, unless otherwise agreed upon, and such member shall by himself, or by an agent agreed upon by the board and sworn by a member thereof, in the presence of the board to faithfully perform the duties of election messenger, without delay, and by the most expeditious means and route, deliver the packages and envelopes, without opening them, to the clerk of the board of supervisors at his office, or to the nearest postmaster or sworn express agent, who shall endorse on the packages and envelopes the name of the person delivering them, and the hour and date of the delivery, and forward the packages and envelopes by the first mail or express to the clerk of the board of supervisors at the county seat.

§16-616. Preparation and disposition of unofficial returns

One of the poll lists and one of the tally lists used at the election shall be withheld by the election board from the sealed packages of ballots and other election supplies and shall be separately sealed in an envelope and returned to the clerk of the board of supervisors in the same manner as the official returns. The clerk shall, for a period of six months, keep such envelope open to the inspection of electors.

§16-617. Transmittal of signature roster and precinct registers to board of supervisors after election

The inspector of the election board shall, at the close of the election, return the signature roster and copies of the precinct registers along with the other election supplies to the board of supervisors.

§16-618. Preparation, disposition and posting of abstract of vote; exception to posting

At the time that the election board or tally board prepares the official election returns, it shall also prepare and certify in duplicate upon a blank provided for that purpose, an abstract of the number of ballots cast at the election, the number rejected in making the count, and the number of votes cast for each person for the several offices and for or against each proposed constitutional amendment and initiated or referred measure. One copy shall be mailed or delivered at the time and in the same manner as the official returns, and the clerk of the board of supervisors shall immediately upon its receipt make public the contents of the copy. Except in those counties using automatic vote tabulating equipment, the other copy shall immediately be posted conspicuously on the outside of the polling place.

§16-619. Preparation, delivery and publication of condensed abstract of vote

The election board or tally board shall immediately upon completion of the count also prepare a condensed abstract showing the number of ballots cast, the number rejected, and the number of votes cast for each candidate and for or against any proposed constitutional amendment or initiated or referred measure. The condensed abstract shall begin with the name of the precinct and shall contain only the surname of the candidate, beginning at the head of the ballot and running consecutively by offices without inserting the names of the offices, and the numbers of each proposed constitutional amendment and each initiated or referred measure, and shall be signed by the inspector and without delay delivered to the nearest telegraph or telephone station for immediate transmittal, if by telegraph, to the clerk of the board of supervisors, or if by telephone, to the said clerk if a prompt connection can be secured, or to the chairman or secretary of the county committee of either of the two parties which cast the highest number of votes for state officers at the preceding election. If the condensed abstract is transmitted to one of the chairmen or secretaries, such chairman or secretary shall deliver the abstract to the clerk of the board of supervisors at the earliest practicable moment, but he shall immediately make the abstract public.

§16-620. Tabulation and publication of condensed abstracts; costs of transmittal

A. When the condensed abstract is received by the clerk of the board of supervisors, it shall be at once transcribed upon a tabulation containing all the precincts in the county, and the tabulation shall be open to the inspection of the public at the office of the board of supervisors and also at some convenient public place.

B. The cost of transmittal of the condensed abstracts to the clerk of the board of supervisors shall be a county charge.

§16-621. Proceedings at the counting center

A. All proceedings at the counting center shall be under the direction of the board of supervisors or other officer in charge of elections and shall be conducted in accordance with the approved instructions and procedures manual provided for in section 16-452 under the observation of representatives of each political party and the public, but no persons except those authorized for the purpose shall touch any ballot or ballot card or return. All persons who are engaged in processing and counting of the ballots shall be deputized in writing and take an oath that they will faithfully perform their assigned duties. There shall be no preferential counting of ballots for the purpose of projecting the outcome of the election. If any ballot is damaged or defective so that it cannot properly be counted by the automatic tabulating equipment, a true duplicate copy shall be made of the damaged ballot in the

presence of witnesses and substituted for the damaged ballot. All duplicate ballots shall be clearly labeled "duplicate" and shall bear a serial number which shall be recorded on the damaged or defective ballot.

B. If for any reason it becomes impracticable to count all or a part of the ballots with tabulating equipment, the officer in charge of elections may direct that they be counted manually, following as far as practicable the provisions governing the counting of paper ballots.

§16-622. Official canvass; unofficial results

At any time following the close of the polls, except as provided in section 16-551, subsection C, unofficial returns may be released during the counting of the ballots by vote tabulating equipment, and upon completion of the count the unofficial results shall be open to the public. The result printed by the vote tabulating equipment, to which have been added write-in and absentee votes, shall, when certified by the board of supervisors or other officer in charge, constitute the official canvass of each precinct or election district.

§16-623. Copy of abstract of vote of certain counties filed with secretary of state

In those counties lying within a legislative district or a congressional district made up of areas in more than one county, the board of supervisors of each such county shall file a copy, or reasonable facsimile, of the abstract of vote with the secretary of state within forty-eight hours after the closing of the polls.

§16-624. Disposition of official returns and ballots

A. Upon receipt of the packages and envelopes containing the returns and the voted ballots, the clerk of the board of supervisors shall deposit the package or envelope containing the ballots in the safe of the county treasurer, who shall keep it unopened and unaltered for six months, at which time he shall destroy it without opening or examining the contents.

B. Irregular ballots shall be preserved for six months after the election and the packages containing them may be opened and the contents examined only upon an order of court. At the expiration of such time, the ballots may be disposed of in the discretion of the officer or board having charge of them.

C. The clerk of the board of supervisors shall produce the other packages or envelopes before the board of supervisors when it is in session for the purpose of canvassing the returns.

D. If a recount is ordered or a contest begun within six months, the county treasurer may be ordered by the court to deliver to it the packages or envelopes containing the ballots, and thereupon they shall be in the custody and control of the court.

ARTICLE 11. OFFICIAL CANVASS

§16-641. Retally of vote; lever voting machine

A. When it appears that there is a discrepancy in the election returns in an election precinct, the board of supervisors or other authority in charge of elections shall summon the election officers of the precinct, and the election officers in the presence of such authorities shall make a record of the number of the seal and number of the protective counter, open the counter compartment of the machine and, without unlocking the machine against voting, shall retally the vote cast thereon.

B. Before making the retally the authorities shall give notice in writing to each local candidate whose name appears on the election ballot, and to the chairman of each party or independent party having candidates on the ballot, and each of the candidates and two representatives of each of the parties may be present at the retally.

C. If, upon the retally, it is found that the original tally of the returns has been correctly made from the machine and that the discrepancy still remains unaccounted for, the board of supervisors or other authority, in the presence of the officers of the election, the candidates and the representatives of the several parties, shall unlock the voting and counting mechanism of the machine and thoroughly examine and test the machine to determine the reason for the discrepancy, if any, in the returns from the machine. Before testing the counters they shall be reset at zero, after which each counter shall be operated at least one hundred times.

D. After completion of the examination and test the board of supervisors or other authority in charge of the election shall then and there prepare a statement in writing, giving in detail the result. The statement shall be witnessed by the persons present and shall be filed with the board of supervisors or other authority in charge of elections.

E. If the results of a retally conducted by authority of the court or under the provisions of this section shall establish discrepancies in the official returns of any precinct, the necessary corrections shall be made and shall be considered part of the official election returns.

§16-642. Canvass of election; postponements

A. The governing body holding an election shall canvass the election not less than six days nor more than fifteen days following the election.

B. The governing body of a special district as defined in title 48 shall present to the board of supervisors a certified copy of the official canvass of the election at the next regularly scheduled meeting of the board of supervisors. For purposes of contesting a special district election as described

in section 16-673, the canvass is not complete until the presentation to the board of supervisors is made.

C. If, at the time of the meeting of the governing body, the returns from any polling place in the election district where the polls were opened and an election held are found to be missing, the canvass shall be postponed from day to day until all the returns are received or until six postponements have been had.

§16-643. Method of canvass

The canvass of the election returns shall be made in public by opening the returns, other than the ballots, and determining the vote of the county, by polling places, for each person voted for and the vote for and against each proposed constitutional amendment and initiated or referred measure appearing upon the ballot at such election.

§16-644. Effect of want of form in precinct returns

No list, tally, certificates or endorsement returned from any precinct shall be set aside or rejected for want of form, or for not being strictly in accordance with the explicit provisions of this title, if they can be clearly understood, nor shall any declaration of result, commission or certificate be withheld or denied by reason of any defect or informality in making the returns of the election in any precinct, if the facts which the returns should disclose can be definitely ascertained.

§16-645. Canvass and return of precinct vote; declaring nominee of party; certificate of nomination; write-in candidates

A. When the board of supervisors, or the governing body of a city or town, has completed its canvass of precinct returns, the person having the largest number of votes, or if more than one candidate is necessary, those candidates to the required number who have received the largest number of votes for the nomination for an office in the political party of which he was set forth on the ballot as a candidate for the nomination, shall be declared the nominee of the party for that office and be given a certificate of nomination therefor by the board or governing body, which shall entitle him to have his name placed upon the official ballot at the ensuing election as the nominee of the party for the office. When canvassing write-in votes the apparent intent of the voter shall be taken into consideration to the extent possible.

B. The board of supervisors shall deliver the canvass to the secretary of state within ten days after the primary election, and the secretary of state shall on or before the second Monday following the primary election canvass the return and issue the certification of nomination as provided in this section to the nominees who filed nominating petitions and papers with the secretary of state pursuant to section 16-311, subsection B.

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

D. Except as provided in subsection C of this section, a certificate of nomination shall not be issued to a write-in candidate of a party which has not qualified for continued representation on the official ballot pursuant to section 16-804 unless he receives a plurality of the votes of the party for the office for which he is a candidate.

E. Except as provided by subsections C and D of this section, a certificate of nomination shall not be issued to a write-in candidate of a party qualified for continued representation on the official ballot unless he receives a number of votes equivalent to at least the same number of signatures required by section 16-322 for nominating petitions for the same office.

§16-646. Statement, contents and mailing of official canvass
(L92, Ch. 212, Sec. 2.)

A. When the result of the canvass is determined, a statement, known and designated as the official canvass, shall be entered on the official record of the election district which shall show:

1. The number of ballots cast in each precinct and in the county.
2. The number rejected in each precinct and in the county.
3. The titles of the offices voted for and the names of the persons, together with the party designation, if any, of each person voted for to fill the offices.
4. The number of votes by precincts and county received by each candidate.
5. The numbers and a brief title of each proposed constitutional amendment and each initiated or referred measure voted upon.
6. The number of votes by precincts and county for and against such proposed amendment or measure.

B. The certified permanent copy of the official canvass for all offices and ballot measures, except offices and ballot measures in a city or town election and nonpartisan election returns, shall be mailed immediately to the secretary of state who shall maintain and preserve them as a permanent public record.

C. The board of supervisors shall deliver a copy of the official canvass for all offices and ballot measures in the primary and general elections to the secretary of state in a uniform electronic computer media format that shall be agreed upon between the secretary of state and all county election officials. The uniform format shall be designed to facilitate the computer analysis of election results for offices and ballot

measures; that are statewide or are common to more than one county.

D. The certified permanent copy of the official canvass for all offices and ballot measures in a city or town election shall be filed with the appropriate city or town clerk, or in a special district election with the clerk of the board of supervisors, who shall maintain and preserve them as a permanent public record.

§16-647. Declaration of election to office; delivery of certificate of election

The board of supervisors shall declare elected the person receiving the highest number of votes cast for each office to be filled by the electors of the county or a subdivision thereof, and the clerk of the board shall, unless enjoined from so doing by an order of the court, deliver to each such person, upon compliance with the provisions imposed by law upon candidates for office as conditions precedent to the issuance of such certificates, a certificate of election, signed by the clerk and authenticated with the seal of office of the board of supervisors.

§16-648. Canvass for state offices, amendments and measures; postponement

A. On the third Monday following a general election, the secretary of state, in the presence of the governor and the attorney general, shall canvass all offices for which the nominees filed nominating petitions and papers with the secretary of state pursuant to section 16-311, subsection B.

B. The secretary of state, in the presence of the governor and the chief justice of the supreme court, shall canvass all proposed constitutional amendments and initiated or referred measures, as shown by the certified copies of official canvass received from the several counties, and forthwith certify the result to the governor.

C. If the official canvass of any county has not been received on the third Monday following the general election, the canvass shall be postponed from day to day, not to exceed thirty days from the date of the election, until canvasses from all counties are received.

§16-649. Determination of tie vote; notice to candidates; exception

A. If two or more candidates receive an equal number of votes for the same office, and a higher number than any other candidate, whether upon the canvass by the secretary of state or the county board of supervisors, or upon recount by a court, the officer or board whose duty it is to declare the result shall determine by lot and in the presence of the candidates which candidate shall be declared elected.

B. Ten days previous notice shall be given to candidates for state offices, and five days previous notice shall be given to candidates for other offices, of the time and place of determining the election by lot, by the officer or board whose duty it is to declare the result of the election.

C. The provisions of this section shall not apply to candidates for the executive offices of the state as defined by the constitution.

§16-650. Declaration of election to office; delivery of certificate of election

The secretary of state shall declare elected the person receiving the highest number of votes cast for each office for which the nominees filed nominating petitions and papers with the secretary of state pursuant to section 16-311, subsection B and shall, unless enjoined from so doing by an order of court, deliver to each such person, upon compliance with the provisions imposed by law upon candidates for office as conditions precedent to the issuance of the certificates, a certificate of election, signed by the secretary of state and authenticated with the great seal of the state.

§16-651. Proclamation by governor on amendments and initiated and referred measures

Upon completion of the canvass by the secretary of state, the governor shall forthwith issue a proclamation, proclaiming the whole number of votes cast for and against each proposed constitutional amendment, and for and against each initiated or referred measure, and declaring the amendments or measures which are approved by a majority of those voting thereon to be law.

ARTICLE 12. RECOUNTS

§16-661. Automatic recount; requirements; exemption

A. When the canvass of returns in a primary or general election shows that the margin between the two candidates receiving the greatest number of votes for a particular office, or between the number of votes cast for and against initiated or referred measures, or proposals to amend the Constitution of Arizona, does not exceed one-tenth of one per cent of the number of votes cast for both such candidates or upon such measures or proposals, or, in any event, does not exceed two hundred votes in the case of an office to be filled by state electors, or an initiated or referred measure or proposal to amend the constitution, does not exceed fifty votes in the case of a member of the legislature or does not exceed ten votes in the case of an office to be filled by the electors of a county or subdivision thereof, a recount of the vote upon such candidates, measures or proposals shall be required.

B. Subsection A does not apply to elections for school district governing boards, community college district governing boards, fire district boards or fire district chiefs or secretary-treasurers or boards of other special districts.

§16-662. Certification to superior court of facts requiring recount

When the canvass shows that a recount is required, the secretary of state shall forthwith, in case of an office to be

filled by electors of the entire state, a congressional district, a legislative district or a subdivision of the state greater than a county, initiated or referred measures, or proposals to amend the constitution, certify the facts requiring the recount to the superior court in Maricopa county, or in case of an office to be filled by the electors of a county or subdivision thereof, or precinct, the board of supervisors of such county shall forthwith certify the facts requiring a recount to the superior court in the county in which the canvass was conducted.

§16-663. Recount of votes; method

A. The superior court to which the facts requiring a recount are certified shall forthwith make and enter an order requiring a recount of the votes cast for such office, measure or proposal. The recount shall be conducted in accordance with the laws pertaining to contests of elections.

B. When the court orders a recount of votes which were cast and tabulated on electronic voting equipment, such recount shall be pursuant to section 16-664.

§16-664. Recount of votes by automatic tabulating system

A. In the event of a court-ordered recount of votes which were cast and tabulated on electronic voting equipment for a state primary, state general or state special election, the secretary of state shall order the ballots recounted on an automatic tabulating system to be furnished and programmed by the secretary of state. In the event of a court-ordered recount for elections other than for the office of supervisor, the secretary of state may designate the county board of supervisors to perform the duties assigned to the secretary of state.

B. If the office of secretary of state is contested, the governor shall order the ballots recounted on an automatic tabulating system to be furnished and programmed at the direction of the governor.

C. The programs to be used in the recount of votes pursuant to this section shall differ from the programs prescribed by section 16-445 and used in the initial tabulation of the votes.

§16-665. Determination of results by court; distribution of copies of order of determination

A. The result of the recount shall be presented to the court, and the court shall then announce the result and make and enter an order setting forth its determination.

B. A certified copy of the order of the court determining the result shall forthwith be delivered by the clerk of the court to the following officers:

1. To the governor with respect to an initiative or referendum measure, or proposal to amend the Constitution of Arizona. The governor shall forthwith issue a proclamation reciting the total number of votes cast for or against the initiative or referendum measure, or amendment to the constitution, as certified by the court, and declaring such measure or amendment as approved by a majority voting thereon, as certified by the court, to be the law.

2. To the secretary of state with respect to offices to be filled by electors of the entire state, a congressional district,

a legislative district or a subdivision of the state greater than a county. The secretary of state shall forthwith deliver to the candidate entitled thereto, as certified by the court, the certificate of election.

3. To the clerk of the board of supervisors with respect to offices to be filled by electors of the county or subdivision thereof, or precinct. The clerk of the board of supervisors shall forthwith deliver to the candidate entitled thereto, as certified by the court, the certificate of election.

§16-666. Expenses of recount

The expenses of the recount of the votes as provided in this article, if for an office to be filled by state electors, or if upon an initiative or referendum measure, or proposal to amend the constitution, shall be a state charge, and if for an office to be filled by the electors of a county or subdivision thereof, or precinct, shall be a county charge.

§16-667. Supplementary nature of article

This article is supplemental to and not in derogation of the law relating to contest of elections and, upon the initiation of such a contest, a proceeding begun under this article shall abate.

ARTICLE 13. CONTEST OF ELECTIONS

§16-671. Contest of primary elections

Contests arising out of primary elections shall be brought and determined in the same manner, as nearly as possible, as provided by law for contests of general elections.

§16-672. Contest of state election; grounds; venue

A. Any elector of the state may contest the election of any person declared elected to a state office, or declared nominated to a state office at a primary election, or the declared result of an initiated or referred measure, or a proposal to amend the Constitution of Arizona, or other question or proposal submitted to vote of the people, upon any of the following grounds:

1. For misconduct on the part of election boards or any members thereof in any of the counties of the state, or on the part of any officer making or participating in a canvass for a state election.

2. That the person whose right to the office is contested was not at the time of the election eligible to the office.

3. That the person whose right is contested, or any person acting for him, has given to an elector, inspector, judge or clerk of election, a bribe or reward, or has offered such bribe or reward for the purpose of procuring his election, or has committed any other offense against the elective franchise.

4. On account of illegal votes.

5. That by reason of erroneous count of votes the person declared elected or the initiative or referred measure, or

proposal to amend the constitution, or other question or proposal submitted, which has been declared carried, did not in fact receive the highest number of votes for the office or a sufficient number of votes to carry the measure, amendment, question or proposal.

B. The contest may be brought in the superior court of the county in which the person contesting resides or in the superior court of Maricopa county.

C. In a contest of the election of a person declared elected to a state office or of an initiated or referred measure, constitutional amendment, or other question or proposal, which has been declared carried, the attorney general may intervene, and upon demand, the place of trial of the contest shall be changed to Maricopa county, if commenced in another county.

§16-673. Statement of contest; verification; filing

A. The elector contesting a state election shall, within five days after completion of the canvass of the election and declaration of the result thereof by the secretary of state or by the governor, file in the court in which the contest is commenced a statement in writing setting forth:

1. The name and residence of the party contesting the election, and that he is an elector of the state and county in which he resides.

2. The name of the person whose right to the office is contested, or the title of the measure, or constitutional amendment, or other proposition as it appeared upon the official ballot.

3. The office the election to which is contested.

4. The particular grounds of the contest.

B. The statement shall be verified by the affidavit of the contestor that he believes the matters and things therein contained are true.

§16-674. Contest of county or other election

A. An elector of a county, city, town or a political subdivision of such county, city or town, may contest the right of a person declared elected to an office to be exercised therein, or declared nominated to an office at a primary election, or a question, proposal, measure or proposition submitted to and voted on by the electors on the same grounds and in the same manner as contests of election to a state office or question, proposal, measure or proposition submitted to the vote of the electors of the state.

B. The contest may be brought in the superior court of the county in which the elector resides. If the contest involves an office voted on by the electors, the summons shall be served upon the contestee, or, if the contest involves a question, proposal, measure or proposition voted on, then the summons shall be served upon the person upon whom summons in a

civil action against the county, city, town or subdivision affected is served.

§16-675. Summons; form; answer

A. Upon filing of the statement of contest, the clerk of the superior court shall issue a summons to be served on the contestee as summons in civil actions are served, except it shall require the contestee to file an answer to the statement with the clerk of the court within five days after service of the summons, exclusive of the day of service. If the answer is not filed within such period, the court shall proceed with the hearing of the contest ex parte. If the contest is on an initiative or referred measure, a proposed constitutional amendment, or other proposition or question submitted, which has been declared carried, the summons shall be served upon the governor and attorney general who may appear and answer the statement of contest, or, by leave of court, an elector of the state may intervene and defend the contest.

B. If the election of a person declared elected is contested, the summons shall be in substantially the following form:

In the superior court of the state of Arizona in and for the county of _____

_____ contestant.
vs.
_____ contestee.

SUMMONS.

To the above named _____ contestee;

You are hereby notified that _____ a resident of _____ county, state of Arizona, has on this day filed in this court a statement of contest wherein he contests your election to the office of _____ at the election held on the _____ day of _____, 19____, a copy of which statement accompanies this summons.

You are therefore required to file your answer to said statement with the clerk of this court within five days after the service of this summons upon you exclusive of the day of service or the court will proceed with the hearing of such contest ex parte.

Given under my hand and the seal of said court this day of _____, 19____.

Clerk of said court.

C. If the contest is on an initiative or referred measure, a proposed constitutional amendment, or other proposition or question submitted, which has been declared carried, the summons shall be in substantially the following form:

In the superior court of the state of Arizona in and for the county of _____.

In the matter of the contest of a certain constitutional amendment (or proposition, describing it briefly, as the case may be.)

To the honorable _____, governor, and the honorable _____, attorney general of the state of Arizona:

You are hereby notified that _____ residing at _____ in the county of _____, state of Arizona, has this day filed with the clerk of this court a statement wherein he contests the election by which the constitutional amendment (or proposition briefly describing it) was declared to have been carried. A copy of his said statement is hereto attached and herewith served upon you. You are further notified that unless an answer to said statement is filed within five days after the service of this summons upon you the court will proceed with the hearing of said contest ex parte.

Given under my hand and the seal of said court this _____ day of _____, 19____.

Clerk of said court.

§16-676. Time for hearing contest; continuance; findings of the court; judgment

A. In any contest brought under the provisions of section 16-672 or 16-674, upon the filing of the answer, or if no answer is filed, upon the expiration of the time specified in the summons, the court shall set a time for the hearing of the contest, not later than ten days after the date on which the statement of contest was filed, which may be continued for not to exceed five days for good cause shown.

B. The court shall continue in session to hear and determine all issues arising in contested elections. After hearing the proofs and allegations of the parties, and within five days after the submission thereof, the court shall file its findings and immediately thereafter shall pronounce judgment, either confirming or annulling and setting aside the election.

C. If in an election contest it appears that a person other than the contestee has the highest number of legal votes, the court shall declare that person elected and that the certificate of election of the person whose office is contested is of no further legal force or effect.

§16-677. Inspection of ballots before trial; petition; bond; appointment of inspectors

A. After the statement of contest has been filed and the action is at issue, either party may have the ballots inspected before preparing for trial.

B. The party applying for the inspection of ballots shall file with the clerk of the court a verified petition stating that he cannot properly prepare for trial without an inspection of the ballots and shall file with the petition a bond, approved by the clerk, with two sureties, in the principal amount of three hundred dollars, conditioned that he will pay the costs and

expenses of the inspection if he fails to maintain the contest. Thereupon the court shall appoint three persons, one selected by each of the parties and one by the court, by whom the inspection shall be made. If either party fails to name a person to act in making the inspection, the court shall make the appointment.

C. The inspection of the ballots shall be made in the presence of the legal custodian of the ballots, and the compensation of the inspectors shall be fixed by the court and taxed as costs against the losing party.

§16-678. Inapplicability of article to contests of election of legislators
(L91, Ch. 49, Sec. 1.)

Nothing in this article shall be deemed to affect in any manner procedures relating to contests of elections of members of the legislature.

ARTICLE 14. RATIFICATION OF AMENDMENTS TO UNITED STATES CONSTITUTION BY CONVENTION

§16-701. Applicability of election laws

Except as otherwise provided in this article, the election of delegates to the convention shall be conducted and the results ascertained and certified in the same manner as elections for state officers, and all laws of this state relative to elections, except those inconsistent with this article, are made applicable to such election.

§16-702. Number of delegates

The number of delegates to be chosen for the convention is fifteen who shall be elected from the state at large.

§16-703. Qualifications of candidates for delegate; nominations

A. Candidates for the office of delegate to the convention shall be qualified electors of this state.

B. Nominations shall be by petition signed by not less than one thousand electors of the state qualified to vote at the election and shall be filed with the secretary of state.

C. Nominations shall be without party or political designation, but the nominating petitions shall contain a statement by the candidate to the effect that he favors ratification, or that he opposes ratification, and nominating petitions shall not be accepted unless the statement is contained therein.

D. The only nomination petitions which shall be effective shall be those of the fifteen nominees favoring ratification whose nominating petitions were first filed with the secretary of state, and who are each residents of a county different from the other, and those of the fifteen nominees opposing ratification whose nominating petitions were first filed with the secretary of state, and who are each residents of a county different from the other.

E. Within ten days after the petitions are filed, the secretary of state shall certify the candidates of each group to the board of supervisors of the respective counties.

F. The petitions shall be filed with the secretary of state not less than twenty days before the proclaimed date of the election.

§16-704. Ballots; form

A. The election shall be by ballot, separate from any other ballots to be used at the same election. The ballot shall contain a statement of the substance of the proposed amendment, appropriate instructions to the voters and perpendicular columns of equal width, headed respectively in plain type, "favors ratification" and "opposes ratification". In the column headed "favors ratification" shall be placed the names of the candidates who favor ratification. In the column headed "opposes ratification" shall be placed the names of the candidates who oppose ratification.

B. The voter shall indicate his choice by making one or more marks as defined in section 16-400 in the appropriate spaces provided on the ballot. The ballot shall be so arranged that the voter may, by making a single mark as defined in section 16-400, vote for the entire group of nominees whose names are comprised in any column.

C. The ballot shall be in substantially the following form:

Proposed amendment to the Constitution
of the United States.

The Congress has proposed an amendment to the Constitution of the United States which provides (insert here the substance of the proposed amendment).

The Congress has also proposed that the said amendment shall be ratified by conventions in the states.

Instructions to voters

Do not vote for more than fifteen (15) candidates.

To vote for all candidates who favor ratification, or for all candidates who oppose ratification, make a mark in the circle at the head of the list of candidates for whom you wish to vote. If you do this, make no other mark.

To vote for an individual candidate make a mark in the square at the left of the name.

Favors Ratification ()	Opposes Ratification ()
<input type="checkbox"/> John Doe	<input type="checkbox"/> Charles Coe
<input type="checkbox"/> Richard Doe	<input type="checkbox"/> Michael Coe
<input type="checkbox"/>	<input type="checkbox"/>

§16-705. Determination of delegates; vacancies; delegate bound to vote in accordance with pre-election statement; classification

A. The fifteen candidates who receive the highest number of votes shall be the delegates to the convention.

B. If there is a vacancy in the convention caused by the death or disability of a delegate, or any other cause, the vacancy shall be filled by appointment by the majority vote of the delegates comprising the group from which the delegate was elected, and if the convention contains no other delegate of that group, shall be filled by the governor.

C. Delegates elected upon a platform or nomination petition statement as favoring or opposing ratification shall vote at the convention in accordance with that platform or nomination petition statement, and upon an intentional failure to do so any such delegate is guilty of a class 2 misdemeanor, his vote shall not be considered, and his office shall be deemed vacant to be filled as provided by this article for filling vacancies.

§16-706. Meeting of delegates in convention

The delegates to the convention shall meet at the capitol on the twenty-eighth day after their election at ten o'clock a.m. and shall thereupon constitute a convention to consider and vote upon the question of whether or not the proposed amendment shall be ratified.

§16-707. Organization of convention

The convention shall be the judge of the election and qualification of its members and shall elect its president, secretary and other officers and adopt rules.

16-708. Journal of proceedings

A. The convention shall keep a journal of its proceedings in which shall be recorded the vote of each delegate on the question of ratification of the proposed amendment.

B. Upon final adjournment the journal shall be filed with the secretary of state.

§16-709. Certificate of ratification

If the convention agrees by vote of a majority of the total number of delegates to ratification of the proposed amendment, a certificate to that effect shall be executed by the president and secretary of the convention and transmitted to the secretary of state of Arizona, who shall transmit the certificate under his hand and the great seal of the state to the secretary of state of the United States.

§16-710. Compensation and mileage of delegates

Delegates shall receive ten dollars each day they are assembled in convention and mileage one way from the place of their residence to the capitol by the shortest practical route at the rate of twenty cents per mile.

§16-711. Congressional provisions as superseding article

If at or about the time of submitting such amendment, Congress, either in the resolution submitting the amendment or by statute, prescribes the manner in which the conventions shall be constituted, and does not except from the provisions of the statute or resolution the states which theretofore have provided for constituting such conventions, this article shall be inoperative. The convention shall in such event be constituted and shall operate as the resolution or act of Congress directs, and all officers of the state who are by the resolution or statute authorized or directed to take any action to constitute a convention for this state are authorized and directed to act thereunder and in obedience thereto with the same force and effect as if acting under a statute of this state.

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CHAPTER 5
POLITICAL PARTIES

ARTICLE 1. REPRESENTATION ON BALLOT

§16-801. Representation of new party on ballot at primary and general elections
(L91, 3SS, Ch. 3, Sec. 1.)

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

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

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

§16-802. Representation of new party on ballot for county or municipal election
(L91, 3SS, Ch. 3, Sec. 2.)

A new political party shall become eligible for recognition and shall be represented by an official party ballot at the next ensuing primary election of a county, city or town and shall be placed on the official ballot at the succeeding regular election upon filing with the clerk of the board of supervisors of the county or the city or town clerk, as the case may be, a petition signed by a number of qualified electors equal to not less than two per cent of the votes cast for county attorney in the case of a county petition or for mayor in the case of a city or town petition. The petition shall bear the certification of the county recorder or the city or town clerk, as the case may be, that he has examined the signatures on the petition and that it contains the signatures of a number of qualified electors equal to not less than two per cent of the votes cast for county attorney or mayor at the last preceding election, and that it contains the signatures of qualified electors in not less than one-fourth of the election precincts of the county, city or town.

§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, clerk of the board of supervisors of the county, or the city or town clerk, as the case may be, not less than seventy-five nor more than one hundred five days prior to the primary election.

B. No petition for recognition shall be submitted for signature verification to a county recorder or a city or town clerk, as the case may be, later than one hundred fifteen days prior to the primary election.

C. The county recorder shall verify and count all signatures of qualified electors within thirty days after submission.

§16-804. Continued representation on basis of votes cast at last preceding general election or registered electors
(L92, Ch. 255, Sec. 3.)

A. A political organization which 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 the provisions 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 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 twenty-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 January 15 of such 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 ten days prior to the primary election.

§16-805. Findings of fact and statement of public policy by the legislature of the state of Arizona concerning steps which must be taken to protect the fundamental rights of the citizens of this state and the safety of this state from international Communistic conspiracy

A. Upon evidence and proof which has been presented before this legislature, other state legislatures, the Congress of the United States and in the courts of the United States and in the courts of the several states; and although recognizing that the federal constitution vests the conduct of foreign relations in the federal government and the federal constitution

guarantees to the several states a republican form of government and protection against foreign invasion and domestic violence, this state has the duty of self-preservation and the taking of necessary measures to cooperate with the federal government in the preservation of the peace and safety of the state of Arizona and in order to carry out article II, section 21 of the Arizona Constitution relating to free and equal elections and article VII, section 12 of the Arizona Constitution relating to the enactment of laws to secure the purity of elections; and in order to guard against the abuse of the elective franchise by the Communist Party of the United States which from time to time has qualified as a purported legitimate political party in the state of Arizona; and in order to secure to the citizens of this state their unalienable personal rights and liberty of conscience secured by the provisions of the Constitution of Arizona and in order to protect the peace and safety of the state of Arizona from the overthrow of its constitutional government by force or violence, and of its political subdivisions, the legislature of the state of Arizona finds and declares that, unlike other political parties which have evolved their policy and programs through public means, by the reconciliation of a wide variety of individual views, and submit those policies and programs to the electorate at large for approval or disapproval, the policies and programs of the Communist Party are prescribed for it by the foreign leaders of the world Communist movement.

B. The Communist Party members have no part in determining its goals and are not permitted to voice dissent to party objectives. Unlike members of political parties, members of the Communist Party are recruited for indoctrination with respect to its objectives and methods, and are organized, instructed and disciplined to carry into action slavishly the assignments given them by their hierarchical chieftains. Unlike legitimate political parties, the Communist Party acknowledges no constitutional or statutory limitations upon its conduct or upon that of its members. The Communist Party is relatively small numerically and gives scant indication of capacity ever to attain its ends by lawful political means. The peril inherent in its operation arises not from its numbers, but from its failure to acknowledge any limitation as to the nature of its activities, and its dedication to the proposition that the present constitutional government of the United States, the governments of the several states, and the government of the state of Arizona and its political subdivisions ultimately must be brought to ruin by any available means, including resort to force and violence.

C. The establishment of a totalitarian dictatorship in any country results in the suppression of all opposition to the party in power, the subordination of the rights of individuals to the state, the denial of fundamental rights and liberties which are characteristic of a representative form of government, such as freedom of speech, of the press, of assembly, and of religious worship, and said totalitarian dictatorship ruthlessly suppresses academic freedom and inquiry into any human knowledge except the official doctrines of the dictatorship. This results

in the maintenance of control over the people through fear, terrorism and brutality.

D. It is the public policy of this state to protect the safety of the constitutional government of the state of Arizona by constitutional means and at the same time protect the rights of the members of our free society to speak, to assemble and to inquire, including the principle of academic freedom which by fostering healthy self-criticism is especially vital in the progress of man's moral values and in man's exploration of the secrets of the atom on this planet and in outer space. To protect the safety of this state and the right of free citizens in a free society to inquire and to understand totalitarianism, it is essential that the schools, colleges and universities teach objectively and critically the governmental and social forms of past and present totalitarian slave states, including the foreign languages spoken therein. The rights set forth in this subsection do not include the right to embrace Communism or to attempt to persuade others to embrace Communism.

E. The direction and control of the world Communist movement is vested in and exercised by the Communist dictatorship of a foreign country.

F. The Communist dictatorship of such foreign country, in exercising such direction and control and in furthering the purposes of the world Communist movement, establishes or causes the establishment of, and utilizes, in various countries, action organizations which are not free and independent organizations, but are sections of a worldwide Communist organization and are controlled, directed and subject to the discipline of the Communist dictatorship of such foreign country.

G. The Communist action organizations so established and utilized in various countries, acting under such control, direction and discipline, endeavor to carry out the objectives of the world Communist movement by bringing about the overthrow of existing governments by any available means, including force or violence if necessary, and setting up Communist totalitarian dictatorships which will be subservient to the most powerful existing Communist totalitarian dictatorship. Although such organizations usually designate themselves as political parties, they are in fact constituent elements of the worldwide Communist movement and promote the objectives of such movement by conspiratorial and coercive tactics, instead of through the democratic processes of a free elective system or through the freedom-preserving means employed by a legitimate political party which operates as an agency by which people govern themselves.

H. In the United States and in this state those individuals who knowingly and wilfully participate in the world Communist movement, when they so participate, in effect repudiate their allegiance to the United States and this state, and in effect transfer their allegiance to the foreign country in

which is vested the direction and control of the world Communist movement.

I. The Communist movement in the several states is an organization numbering thousands of adherents, rigidly and ruthlessly disciplined. Awaiting and seeking to advance at a moment when the several states may be so far extended by foreign engagements, so far divided in counsel, or so far in industrial or financial straits, that overthrow of the government of the United States and of the several states by force or violence may seem possible of achievement, it seeks converts far and wide by an extensive system of schooling and indoctrination. Such preparations by Communist organizations in other countries, including the recent events in the neighboring country of Cuba, have aided in supplanting existing governments. The Communist organization in the United States and in the several states, pursuing its stated objectives, the recent successes of Communist methods in other countries and the nature and control of the world Communist movement itself, present a clear and present danger to the security of the government of the United States, the governments of the several states and the government of the state of Arizona, including its political subdivisions, that make it necessary that the state of Arizona enact appropriate legislation, recognizing the existence of such worldwide Communist conspiracy, and designed to prevent it from accomplishing its purposes in this state and its political subdivisions. Therefore, the Communist Party should not be permitted to avail itself of the privileges, rights and immunities conferred by law upon legitimate political parties.

§16-806. Proscription of Communist Party of United States, its successors, and subsidiary organizations

The Communist Party of the United States, or any successors of such party regardless of the assumed name, the object of which is to overthrow by force or violence the government of the United States, or the government of the state of Arizona, or its political subdivisions shall not be entitled to be recognized or certified as a political party under the laws of the state of Arizona and shall not be entitled to any of the privileges, rights or immunities attendant upon legal political bodies recognized under the laws of the state of Arizona, or any political subdivision thereof; whatever rights, privileges or immunities shall have heretofore been granted to said Communist Party of the United States as defined in this section, or to any of its subsidiary organizations, by reason of the laws of the state of Arizona, or of any political subdivision thereof, are hereby terminated and shall be void.

§16-807. Political parties trust fund

A. A political parties trust fund is established with the state treasurer as trustee and administrator. Monies in the fund consist of contributions from individuals pursuant to section 43-612 plus interest accruing to the fund.

B. Except as provided in subsections C and D of this section, on March 31, June 30, September 30 and December 31 each year the state treasurer shall distribute the monies in the fund to the state committees of political parties according to the party designated on the contribution pursuant to section 43-612.

C. Before December 31 each year the department of revenue shall determine its costs in administering the political party income tax refund checkoff under section 43-612 and this section and notify the state treasurer of that amount. The state treasurer shall deduct, for deposit in the state general fund, this amount from monies otherwise distributable to political parties as follows:

1. Costs specifically attributable to initially listing a political party on the return form shall be deducted from the amount otherwise distributable to that political party.
2. All remaining administrative costs shall be divided and deducted equally from the amounts distributable to all political parties.

D. If an amount deducted under subsection C of this section for administrative costs exceeds the amount distributable to a political party, the excess deduction shall be carried forward as a liability of that party until paid. If the political party no longer qualifies to be listed on the income tax return form, any amount remaining unpaid under this subsection shall be included in the administrative costs deducted under subsection C, paragraph 2 of this section in the first year the party is not listed.

E. Monies contributed or accruing to the fund are not state revenues for purposes of any constitutional limitation or prohibition and are not subject to lapsing under section 35-190.

ARTICLE 2. PARTY ORGANIZATION AND GOVERNMENT

§16-821. County committee; vacancy in office of precinct committeeman

A. At the primary election the members of a political party entitled to representation pursuant to section 16-804 residing in each precinct shall choose one of their number as a county precinct committeeman, and the members shall choose one additional precinct committeeman for each one hundred twenty-five voters or major fraction thereof registered in the party in the precinct as reported pursuant to section 16-168, subsection G on March 1 of the year in which the general election is held. The whole number of precinct committeemen of a political party shall constitute the county committee of the party.

B. The board of supervisors upon the recommendation of the county chairman, or the recommendation of a committee designated in the bylaws of the county committee for that

purpose, shall determine when a vacancy exists in the office of precinct committeeman. If a vacancy exists, the vacancy shall be filled by the board of supervisors from a list of names submitted by the county chairman of the appropriate political party. Only a precinct committeeman elected at the primary election prior to the date of a state or county committee organizing meeting shall be permitted to vote at such meeting. The criteria used to establish when a vacancy exists in the office of precinct committeeman shall be as established in section 38-291.

§16-822. Precinct committeemen; eligibility; vacancy; duties

A. Any member of a recognized political party who is a registered voter in the precinct is eligible to seek the office of precinct committeeman of his party in that precinct.

B. In addition to other provisions of law regarding removal from office, a vacancy shall exist in the office of precinct committeeman when the precinct committeeman moves from the precinct from which elected.

C. The minimum duties of a precinct committeeman shall be to assist his political party in voter registration and to assist the voters of his political party to vote on election days. Additional duties shall be as provided for in the state committee bylaws of the party of which he is a member.

§16-823. Legislative district committee; organization; boundary change; reorganization

A. A political party entitled, pursuant to section 16-801 or 16-804, to representation on the ballot may establish a district party committee for any legislative district as prescribed by law.

B. A district party committee established pursuant to subsection A of this section shall consist of the precinct committeemen residing in the district and elected pursuant to section 16-821.

C. Each district party committee established pursuant to subsection A of this section shall meet no earlier than the second Saturday after the general election provided for in section 16-211 and no later than the first Saturday in the following December and organize by electing from its membership a chairman, two vice-chairmen, a secretary and a treasurer. The latter two offices may be filled by the same person. The chairman of the district committee is ex officio a member of the county committee of the county in which a plurality of the district's registered voters resides.

D. Each district party committee established pursuant to subsection A of this section shall meet after the effective date of reapportionment legislation that realigns or changes legislative district boundaries and organize according to the new boundaries, electing from its membership a chairman, two vice-chairmen, a secretary and a treasurer. The latter two offices may be filled by the same person. The chairman of the district committee is ex officio a member of the county committee of the county in which a plurality of the district's registered voters resides. The effective date for reapportionment legislation as provided in this subsection shall

be as provided in article IV, part 1, section 1, Constitution of Arizona.

E. In the event the reapportionment legislation is challenged in court or by the United States justice department, the district organizations in effect before the passage of the reapportionment legislation shall continue to function along with the new district organizations created in accordance with subsection D of this section until the final settlement or adjudication of any legal challenge to the reapportionment legislation. Upon the final settlement or adjudication of any legal challenge to the reapportionment legislation the district organizations in effect before the enactment of the reapportionment legislation are considered dissolved.

F. If the boundaries of any district are changed as a result of legal action, each district party committee in that district shall meet as soon as possible and organize according to the boundaries that result from the legal action. Upon organization pursuant to this subsection all prior district organizations are dissolved.

G. For purposes of the election prescribed in subsection D of this section the district committee shall consist of all precinct committeemen residing in the district who were serving in such position at least thirty days prior to the enactment of reapportionment legislation.

§16-824. Meeting, organization and officers of county committee

A. The county committee shall meet for the purpose of organizing no earlier than ten days after the last organizing meeting of the legislative districts which are part of the county, and in any event no later than the second Saturday in January of the year following a general election. The county committee shall elect from its membership a chairman, a first vice-chairman, a second vice-chairman, a secretary and a treasurer. The latter two offices may be filled by the same person. The chairman of the county committee shall be ex officio a member of the state committee.

B. The chairman of the county committee shall give notice of the time and place of such meeting by mail to each precinct committeeman at least ten days prior to the date of such meeting.

§16-825. State committee

The state committee of each party shall consist, in addition to the chairman of the several county committees, of one member of the county committee for every three members of the county committee elected pursuant to section 16-821. The state committeemen shall be chosen at the first meeting of the county committee from the committee's elected membership.

§16-825.01. State committee; vacancy; filling of vacancy

A. In counties with populations of less than five hundred thousand persons, a vacancy shall exist in the state committee when a member moves from the county from which elected. In counties with populations of five hundred thousand or more persons, a vacancy shall exist in the state committee when a member moves from the legislative district from which

elected. All members must be a member of their county committee.

B. In the event of a vacancy in the office of state committeeman, in counties with populations of less than five hundred thousand persons, such vacancy shall be filled by appointment made by the state chairman with the advice and consent of the county chairman of the county in which the vacancy occurred. In counties with populations of five hundred thousand or more persons, such vacancy shall be filled by appointment made by the state chairman with the advice and consent of the county chairman of the county in which the vacancy occurred and the district chairman of the district in which the vacancy occurred, and shall be filled by a person who resides in the same district in which the vacancy occurred.

§16-826. Meeting, organization and officers of state committee

A. The state committee shall meet in the city where the state capitol is located no earlier than ten days after the last county meeting of the party and in any event no later than the fourth Saturday in January following a general election and organize by electing from its membership a chairman, a secretary and a treasurer.

B. The chairman of the state committee shall cause notice of the time and place of such meeting to be mailed to each state committeeman at least ten days prior to the date of such meeting.

§16-827. Executive committee of state committee

The executive committee of the state committee shall consist of the elected officers of the state committee, the national committeeman and committeewoman, the county chairman and first and second county vice-chairmen from each county, and three members at large from each congressional district. State committee bylaws may provide for additional voting or ex officio members of the executive committee of the state committee. The chairman of the state committee shall be ex officio chairman of the executive committee.

§16-828. Proxies

A. A political party may choose, through its bylaws, to allow the use of proxies at its meetings, in which event the following shall be minimum regulations:

1. No proxy shall be given by a member of the state committee for use at a meeting of the committee except to a qualified elector of the county where the member resides.
2. No proxy shall be given by a member of the county committee for use at a meeting of the committee except to a qualified elector of the precinct where the member resides.

B. The duration of any proxy so given shall extend only for the length of the meeting for which it is given.

C. Every proxy shall be attested by a notary public or two witnesses.

CHAPTER 6

CAMPAIGN CONTRIBUTIONS AND EXPENSES

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CAMPAIGN CONTRIBUTION LIMITS

Effective February 10, 1993

	<u>LOCAL OFFICES</u> Candidate or Authorized Candidate's Committee	<u>STATEWIDE OFFICES</u> Candidate or Authorized Candidate's Committee
Individual's Contribution to a Candidate A.R.S. §16-905(A)(1) A.R.S. §16-905(B)(1)	\$250	\$640
Committee's Contribution to a Candidate A.R.S. §16-905(A)(1) A.R.S. §16-905(B)(1)	\$250	\$640
Committees Certified by the Secretary of State to give at the upper limit A.R.S. §16-905(G) A.R.S. §16-905(A)(2) A.R.S. §16-905(B)(2)	\$1,270	\$3,200
Combined total from all Campaign Committees A.R.S. §16-905(C)	\$6,390	\$63,880
Candidate's Personal Contribution or Obligation Limit* A.R.S. §16-905(E)	\$12,770	\$127,750

Contribution amounts listed became effective February 10, 1993. They are adjusted biennially by the office of the Secretary of State pursuant to A.R.S. §16-905(H).

The total contributed by an individual to candidates and committees who give to candidates is limited to \$2,560 in a calendar year.

*If a candidate exceeds these limits, he shall, within 24 hours, give written notice of the fact to the Secretary of State and all other candidates for the same office. Limits are then lifted from those local candidates until they raise the \$12,770 figure and for statewide candidates until they raise \$127,750.

CHAPTER 6

CAMPAIGN CONTRIBUTIONS AND EXPENSES

ARTICLE 1. GENERAL PROVISIONS

§16-901. Definitions (L91, Ch. 241, Sec. 2.)

In this chapter, unless the context otherwise requires:

1. "Campaign committee" includes the state central committee or state committee of any political party, any county, city, town or precinct committee of any political party or of a candidate, and any association or combination of persons 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, notwithstanding that the association or combination of persons may be part of a larger association or combination of persons 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.

2. "Candidate's campaign committee" means a campaign committee under the control of a candidate or designated or authorized by a candidate to receive contributions or make expenditures on behalf of the candidate.

3. "Closing reporting date" means the last day that must be included on a statement of contributions and expenditures filed pursuant to this article. The closing reporting date for such statements filed before a primary, general or special election is twenty days before the election. The closing reporting date for such statements filed after a primary election is ten days after the primary election and twenty days after a general or special election.

4. "Constituent communication contribution" means 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. Constituent communication contribution does not include 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.

5. "Expenditures" does not include an expenditure for personal or travel expenses not paid for from campaign funds.

6. "Itemized" means that a class of like expenditures or contributions is stated under one item and that separate classes of expenditures or contributions are stated separately.

7. "Opening reporting date" means:

(a) For statements of contributions and expenditures relating to candidates, including a judge who seeks to be retained in office, the date on which the first previously unreported contribution or expenditure is received or made relating to the election or the first day following the closing reporting date of

the last statement of contributions and expenditures filed pursuant to this article.

(b) For statements of contributions and expenditures relating to initiatives and referendums or any other measure or proposition appearing on a ballot, the date on which the first contribution or expenditure is received or made either after the secretary of state, the clerk of the board of supervisors or the city or town clerk, as appropriate, assigns a number to the initiative or referendum petition or ballot measure or proposition as provided in sections 19-111, 19-141 and 19-144 or after the legislature refers a measure or proposed amendment of the constitution or a city or town council refers a charter amendment or the first day following the closing reporting date of the last statement of contributions and expenditures filed pursuant to this article.

8. "Political activity" includes the printing and circulation of nomination petitions of candidates and of initiative or referendum petitions.

9. "Promise" includes any promise, present or future, whether or not evidenced in writing.

§16-902. Committees; selection of officers and registration as prerequisite to receipts and expenditures by committees; duties of committee treasurer; violation; classification

A. Each campaign committee shall have a chairman and treasurer. A candidate may be chairman of a campaign committee.

B. An officer or member of the committee or other person acting under its authority or in its behalf shall not receive money or its equivalent or things of value, or expend or promise to expend money on behalf of the committee, until after a chairman and treasurer of the committee have been chosen and the committee files an initial registration form with the secretary of state if for a state measure or office including the legislature, with the clerk of the board of supervisors if for a county measure or office, or with the city or town clerk if for a city or town measure or office.

C. The treasurer or his designated representative shall keep a detailed and exact account of all money or its equivalent or things of value received by or promised to the committee or any member of the committee, or received by or promised to any person acting under its authority or in its behalf, and the name of every person from whom received, and of all expenditures, disbursements and promises of payment or disbursement made by the committee, or any member of the committee, or by any person acting under its authority or in its behalf, and to whom paid, distributed or disbursed.

D. A person who violates a provision of this section is guilty of a class 1 misdemeanor.

§16-903. Preservation of receipts of payments and disbursements

(L91, Ch. 241, Sec. 3.)

A. Every payment or disbursement by a candidate or campaign committee exceeding ten dollars which relates to the election except for personal or travel expenses not paid for from campaign funds shall be evidenced by a receipted bill stating the particulars of expense, and every such record, voucher, receipt or account shall be preserved by the committee for fifteen months after the election to which it relates.

B. A constituent communication contribution shall be deemed and reported as a contribution made for the purpose of influencing an election of a candidate, regardless of whether or not the elected official has declared his candidacy for an elective office.

C. Upon request of the attorney general or the secretary of state, a candidate or a campaign committee shall provide an itemized list of the disbursements and the records, vouchers, receipts or accounts to support an expenditure shown in its statements required to be filed under sections 16-907, 16-909, 16-913, 16-914 and 16-915.01.

§16-904. Report to committee treasurer of monies received; record of treasurer

A. A person acting under the authority or in behalf of a campaign committee who receives any contribution, payment, loan, gift, advance, deposit or promise of money or its equivalent or things of value shall within five days after receipt of the contribution, payment, loan, gift, advance, deposit or promise, render to the treasurer or his designated representative of the campaign committee a detailed account thereof, together with the name and address of the person from whom received, which the treasurer or his designated representative shall forthwith enter in a record kept by him for that purpose.

B. On request of the attorney general or the secretary of state, a candidate or a campaign committee shall provide all records or accounts to support any contribution shown in its statements required to be filed under sections 16-907, 16-909, 16-913, 16-914 and 16-915.01.

§16-905. Contribution limitations; violations; classification; complaint; definitions

A. For an office other than a statewide office, a contributor shall not give and a candidate shall not accept contributions of more than:

1. Two hundred dollars from an individual.
2. One thousand dollars from a single campaign committee.

B. For a statewide office, a contributor shall not give and a candidate shall not accept contributions of more than:

1. Five hundred dollars from an individual.
2. Two thousand five hundred dollars from a single campaign committee.

C. A candidate shall not accept contributions from all campaign committees combined totaling more than five thousand dollars for an office other than a statewide office, or fifty thousand dollars for a statewide office.

D. An individual shall not make contributions totaling more than two thousand dollars in a calendar year to state and local candidates, campaign committees contributing to state or local candidates, and campaign committees advocating the election or defeat of state or local candidates. Contributions to political parties are exempt from the limitations of this subsection.

E. If a candidate contributes or obligates more than ten thousand dollars of his own money to a campaign for an office other than a statewide office, or one hundred thousand dollars for a statewide office, the candidate shall, within twenty-four hours, give written notice of the fact to the secretary of state and all other candidates for the same office. From that time until they exceed these amounts, other candidates for the same office are not subject to the limitations of subsections A, B and C.

F. A candidate or campaign committee under the control of a candidate shall not contribute or transfer funds to another candidate or another campaign committee under the control of a candidate.

G. Only campaign committees that received funds from five hundred or more individuals in amounts of ten dollars or more in the one year period preceding the last closing reporting date may make contributions to candidates under subsection A, paragraph 2 and subsection B, paragraph 2. The secretary of state shall obtain information necessary to make the determination that a committee meets the requirements of this subsection and shall provide written certification of the fact to the committee. A candidate shall not accept a contribution pursuant to this subsection unless accompanied by a copy of the certification. All campaign committees that do not meet the requirements of this subsection are subject to the individual campaign contribution limits of subsection A, paragraph 1 and subsection B, paragraph 1.

H. The secretary of state shall, biennially, adjust to the nearest ten dollars the amounts in subsection A through E by the percentage change in the metropolitan Phoenix consumer price index, as defined in section 43-251, and publish the new amounts for distribution to election officials, candidates and campaign committees.

I. The following specific limitations and procedures apply:

1. The limits of subsections A through E apply cumulatively to the entire primary and general election campaign for any office or offices which the candidate seeks, from the opening reporting date to the closing reporting date of the campaign, as defined in section 16-901. A candidate who has received prior contributions from an individual or a campaign committee during a campaign shall show in each report the cumulative total received from that source.

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

3. A contribution by a minor child shall be treated as a contribution by his parents for determining compliance with subsection A, paragraph 1, subsection B, paragraph 1 and subsection D.

4. A contribution to two or more candidates shall be apportioned equally between or among the candidates for determining compliance with subsections A, B and C.

5. A candidate shall sign and file with his nominating petition a statement that he has read and understands all applicable laws relating to campaign financing and reporting.

6. An individual or campaign committee shall not make a contribution to a candidate through another individual or campaign committee, use economic influence to induce members of an organization to make contributions to a candidate, collect contributions from members of an organization for transmittal to a candidate, make payments to candidates for public appearances or services which are ordinarily uncompensated or use any similar device to circumvent the intent of this section.

J. A knowing violation of any provision of this section is a class 1 misdemeanor. An unknowing violation carries a civil penalty of up to three times the amount of the illegal contribution.

K. On conviction of a knowing violation of any provision of this section, the court shall pronounce judgment that the candidate be immediately removed from office.

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

M. If the attorney general or county attorney fails to institute an action within forty-five working days after receiving a complaint under subsection L, then the individual filing the complaint may bring a civil action in his own name and at his own expense, with the same effect as if brought by the attorney general or county attorney. The individual shall execute a bond payable to the defendant if the individual fails

to prosecute the action successfully. The court shall award to the prevailing party costs and reasonable attorney fees.

N. A county, city or town may adopt campaign contribution provisions that are stricter than those provided for in this section.

O. In this section:

1. "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. Candidate includes a personal campaign committee designated or authorized by the individual to receive contributions or make expenditures on his behalf.

2. "Contribution" means money or the fair market value of anything directly or indirectly given or loaned for the purpose of influencing an election of a candidate in this state except:

(a) Uncompensated personal services performed by volunteer campaign workers.

(b) Personal travel expenses incurred by an individual without direct or indirect reimbursement.

(c) Food and beverages donated by an individual and not exceeding one hundred dollars in value during a calendar year.

Contribution includes any expenditure made by an individual or campaign committee with the cooperation or consultation of a candidate, or in concert with or at the request or suggestion of a candidate.

3. "Political party" means a nationally recognized organization which nominates a candidate whose name appears on a ballot as a candidate of the organization.

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

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

§16-906. Campaign literature and advertisement sponsors; identification
(L91, Ch. 241, Sec. 4.)

A. All campaign literature or advertisements that are distributed for the purpose of influencing the result of any election involving any candidate or any solicitation of contributions to any campaign committee shall include the following disclosure:

1. If authorized or paid for by a candidate, a candidate's campaign committee or an agent of either, the literature or advertisement shall clearly state that it was paid for by the candidate or the candidate's campaign committee.

2. If not authorized or paid for by a candidate, a candidate's campaign committee or any agent of either, the literature or advertisement shall clearly state:

(a) The name of the campaign committee that paid for the literature or advertisement, the name of the chairman or treasurer of the campaign committee and an address and telephone number where that individual can be contacted.

(b) The literature or advertisement is not authorized by any candidate or candidate's campaign committee.

B. The provisions of subsection A of this section do not apply to bumper stickers, pins, buttons, pens and similar small items on which the statements required in subsection A of this section cannot be conveniently printed or to signs paid for by a candidate with campaign funds or by a candidate's campaign committee.

§16-907. Statements of contributions and expenditures by candidates at primary elections; time of filing; exemption

A. Each candidate in a primary election for nomination for a public office other than precinct committeeman shall file, not more than fifteen nor less than ten days prior to and not more than twenty days after the primary election, an itemized and detailed statement of contributions and expenditures as provided in section 16-915 received by him or by anyone for him with his knowledge or consent or made by him or by anyone for him with his knowledge and consent other than a campaign committee registered pursuant to section 16-902 in support or furtherance of his candidacy.

B. The opening reporting date and the closing reporting date for each statement required by this section are as determined pursuant to section 16-901.

C. The candidate shall sign and swear to all statements required by this section.

D. A candidate is exempt from filing any statement required by this section if the candidate files a statement signed and sworn to by the candidate certifying that he received no contributions and made no expenditures except through his campaign committee during the period covered by the statement of contributions and expenditures for which he is filing the statement certifying his exemption. The candidate shall further certify that his campaign committee is properly registered pursuant to section 16-902, subsection B and that the required campaign committee statement of contributions and expenditures for that period has been, or will be, filed by the required deadline.

§16-908. Free broadcast time; statement of contributions and expenditures by campaign committee

Each campaign committee which engages in activity in support of or opposition to an initiative or referendum and

receives free radio or television broadcast time under the fairness doctrine as prescribed in 47 United States Code section 315 shall show the broadcast time as a contribution of a thing of value and the fair market value of the broadcast time in the itemized and detailed statement of contributions and expenditures it files as provided in sections 16-909, 16-914 and 16-915.01. The reporting requirements prescribed by this section do not apply to bona fide news, interview programming or spot news coverage of issues of public importance.

§16-909. Statements of contributions and expenditures by campaign committee at primary elections; time of filing

A. Each campaign committee which engages in political activity in behalf of or against a candidate, including a judge who seeks to be retained in office in the next general election, or in support of or opposition to an initiative or referendum or any other measure or proposition appearing on a ballot to be voted on at the primary or next general election and collects or expends any money or valuable thing in connection therewith shall file, not more than fifteen nor less than ten days prior to and not more than twenty days after the primary election, an itemized and detailed statement of contributions and expenditures as provided in section 16-915.

B. The opening reporting date and the closing reporting date for each statement required by this section are as determined pursuant to section 16-901.

C. All statements required by this section shall be signed and sworn to by the chairman and treasurer of each campaign committee.

§16-912. False reports; classification; penalties

A person who makes any statement required by this article and therein knowingly misrepresents or misstates or knowingly fails to fully disclose the facts as to any contribution, loan or promise received or any expenditure made and required to be reported in this article is guilty of a class 6 felony. If the person is a candidate his name shall not appear upon the primary, general or special election ballot. If the primary ballot is printed before conviction, such person's name shall not appear upon the ballot at the ensuing general election, and if the general or special election ballot is printed before conviction, he shall be denied the right to hold office, if elected. If elected to an office in the general or special election, he shall not hold the office.

§16-913. Statement of contributions and expenditures by candidate at general or special election; time of filing; exemption

A. Each candidate for election at any general or special election to a state, county, city, town, school district or community college district office shall, not more than fifteen

nor less than ten days prior to and not more than thirty days after the general or special election, file an itemized and detailed statement of contributions and expenditures as provided in section 16-915, received by him, or by any one for him with his knowledge or consent or made by him or by anyone for him with his knowledge and consent other than a campaign committee registered pursuant to section 16-902, in support or furtherance of his candidacy.

B. The opening reporting date and the closing reporting date for each statement required by this section are as determined pursuant to section 16-901.

C. The candidate shall sign and swear to all statements required by this section.

D. A candidate is exempt from filing any statement required by this section if the candidate files a statement signed and sworn to by the candidate certifying that he received no contributions and made no expenditures except through his campaign committee during the period covered by the statement of contributions and expenditures for which he is filing the statement certifying his exemption. The candidate shall further certify that his campaign committee is properly registered pursuant to section 16-902, subsection B and that the required campaign committee statement of contributions and expenditures for that period has been, or will be, filed by the required deadline.

§16-914. Statement of contributions and expenditures by campaign committee at general or special elections; time of filing

A. Each campaign committee which engages in political activity in behalf of or against a candidate, including a judge who seeks to be retained in office, or in support of or opposition to an initiative or referendum or any other measure or proposition appearing on a ballot and collects or expends money or valuable things in connection therewith shall, not more than fifteen nor less than ten days prior to and not more than thirty days after any general or special election, file an itemized and detailed statement of contributions and expenditures as provided in section 16-915.

B. The opening reporting date and the closing reporting date for each statement required by this section are as determined pursuant to section 16-901.

C. All statements required by this section shall be signed and sworn to by the chairman and the treasurer of each campaign committee.

§16-914.01. Reporting of contributions by committees acting on ballot measures
(L91, ISS, Ch. 1, Sec. 4.)

A. In addition to the requirements relating to election contributions prescribed in section 16-914, 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 of any contribution or group of contributions to the committee from a single source less than twenty days before the day of the election if it exceeds:

1. Twenty-five thousand dollars for a statewide ballot measure, question or proposition.

2. Two thousand five hundred dollars for nonstatewide legislation in a political subdivision with a population of one hundred thousand or more persons.

3. Five hundred dollars for nonstatewide legislation in a political subdivision with a population of less than one hundred thousand persons.

B. This notice shall be filed within twenty-four hours, excluding Saturdays and Sundays and other legal holidays, after the contribution is received and shall include the identification of the contributor, the date of receipt and the amount of the contribution. Contributions subject to the notification requirements of this section shall be included in the next report filed pursuant to section 16-914.

§16-915. Contents of statements of contributions and expenditures
(L91, Ch. 241, Sec. 5.)

A. The statements of contributions and expenditures required by sections 16-907, 16-909, 16-913, 16-914 and 16-915.01 shall show:

1. The name, address, occupation and employer of each person who has contributed, promised, loaned or advanced to the candidate or campaign committee or any officer, member or agent thereof, either in one or more items, money or things which have a monetary value of more than twenty-five dollars together with an itemized list of these contributions, promises, loans or advances.

2. The name, address and secretary of state identification number of each campaign committee that has contributed, promised, loaned or advanced to the candidate or campaign committee or any officer, member or agent thereof, either in one or more items, money or things which have a monetary value of more than twenty-five dollars together with an itemized list of these contributions, promises, loans or advances.

3. The aggregate sum contributed, promised, loaned or advanced to the candidate or campaign committee or to any officer, member or agent thereof, in amounts of twenty-five dollars or less.

4. The total sum of all contributions, promises, loans and advances received by the candidate or campaign committee or any officer, member or agent thereof.

5. A standard type of financial statement with distributions, disbursements, contributions, promises, loans and advances of any form of money or its equivalent, or thing of value, grouped and summarized by category, in accordance with generally accepted accounting principles and standards.

6. An itemized account of all monies and things of value disbursed, distributed, expended, used or contributed, promised, loaned or advanced by the candidate or campaign committee, together with the name and address of each person, corporation or business to whom such disbursements, distributions, expenditures, contributions, promises, loans or advances were made, the date, nature and specific purpose of each expenditure, including whether the expenditure was independent, and the election for which the expenditure was made identified by the name of each candidate whose election or defeat was advocated by the expenditure, the office sought and the year of the election.

7. The total sum disbursed, distributed, expended, used or contributed, promised, loaned or advanced by the candidate or campaign committee, or any officer, member or agent thereof.

8. Any surplus or deficit remaining from a previous campaign reflected in the beginning balance of a statement of contributions and expenditures.

B. The statements of contributions and expenditures and certificates of exemption shall be made on forms prepared and printed by the secretary of state, who shall forward a sufficient supply to the clerk of the board of supervisors or city or town clerk of each county, city or town in which an election is to be held.

C. All statements of contributions and expenditures and certificates of exemption shall be on forms prescribed by the secretary of state as provided in this article and subject to the approval of the attorney general.

§16-915.01. Annual statement of contributions and expenditures; disposal of surplus funds; statement of disposition of surplus; forms
(L91, Ch. 241, Sec. 6.)

A. A candidate or campaign committee which receives or makes any campaign contributions or expenditures subsequent to the closing date for the post-election statements provided for under sections 16-907, 16-909, 16-913 and 16-914, which would otherwise be reported pursuant to such sections, shall file a statement of contributions and expenditures on or before April 1 of each year until a disposition of all contributions and expenditures is made pursuant to subsection B of this section or no contributions or expenditures are made or received which have not been previously reported. The closing reporting date of the statement of collections and expenditures due on or before April 1 is December 31 of the year preceding the April 1 deadline.

B. A candidate or campaign committee shall dispose of surplus funds as follows:

1. Retain surplus funds for use in a subsequent political campaign.

2. Return surplus funds to the contributor to the extent records are available permitting such return and donate any remaining funds to the county or state committee of the political party of which the candidate is a member.

3. Donate the surplus funds to a charitable organization or to the county or state committee of the political party of which the candidate is a member.

4. In the case of a campaign committee, donate such surplus funds to a charitable organization or to a political candidate as a contribution for use in a political campaign or for the repayment of loans for political campaign expenses. From and after December 31, 1992, in the case of a candidate or candidate's committee, donate such surplus funds to a campaign committee other than a candidate's committee.

5. Dispose of the surplus funds in any other lawful manner. From and after December 31, 1992, surplus funds shall not be used for or converted to the personal use of a candidate or any person related to the candidate by blood or marriage. Nothing in this paragraph precludes the repayment of a loan made by a candidate to his campaign.

C. A statement that a candidate or a candidate's committee has determined to dispose of surplus funds pursuant to subsection B of this section may be appended to the post-election statement of contributions and expenditures or any subsequent follow-up statement. The statement shall include an exact account of all expenditures and to whom paid, distributed or expended. No other statement need thereafter be filed unless additional contributions or expenditures are received or made.

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

A. The statements in this article required to be filed shall be filed in the office of the secretary of state for 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, with the clerk of the board of supervisors for candidates for county offices and community college district governing board members, for judges of the superior court seeking retention and for a county initiative or referendum or any measure or proposition appearing on a county election ballot, with the city or town clerk for 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, and with the county school superintendent for candidates for school district governing board members.

B. The statements required to be filed under sections 16-907, 16-909, 16-913, 16-914 and 16-915.01 shall be filed and preserved by the officer with whom filed and twenty-four hours after filing are subject to inspection and publication.

§16-917. Filing financial statements by continuing political organizations

A. All continuing political organizations which expend money for political purposes shall submit to the secretary of state by April 1 of each calendar year an itemized financial statement prepared by a public or certified public accountant or by the treasurer of the political organization. When prepared by the treasurer, the statement shall bear the seal of a notary public.

B. The closing reporting date of the financial statement submitted as provided in subsection A shall be December 31 of the year preceding the April 1 deadline.

§16-918. Failure to make and file or failure to sign and swear to statement of contributions and expenditures; prohibition on campaigning; classification; penalties

A. A person who knowingly refuses or fails to make and file any statement of contributions and expenditures required by this article within the time specified is guilty of a class 1 misdemeanor, and if such person is a candidate, any such candidate's name shall not appear upon the ballot. If the ballot is printed before conviction, he shall be denied the right to hold office, if elected.

B. A campaign committee which fails or refuses to file any statement of contributions and expenditures required by this article within the time specified, or any officer or member of the committee or any other person acting under the authority of the committee or in its behalf, shall not engage in political activity or receive money or its equivalent or things of value or expend or promise to expend money or its equivalent or things of value on behalf of the committee until the statement is filed.

C. A person who knowingly fails or refuses to sign and swear to any statement filed pursuant to this article is guilty of a class 1 misdemeanor.

D. A candidate who within the preceding five years knowingly refused or failed to make and file any statement of contributions and expenditures required by this article shall not offer himself for nomination or election to any salaried local or state office. For the purpose of this subsection, a failure by a candidate to file any statement of contributions and expenditures required by this article within thirty days of receiving a second written notification by the officer with whom the statement is to be filed of his failure to file the statement is deemed a knowing failure to file.

§16-919. Prohibition of contributions by corporations or labor organizations; classification; definitions

A. It is unlawful for a corporation organized or doing business in the state to make any contribution of money or anything of value for the purpose of influencing an election.

B. It is unlawful for a labor organization organized or doing business in the state to make any contribution of money or anything of value for the purpose of influencing an election.

C. A corporation or labor organization which violates this section is guilty of a class 2 misdemeanor.

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

E. For the purposes of this section, "labor organization" means any organization of any kind or any agency or employee representation committee or plan in which

employees participate and which exists for the purpose in whole or in part of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment or conditions of work.

F. For the purposes of this section, "employer" includes any person acting as an agent of an employer, directly or indirectly.

G. For the purposes of this section, "employee" shall include any employee, shall not be limited to the employees of a particular employer, and shall include any individual whose work has ceased as a consequence of, or in connection with, any current labor dispute or because of any unfair labor practices.

H. For purposes of this section, "election" means any election to any political office, any election to any political convention or caucus, or any primary election held for the purpose of selecting any candidate, political committee or other person for any political office, convention or caucus.

§16-920. Permitted expenditures by corporations and labor organizations

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

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

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

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

4. Contributions for use to support or oppose an initiative or referendum measure or amendment to the constitution.

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

§16-921. Unlawful contributions by corporations and labor organizations from a fund; procedures

A. It is unlawful under any fund established by a corporation or labor organization pursuant to section 16-920, subsection A, paragraph 3:

1. For such a fund to make a contribution or expenditure by utilizing money or anything of value secured by physical force, job discrimination, financial reprisals or the threat of force, job discrimination or financial reprisal or by dues, fees or other monies required as a condition of membership in a labor organization or as a condition of employment or by monies obtained in any commercial transaction.

2. For any person soliciting an employee for a contribution to such a fund to fail to inform such employee of the political purposes of such fund at the time of such solicitation.

3. For any person soliciting an employee for a contribution to such a fund to fail to inform such employee, at the time of such solicitation, of his right to refuse to so contribute without any reprisal.

B. Except as provided in subsections C and D of this section it is unlawful for a corporation, or a separate segregated fund established by a corporation, to solicit contributions to such a fund from any person other than its stockholders and their families and its executive or administrative personnel and their families and for a labor organization, or a separate segregated fund established by a labor organization, to solicit contributions to such a fund from any person other than its members and their families.

C. A corporation or a separate segregated fund established by such corporation may make no more than two written solicitations for contributions during the calendar year from any employee who is not a stockholder or executive or administrative personnel of such corporation or the families of such persons. A solicitation under this subsection may be made only by mail addressed to employees who are not stockholders or executive or administrative personnel at their residence and shall be so designed that the corporation or separate segregated fund conducting such solicitation cannot determine who makes a contribution of twenty-five dollars or less as a result of such solicitation and who does not make such a contribution.

D. A labor organization or a separate segregated fund established by such labor organization may make no more than two written solicitations for contributions during the calendar year from any stockholder, executive or administrative personnel or employee of a corporation who is not a union member, or the families of such persons, if such labor organization represents members working for such corporation. A solicitation under this subsection may be made only by mail addressed to such stockholders, executive or administrative personnel or employees who are not union members at their residences and shall be so designed that the labor organization or separate segregated fund conducting such solicitation cannot determine who makes a contribution of twenty-five dollars or less as a result of such solicitation and who does not make such a contribution.

E. This section shall not prevent a membership organization, cooperative or corporation without capital stock,

or a separate segregated fund established by a membership organization, cooperative or corporation without capital stock, from soliciting contributions to such a fund from members of such organization, cooperative or corporation without capital stock.

F. This section shall not prevent a trade association, or a separate segregated fund established by a trade association, from soliciting contributions from the stockholders and executive or administrative personnel of the member corporations of such trade association and the families of such stockholders or personnel.

G. Notwithstanding any provision of law to the contrary, any method of soliciting voluntary contributions or of facilitating the making of voluntary contributions to a separate segregated fund established by a corporation, permitted by law to corporations with regard to stockholders and executive or administrative personnel, shall also be permitted to labor organizations with regard to their members.

H. Any corporation, including its subsidiaries, branches, divisions and affiliates, that utilizes a method of soliciting voluntary contributions or facilitating the making of voluntary contributions shall make available such method, on written request and at a cost sufficient only to reimburse the corporation for the expenses incurred thereby, to a labor organization representing any members working for such corporation, its subsidiaries, branches, divisions and affiliates.

I. For purposes of this section, the term "executive or administrative personnel" means individuals employed by a corporation who are paid on a salary, rather than hourly, basis and who have policymaking, managerial, professional or supervisory responsibilities.

§16-923. Volunteering services for expected compensation; classification

A person who voluntarily and unsolicitedly offers to work for and assist or in any manner voluntarily contributes to the nomination or election of a candidate or other person to any office in the state with the intent of having such candidate or person pay or in any manner compensate the person so offering such work or services is guilty of a class 2 misdemeanor unless another classification is specifically prescribed in this title.

§16-924. Violations; classification

Any violation of this article is a class 2 misdemeanor unless another classification is specifically prescribed in this article.

CHAPTER 7

PENAL PROVISIONS

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CHAPTER 7

PENAL PROVISIONS

ARTICLE 1. GENERAL PROVISIONS

§16-1001. Applicability of penal provisions

The provisions of this title defining crimes involving elections and crimes against the elective franchise, and prescribing penalties therefor, apply to any general, primary or special election or to any election called by a board of supervisors for any purpose for which the board is authorized by law to call an election.

§16-1002. Counterfeiting or distributing unlawful ballots; classification

A person who counterfeits a ballot, or who circulates or gives to another a counterfeit ballot, knowing at the time that the ballot has not been issued pursuant to the election laws of the state, is guilty of a class 5 felony.

§16-1003. False endorsement, knowing destruction or delay in delivery of ballot; classification

A person who knowingly forges or falsely makes the official endorsement of a ballot, knowingly destroys or defaces a ballot, or knowingly delays the delivery of a ballot, is guilty of a class 3 misdemeanor.

§16-1004. Interference with or corruption of election officer; classification

A person who at any election knowingly interferes in any manner with an officer of such election in the discharge of his duty, or who induces an officer of an election or officer whose duty it is to ascertain, announce or declare the result of such election, to violate or refuse to comply with his duty or any law regulating the election, is guilty of a class 5 felony.

§16-1005. Absentee ballot abuse; classification

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

§16-1006. Changing vote of elector by corrupt means or inducement; classification

A. It is unlawful for a person knowingly by force, threats, menaces, bribery or any corrupt means, either directly or indirectly:

1. To attempt to influence an elector in casting his vote or to deter him from casting his vote.
2. To attempt to awe, restrain, hinder or disturb an elector in the free exercise of the right of suffrage.

3. To defraud an elector by deceiving and causing him to vote for a different person for an office or for a different measure than he intended or desired to vote for.

B. A person who violates any provision of this section is guilty of a class 5 felony.

§16-1007. Election officer ascertaining or disclosing elector's vote; classification

An officer of an election, unless lawfully assisting a voter, is guilty of a class 2 misdemeanor, who knowingly:

1. Previous to the closing of the polls, attempts to find out for whom the elector has voted.
2. Opens or permits the folded ballot of an elector which has been delivered to the election official to be opened or examined previous to depositing it in the ballot box.
3. Makes or places a mark or device on a folded ballot with the intent to ascertain for whom any elector has voted.
4. Without consent of the elector, discloses the name of any person whom the election official has fraudulently or illegally discovered to have been voted for by the elector.

§16-1008. Election officer changing vote of elector by menace or reward; classification

An officer of an election who, while acting as such, knowingly induces an elector, either by menace, reward or promise thereof, to vote differently than the elector intended or desired to vote, is guilty of a class 2 misdemeanor.

§16-1009. Failure or refusal to perform duty by election officer; classification

A public officer upon whom a duty is imposed by this title, who knowingly fails or refuses to perform that duty in the manner prescribed by law, is guilty of a class 3 misdemeanor.

§16-1010. Refusal by election officer to perform duty; violation of election law; classification

A person charged with performance of any duty under any law relating to elections who knowingly refuses to perform such duty, or who, in his official capacity, knowingly acts in violation of any provision of such law, is guilty of a class 6 felony unless a different punishment for such act or omission is prescribed by law.

§16-1011. Counterfeiting election returns; classification

A person who knowingly forges or counterfeits returns of an election purporting to have been held at a precinct or place where no election was in fact held, or who knowingly substitutes, forges or counterfeits returns of election instead of the true returns for a precinct or place where an election was actually held, is guilty of a class 4 felony.

§16-1012. Intimidation of elector by employer; classification

A. It is unlawful for an employer knowingly:

1. In paying employees the salary or wages due them, to enclose their pay in envelopes upon which there is written or printed any political mottoes, devices or arguments, containing threats, express or implied, intended or calculated to influence the political opinions, views or actions of the employees.

2. Within ninety days of an election provided by law, to put up or otherwise exhibit in any place where his employees are working or are present in the course of employment a handbill, notice or placard containing a threat, notice or information that if any particular ticket or candidate is elected or defeated work in his place or establishment will cease in whole or in part, or his establishment will be closed, or the wages of his workmen will be reduced, or other threats, express or implied, intended or calculated to influence the political opinions or actions of his employees.

B. An employer, whether acting in his individual capacity or as an officer or agent of a corporation, who violates a provision of this section is guilty of a class 1 misdemeanor.

§16-1013. Coercion or intimidation of elector; classification

A. It is unlawful for a person knowingly:

1. Directly or indirectly, to make use of force, violence or restraint, or to inflict or threaten infliction, by himself or through any other person, of any injury, damage, harm or loss, or in any manner to practice intimidation upon or against any person, in order to induce or compel such person to vote or refrain from voting for a particular person or measure at any election provided by law, or on account of such person having voted or refrained from voting at an election.

2. By abduction, duress or any forcible or fraudulent device or contrivance whatever, to impede, prevent or otherwise interfere with the free exercise of the elective franchise of any voter, or to compel, induce or to prevail upon a voter either to cast or refrain from casting his vote at an election, or to cast or refrain from casting his vote for any particular person or measure at an election.

B. A person, whether acting in his individual capacity or as an officer or agent of a corporation, who violates a provision of this section is guilty of a class 1 misdemeanor.

§16-1014. Corruption of electors; classification

A. It is unlawful for a person, directly or indirectly, by himself or through any other person knowingly:

1. To treat, give, pay, loan, contribute, offer or promise money or other valuable consideration, or to give, offer or promise an office, place or employment, or to promise or to procure or endeavor to procure an office, place or employment, to or for a voter, or to or for any other person,

to induce the voter to vote or refrain from voting at an election for any particular person or measure, or to induce the voter to go to the polls, or remain away from the polls at an election, or on account of the voter having voted or refrained from voting for any particular person or measure, or having gone to the polls or remained away from the polls at an election.

2. To advance or pay or cause to be paid, money or other valuable consideration to or for the use of any other person with the intent that it, or any part thereof, be used for bribery at any election provided by law, or to knowingly pay or cause to be paid money or other valuable thing to any person in discharge or repayment of money, wholly or in part expended for bribery at any election.

3. To receive, agree or contract for, before, during or after an election provided by law, money, gifts, loans or other valuable consideration, office, place or employment for himself or other person, for voting or agreeing to vote, or for going or agreeing to go to the polls, or for refraining or agreeing to refrain from voting for a particular person or measure, or for inducing any person to vote or refrain from voting, or to vote or refrain from voting for a particular person or measure at an election.

B. A person violating any provision of this section is guilty of a class 2 misdemeanor.

§16-1015. Election wagers; classification

A person who, before or during an election provided by law, knowingly makes, offers or accepts a bet or wager, or takes a share or interest in, or in any manner becomes a party to the bet or wager, or provides or agrees to provide money to be used by another in making the bet or wager, upon any contingency whatever arising out of such election, is guilty of a class 2 misdemeanor.

§16-1016. Illegal voting; pollution of ballot box; removal or destruction of ballot box, poll lists or ballots; classification

A person is guilty of a class 5 felony who:

1. Not being entitled to vote, knowingly votes.
2. Knowingly votes more than once at any election.
3. Knowingly gives to an election official two or more ballots folded together.

4. Knowingly changes or destroys a ballot after it has been deposited in the ballot box.

5. Knowingly adds a ballot to those legally cast at any election, by fraudulently introducing the ballot into the ballot box either before or after the ballots therein have been counted.

6. Knowingly adds to or mixes with ballots lawfully cast, other ballots, while they are being canvassed or counted, with intent to affect the result of the election, or to exhibit the ballots as evidence on the trial of an election contest.

7. Knowingly and unlawfully carries away, conceals or removes a poll list, ballot or ballot box from the polling place, or from possession of the person authorized by law to have custody thereof.

8. Knowingly destroys a polling list, ballot or ballot box with the intent to interrupt or invalidate the election.

9. Knowingly detains, alters, mutilates or destroys ballots or election returns.

§16-1017. Unlawful acts by voters with respect to voting; classification

A voter who knowingly commits any of the following acts is guilty of a class 2 misdemeanor:

1. Makes a false statement as to his inability to mark his ballot.

2. Interferes with a voter within the fifty-foot limit of the polling place as posted by the marshal of election.

3. Endeavors while within the fifty-foot limit to induce a voter to vote for or against a particular candidate or issue.

4. Prior to the close of an election defaces or destroys a sample ballot posted by election officers, or defaces, tears down, removes or destroys a card of instructions posted for the instruction of voters.

5. Removes or destroys supplies or conveniences furnished to enable a voter to prepare his ballot.

6. Hinders the voting of others.

7. Votes in a precinct in which he no longer resides, except as provided in section 16-125.

§16-1018. Additional unlawful acts by persons with respect to voting; classification

A person who commits any of the following acts is guilty of a class 2 misdemeanor:

1. Knowingly electioneers on election day within a polling place or in a public manner within one hundred fifty feet of the main outside entrance of a polling place.

2. Intentionally disables or removes from the polling place or custody of an election official, a voting machine or a voting record.

3. Knowingly removes an official ballot from a polling place before closing the polls.

4. Shows his ballot or the machine on which he has voted to any person after it is prepared for voting in such a manner as to reveal the contents, except to an authorized person lawfully assisting the voter.

5. Knowingly solicits a voter to show his ballot, or receives from a voter a ballot prepared for voting, unless he is an election official.

6. Knowingly receives an official ballot from a person other than one of the judges having charge of the ballots, unless a judge of election.

7. Knowingly delivers an official ballot to a voter, unless a judge of election.

8. Knowingly places a mark upon his ballot by which it can be identified as the one voted by him.

9. After having received a ballot as a voter, knowingly fails to return the ballot to the inspector of election or judge of election acting as such inspector before leaving the polling place or going outside the voting area.

§16-1019. Political signs; tampering; classification

A. It is a class 2 misdemeanor for any person to knowingly remove, alter, deface or cover any political sign of any candidate for public office for the period commencing forty-five days prior to a primary election and ending seven days after the general election.

B. The provisions of this section shall not apply to the removal, alteration, defacing or covering of a political sign by the candidate or the authorized agent of the candidate in support of whose election the sign was placed, or by the owner or authorized agent of the owner of private property on which such signs are placed with or without permission of the owner, or placed in violation of state law, or county, city or town ordinance or regulation.

§16-1020. Signing of petitions; violation; classification

A person knowingly signing any name other than his own to a nomination petition or a petition for formation, alteration or dissolution of a special district, except in a circumstance where he signs for a person, in the presence of and at the specific request of such person who is incapable of signing his own name because of physical infirmity, or knowingly signing his name more than once to a nomination petition or a petition for formation, alteration or dissolution of a special district, or who is not at the time of signing a qualified elector entitled to vote at the election initiated by the petition, is guilty of a class 1 misdemeanor.

§16-1021. Enforcement by attorney general and county, city or town attorney

In any election for state office, members of the legislature, justices of the supreme court, judges of the court of appeals or statewide initiative or referendum the attorney general may enforce the provisions of this title through civil and criminal actions. In any election for county, city or town office, community college district governing board, judge or a county, city or town initiative or referendum, the appropriate county, city or town attorney may enforce the provisions of this title through civil and criminal actions. In any special district election, the county attorney of any county in which the district or a portion of the district is located or the attorney general may enforce the laws governing such election.

CHAPTER 8

**MEMBERSHIP AND APPORTIONMENT OF LEGISLATURE AND ESTABLISHMENT
OF CONGRESSIONAL DISTRICTS**

ARTICLE 1. IN GENERAL

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CHAPTER 8

**MEMBERSHIP AND APPORTIONMENT OF
LEGISLATURE AND ESTABLISHMENT
OF CONGRESSIONAL DISTRICTS**

ARTICLE 1. IN GENERAL

§16-1101. Membership of legislature

A. Commencing with the thirty-sixth legislature, the senate shall consist of thirty members and the house of representatives shall consist of sixty members.

B. One member of the senate and two members of the house of representatives shall be elected from each of the thirty legislative districts established in section 16-1102.

§16-1102. Legislative districts

16-1103. Congressional districts

NOTE: LEGISLATIVE AND CONGRESSIONAL DISTRICT BOUNDARIES ARE DESCRIBED BY ENUMERATION DISTRICTS, VOTING DISTRICTS, CENSUS TRACTS AND BLOCK NUMBERS. FOR FURTHER INFORMATION REGARDING LEGISLATIVE AND CONGRESSIONAL DISTRICTS CONTACT THE SECRETARY OF STATE'S OFFICE AT (602) 542-8683 OR WITHIN ARIZONA TOLL FREE 1-800-458-5842.

**1992 SECOND REGULAR SESSION
ARIZONA REVISED STATUTES TITLE 16 CHANGES**

TITLE 16 SECTION	EFFECT	CHAPTER NUMBER	SECTION
131	Amended	68	1
168	Amended	212	1
191	Amended	70	4
241	Added	255	1
242	Added	255	1
243	Added	255	1
301	Amended	306	1
302	Amended	306	2
311	Amended	306	3
331	Amended	255	2
341	Amended	306	4
344	Amended	306	5
411	Amended	92	1
464	Amended	306	6
465	Amended	306	7
501	Amended	306	8
580	Amended	24	1
646	Amended	212	2
804	Amended	255	3
1102	Amended	1, 5th SS	3
1102	Amended	240	1

A.R.S. TITLE 16 CHANGES

1990 & 1991 REGULAR & SPECIAL SESSIONS
AND 1992 SECOND REGULAR SESSION

A.R.S.	SECTION	EFFECT	YEAR	CH. OR RES.	SEC.
16	101	Amended	1990	321	5
16	101 note	--	1990	321	16
16	101 note		1990	1, 5th SS	7
					8
16	101	Amended	1991	1, 3rd SS	2
16	111	Amended	1991	310	1
16	111 note		1991	310	29
					31
16	112	Amended	1991	310	2
16	120	Amended	1990	321	6
16	120	Amended	1991	310	3
16	121	Amended	1990	321	7
16	121	Amended	1991	1, 3rd SS	3
16	125	Amended	1990	321	8
16	127	Repealed	1990	321	9
16	131	Amended	1991	310	4
16	131 note		1991	310	27
					30
16	131	Amended	1992	68	1
16	132	Repealed	1991	310	5
16	132 note		1991	310	28
16	133	Repealed	1991	310	5
16	134	Amended	1990	321	10
16	134	Amended	1991	310	6
16	135	Amended	1991	310	7

March 22, 1993

A.R.S. TITLE 16 CHANGES

1990 & 1991 REGULAR & SPECIAL SESSIONS
AND 1992 SECOND REGULAR SESSION

A.R.S.	SECTION	EFFECT	YEAR	CH. OR RES.	SEC.
16	136	Amended	1991	310	8
16	137	Amended	1991	310	9
16	138	Amended	1991	310	10
16	139	Amended	1991	310	11
16	151	Amended	1991	310	12
16	152	Amended	1990	321	11
16	152	Amended	1991	310	13
16	152	Amended	1991	4, 3rd SS	1
16	153	Repealed	1991	310	14
16	154	Repealed	1991	310	14
16	161	Amended	1991	310	15
16	163	Amended	1990	321	12
16	163	Amended	1991	310	16
16	165	Amended	1991	310	17
16	165 note		1991	1, 5th SS	2
16	166	Repealed	1991	310	18
		Added	1991	310	19
16	166 note		1991	1, 5th SS	2
16	167	Repealed	1991	310	18
16	168	Amended	1990	321	13
16	168	Amended	1991	310	20
16	168 note		1991	1, 5th SS	8
16	168	Amended	1992	212	1
16	183	Amended	1991	310	21
16	191	Amended	1992	70	4

March 22, 1993

A.R.S. TITLE 16 CHANGES

1990 & 1991 REGULAR & SPECIAL SESSIONS
AND 1992 SECOND REGULAR SESSION

A.R.S.	SECTION	EFFECT	YEAR	CH. OR RES.	SEC.
16	225	Amended	1991	246	3
				308	1
16	225 note		1991	246	5
				308	9
16	227	Amended	1991	308	2
16	228	Amended	1991	308	3
16	241	Added	1992	255	1
16	242	Added	1992	255	1
16	243	Added	1992	255	1
16	301	Amended	1992	306	1
16	302	Amended	1992	306	2
16	311	Amended	1992	306	3
16	314	Amended	1991	243	3
16	322	Amended	1990	248	7
				369	4
16	322	Amended	1991	154	12
16	331	Amended	1992	255	2
16	341	Amended	1992	306	4
16	344	Amended	1992	306	5
16	407 note	--	1991	8	10
16	411	Amended	1991	308	4
16	411	Amended	1992	92	1
16	413	Amended	1991	308	5
16	464	Amended	1992	306	6
16	465	Amended	1992	306	7

March 22, 1993

A.R.S. TITLE 16 CHANGES

1990 & 1991 REGULAR & SPECIAL SESSIONS
AND 1992 SECOND REGULAR SESSION

A.R.S.	SECTION	EFFECT	YEAR	CH. OR RES.	SEC.
16	501	Amended	1992	306	8
16	502	Amended	1991	243	4
15	515	Amended	1991	145	1
16	541	Amended	1991	51	1
				308	6
16	541 note	--	1991	1, 5th SS	6
16	542	Amended	1991	310	22
16	544	Amended	1991	51	2
				310	23
16	547	Amended	1991	51	3
16	548	Amended	1991	51	4
				308	7
16	550	Amended	1991	310	24
16	552	Amended	1991	51	5
16	Prec. 558 Art.8.1 heading	Added	1991	308	8
16	558	Added	1991	308	8
16	558.01	Added	1991	308	8
16	558.02	Added	1991	308	8
16	580	Amended	1992	24	1
16	583	Added	1991	310	25
16	591	Amended	1990	321	14
16	594	Amended	1991	51	6
16	645 note	--	1991	1, 5th SS	3
16	646	Amended	1992	212	2

March 22, 1993

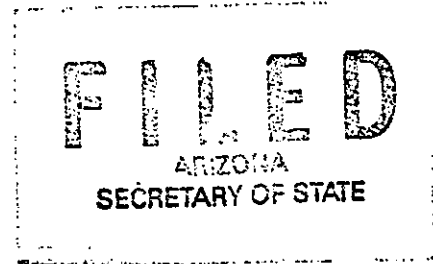
A.R.S. TITLE 16 CHANGES

1990 & 1991 REGULAR & SPECIAL SESSIONS
AND 1992 SECOND REGULAR SESSION

A.R.S.	SECTION	EFFECT	YEAR	CH. OR RES.	SEC.
16	678	Amended	1991	49	1
16	801	Amended	1991	3, 3rd SS	1
16	802	Amended	1991	3, 3rd SS	2
16	804	Amended	1991	3, 3rd SS	3
16	804	Amended	1992	255	3
16	Prec. 901 note	--	1991	241	1
					8
					9
16	901	Amended	1991	241	2
16	903	Amended	1991	241	3
16	905 note	--	1991	1, 5th SS	5
16	906	Added	1991	241	4
16	914.01	Added	1991	1, 3rd SS	4
16	915	Amended	1991	241	5
16	915.01	Amended	1991	241	6
16	1102	Amended	1992	1, 5th SS	3
16	1102	Amended	1992	240	1
16	1123 NOTE	--		1, 5TH SS	4

March 22, 1993

State of Arizona
Senate
Forty-first Legislature
First Regular Session
1993



CHAPTER 98

SENATE BILL 1046

AN ACT

AMENDING SECTIONS 9-822, 15-401, 15-403, 15-459, 15-481, 15-1442, 16-101, 16-103 AND 16-121, ARIZONA REVISED STATUTES; AMENDING TITLE 16, CHAPTER 1, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 16-121.01; REPEALING SECTION 16-128, ARIZONA REVISED STATUTES; AMENDING SECTIONS 16-134, 16-165, 16-166, 16-169, 16-226, 16-228, 16-229, 16-311, 16-312, 16-314, 16-315, 16-322, 16-341, 16-344, 16-351, 16-404, 16-411, 16-445, 16-447, 16-452, 16-461, 16-464, 16-465, 16-466, 16-502, 16-506, 16-510 AND 16-513, ARIZONA REVISED STATUTES; AMENDING TITLE 16, CHAPTER 4, ARTICLE 6, ARIZONA REVISED STATUTES, BY ADDING SECTION 16-513.01; AMENDING SECTIONS 16-515, 16-516, 16-531, 16-532, 16-542, 16-543 AND 16-543.01, ARIZONA REVISED STATUTES; AMENDING TITLE 16, CHAPTER 4, ARTICLE 8, ARIZONA REVISED STATUTES, BY ADDING SECTION 16-543.02; AMENDING SECTIONS 16-563, 16-565, 16-570, 16-571, 16-579, 16-580 AND 16-590, ARIZONA REVISED STATUTES; REPEALING SECTION 16-591, ARIZONA REVISED STATUTES; AMENDING TITLE 16, CHAPTER 4, ARTICLE 9, ARIZONA REVISED STATUTES, BY ADDING A NEW SECTION 16-591; AMENDING SECTIONS 16-615, 16-616, 16-618, 16-619, 16-620, 16-645, 16-649, 16-661, 16-822, 16-1017 AND 16-1018, ARIZONA REVISED STATUTES; AMENDING TITLE 19, CHAPTER 1, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 19-117; AMENDING SECTION 19-121, ARIZONA REVISED STATUTES; AMENDING TITLE 19, CHAPTER 2, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 19-217; AMENDING SECTIONS 35-453 AND 35-454, ARIZONA REVISED STATUTES; AMENDING TITLE 35, CHAPTER 3, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 35-454.01; AMENDING SECTION 35-455, ARIZONA REVISED STATUTES; RELATING TO ELECTIONS AND ELECTORS AND INITIATIVE AND REFERENDUM.

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 9-822, Arizona Revised Statutes, is amended to
3 read:
4 9-822. Qualifications of voters
5 A. Except as provided in subsection B of this section, no person is
6 entitled to vote at an election in a city or town who has not resided BEEN
7 A QUALIFIED ELECTOR AS DEFINED IN SECTION 16-121 in the city or town for

1 ~~twenty-nine days preceding the election and who is not a qualified elector~~
2 ~~as defined in section 16-121.~~

3 B. Any person who has resided for at least twenty-nine days
4 preceding an election in an area annexed at least twenty-nine days prior
5 to such election by a city or town shall be entitled to vote at any such
6 city or town election, provided he is a qualified elector as defined in
7 section 16-121.

8 Sec. 2. Section 15-401, Arizona Revised Statutes, is amended to
9 read:

10 15-401. Qualifications of school electors; school
11 district registers; challenge; tally lists

12 A. A person who is a qualified elector of this state under section
13 16-121 and who resides in a precinct in the boundaries of the school
14 district twenty-nine days immediately preceding the election is qualified
15 to vote at an election of the school district in the precinct in which he
16 resides IS REGISTERED. For the purposes of this title, the term
17 "qualified school elector", "qualified elector", "school elector" or
18 "elector" shall have the qualifications prescribed in this subsection.

19 B. All school elections shall be conducted by use of school
20 district precinct registers and in the manner as provided in sections
21 16-579, 16-580 and 16-584. A person offering to vote may be challenged,
22 and the election officers shall thereupon have the powers and duties of
23 general election officers.

24 C. The forms for the tally list shall be furnished by the county
25 board of supervisors, and the tally lists must be completed and returned
26 to the county school superintendent and shall be kept by him for not less
27 than five years.

28 Sec. 3. Section 15-403, Arizona Revised Statutes, is amended to
29 read:

30 15-403. Special election; notice; qualifications of
31 voters; closing of registrations; election
32 precincts; polling places

33 A. The county school superintendent shall cause notices of a
34 special election to be posted at least ninety days previous to the date of
35 the election. The notices shall be posted in at least three public places
36 in the school district. One notice shall be posted at the school if there
37 is one.

38 B. The notices shall specify the day and the polling places of the
39 special election and the time the polls will be open.

40 C. If the county school superintendent fails to give notice as
41 provided in subsections A and B of this section, any two qualified
42 electors who reside within the district may give similar notice of the
43 special election at least seventy-five days prior to the special election.

44 D. A person is not entitled to vote at a special election or an
45 election held at a time and place other than a general election in a
46 school district who has not ~~resided~~ BEEN A QUALIFIED ELECTOR in a precinct
47 in the boundaries of the school district for twenty-nine days preceding
48 the election, who is not qualified to register to vote as provided in

1 section 16-101 and who has not registered to vote prior to midnight of the
2 twenty-ninth day preceding the date of the election.

3 E. The governing board of a school district shall establish school
4 district election precincts that have the same boundaries as the county
5 election precincts as provided in section 16-411 and designate one polling
6 place within each precinct, except that the governing board of a union
7 high school district may divide a county election precinct along the
8 boundaries of common school districts within the boundaries of the union
9 high school district and establish polling places within each common
10 school district. In those cases where a school district boundary bisects a
11 county election precinct, that portion of the election precinct that is
12 within the school district shall be the school district election precinct.
13 The governing board may consolidate school district election precincts if
14 it deems it necessary for each special election and designate one polling
15 place for the election precincts which it consolidates. If school
16 district election precincts are consolidated, a school district precinct
17 register shall be prepared for the consolidated precinct. Upon a specific
18 finding of the board, included in the order or resolution designating
19 polling places pursuant to this subsection, that no suitable polling place
20 is available within a precinct of the school district, a polling place for
21 such precinct may be designated within an adjacent precinct. The adjacent
22 precinct need not be within the school district. Any such polling places
23 shall be listed in a separate section of the order or resolution.

24 F. All special elections which are called either by the county
25 school superintendent or the governing board of a school district and
26 which are held at a time other than the general election shall be
27 conducted by the use of school district precinct registers.

28 Sec. 4. Section 15-459, Arizona Revised Statutes, is amended to
29 read:

30 15-459. Consolidation of districts; petition; election;
31 notice; report; ballots; canvass of votes;
32 appointment of governing board

33 A. On the request of the governing boards of two or more school
34 districts in the same county or in adjacent counties or on receipt of
35 petitions bearing the signatures of ten per cent or more of the qualified
36 electors residing in each of two or more school districts in the same
37 county or in adjacent counties to consolidate the school districts or
38 parts of the districts, the county school superintendent of each of the
39 counties affected shall within ten days call an election to determine the
40 question on consolidation.

41 B. Consolidations allowed pursuant to subsection A of this section
42 include:

43 1. To change the boundaries of a school district to include any
44 part of an adjacent school district.

45 2. If all the common school districts within the boundaries of an
46 existing union high school district desire to consolidate into one common
47 school district.

1 3. If two or more adjacent school districts of like character,
2 either common, high or unified school districts, desire to consolidate
3 into one common, high or unified school district.

4 4. If a common school district that is not a part of a union high
5 school district desires to consolidate with an adjacent unified school
6 district.

7 C. Notice of the election to determine consolidation of school
8 districts shall be posted in not less than three public places in each of
9 the school districts proposed to be consolidated at least twenty-five days
10 before the election.

11 D. The county school superintendent shall prepare and the governing
12 board shall distribute a report on the proposed boundary changes in a
13 manner similar to that prescribed in section 15-481, subsection B. The
14 report shall contain the following information:

- 15 1. The date of the election.
- 16 2. The polling places and times they are open.
- 17 3. The proposed boundary changes.

18 4. The impact of the proposed boundary changes, including where
19 pupils will attend school, changes in pupil transportation services,
20 changes in availability of special education services, changes in
21 pupil-teacher ratio and operational costs.

22 E. Ballots shall be prepared by the county school superintendent
23 and shall contain the following: "Consolidation includes the assumption
24 of liability by the resulting school district for all indebtedness of
25 existing school districts or those parts of school districts proposed
26 for consolidation. Consolidation yes no .27 delivered to the inspector at least forty-eight hours before the opening
28 of the polls as prescribed in section 16-509.

29 F. The county school superintendent shall hold the election during
30 the fiscal year preceding the fiscal year consolidation is proposed to be
31 effective on the same date as the general election or on the second
32 Tuesday in ~~February~~ MARCH. The election shall be held in the manner and
33 electors shall possess qualifications as prescribed for the election of
34 governing board members. The results of the election shall be reported to
35 the county school superintendent.

36 G. The county school superintendent and the chairman of the board
37 of supervisors shall, on the seventh day after the election, canvass the
38 vote. If a majority of the votes cast in each district favors
39 consolidation, the districts are consolidated and become one district from
40 and after June 30 next following the election. If parts of two or more
41 school districts are proposed to be consolidated, a majority of the voters
42 in the part of a school district or districts not affected by the proposed
43 consolidation and a majority of the voters in the part of the school
44 district or districts proposed for consolidation must approve the
45 consolidation.

46 H. If a school district provides only financing for pupils who are
47 instructed by another school district in the same county or in an adjacent
48 county, the school district or any part of the school district may be

1 consolidated with the school district providing the instructional program
2 as follows:

3 1. The governing board of the financing school district approves
4 the consolidation or ten per cent of the qualified electors residing in
5 the school district, or that part of the school district proposed for
6 consolidation, petitions the county school superintendent to call an
7 election to approve the proposed consolidation.

8 2. The governing board of the school district providing instruction
9 approves the consolidation.

10 3. At an election called by the county school superintendent of
11 each of the counties affected, a majority of the persons voting in the
12 school district, or that part of the school district providing financing,
13 approves the proposed consolidation and a majority of the persons voting
14 in the district providing instruction approves the proposed consolidation.

15 I. Elections held as provided in subsection H of this section shall
16 be conducted in the same manner as elections prescribed in subsections C
17 through G of this section.

18 J. If the consolidated district includes territory located in two
19 or more counties, the county of jurisdiction is the county in which the
20 largest number of qualified electors of the consolidated school district
21 resides, except that if all of the existing school buildings are in one
22 county, that county is the county of jurisdiction. The county school
23 superintendent of the jurisdictional county shall perform all duties for
24 and with respect to the consolidated school district as required to be
25 performed by county school superintendents. The board of supervisors of
26 the jurisdictional county shall perform all duties for and with respect to
27 the consolidated school district as required to be performed by boards of
28 supervisors, except that school district taxes to be levied on property in
29 the portion of the consolidated school district lying in another county
30 shall be levied by the board of supervisors of the other county or
31 counties and on receipt shall be transferred to the county of
32 jurisdiction. All school buildings located within the consolidated school
33 district, together with all equipment and furnishings, become the property
34 of the consolidated school district. Any assumed indebtedness is an
35 indebtedness of the consolidated school district for the purpose of
36 determining the debt incurring authority of the consolidated school
37 district.

38 K. Sections 15-457, 15-975 and 15-997 apply to school districts
39 which are consolidated as provided in subsection H of this section.

40 L. Consolidation pursuant to this section is not allowed if the
41 resulting school district would have a student count for the current year
42 of more than ten per cent of the total student count of all school
43 districts in this state.

44 M. The governing board appointed pursuant to section 15-430 shall
45 prepare policies, curricula and budgets for the new school district.
46 These policies shall require that:

1 1. The base salary of each teacher for the first year of operation
2 of the new school district shall not be lower than the teacher's base
3 salary for the prior year in the previously existing school district.

4 2. The teacher's years of employment in the previously existing
5 school district shall be included in determining the teacher's years of
6 employment in the new school district.

7 Sec. 5. Section 15-481, Arizona Revised Statutes, is amended to
8 read:

9 15-481. Override election; budget increases; notice;
10 ballot; effect

11 A. If the proposed budget of a school district includes an increase
12 of more than the aggregate budget limit for the budget year, the governing
13 board shall order an override election to be held not less than ninety
14 days from the date of the order for the purpose of presenting the proposed
15 budget to the qualified electors of the school district who shall by a
16 majority of those voting either affirm or reject the budget. In addition,
17 the governing board shall prepare an alternate budget which does not
18 include an increase in the budget of more than the amount permitted as
19 provided in section 15-905. Any change in chapter 9 of this title which
20 changes the amount of the aggregate budget limit as provided in section
21 15-905 may be included in the adopted budget of the school district. If
22 the qualified electors approve the proposed budget or if the qualified
23 electors disapprove the proposed budget, the governing board of the school
24 district shall follow the procedures as provided in section 15-905 for
25 adopting the proposed budget or alternate budget following the override
26 election.

27 B. The county school superintendent shall prepare an informational
28 report on the proposed increase in the budget and a sample ballot and at
29 least thirty-five days prior to the election shall transmit the report and
30 the ballot to the governing board of the school district. For a school
31 district located in a county with a population of two hundred thousand
32 persons or more, the governing board, upon receipt of the report and the
33 ballot, shall mail or distribute the report and the ballot to the
34 households, in which qualified electors reside, within the school district
35 at least thirty days prior to the election. For a school district located
36 in a county with a population of less than two hundred thousand persons,
37 the governing board, upon receipt of the report and the ballot, shall mail
38 or distribute the report and the ballot to the households within the
39 school district at least thirty days prior to the election. Any
40 distribution of material concerning the proposed increase in the budget
41 shall not be conducted by children enrolled in the school district. The
42 report shall contain the following information:

- 43 1. The date of the election.
44 2. The polling places and times they are open.
45 3. The proposed total increase in the budget which exceeds the
46 amount permitted pursuant to section 15-905.
47 4. The total amount of the current year's budget, the total amount
48 of the proposed budget and the total amount of the alternate budget.

1 5. If the override is for a period of more than one year, a
2 statement indicating the number of years the proposed increase in the
3 budget would be in effect and the percentage of the school district's
4 revenue control limit that the district is requesting for the future
5 years.

6 6. The proposed total amount of revenues which will fund the
7 increase in the budget and the amount which will be obtained from a levy
8 of taxes upon the taxable property within the school district for the
9 first year for which the budget increase was adopted.

10 7. The proposed amount of revenues which will fund the increase in
11 the budget and which will be obtained from other than a levy of taxes upon
12 the taxable property within the school district for the first year for
13 which the budget increase was adopted.

14 8. The dollar amount and the purpose for which the proposed
15 increase in the budget is to be expended for the first year for which the
16 budget increase was adopted.

17 9. At least two arguments, if submitted, but no more than ten
18 arguments for and two arguments, if submitted, but no more than ten
19 arguments against the proposed increase in the budget. The arguments
20 shall be in a form prescribed by the county school superintendent and each
21 argument shall not exceed two hundred words. Arguments for the proposed
22 increase in the budget shall be provided in writing and signed by the
23 governing board. If submitted, additional arguments in favor of the
24 proposed increase in the budget shall be provided in writing and signed by
25 those in favor. Arguments against the proposed increase in the budget
26 shall be provided in writing and signed by those in opposition. The names
27 of those persons other than the governing board or superintendent
28 submitting written arguments shall not be included in the report without
29 their specific permission, but shall be made available only upon request
30 to the county school superintendent. The county school superintendent
31 shall review all factual statements contained in the written arguments and
32 correct any inaccurate statements of fact. The superintendent shall not
33 review and correct any portion of the written arguments which are
34 identified as statements of the author's opinion. The county school
35 superintendent shall make the written arguments available to the public as
36 provided in title 39, chapter 1, article 2. A deadline for submitting
37 arguments to be included in the informational report shall be set by the
38 county school superintendent.

39 10. A statement that the alternate budget shall be adopted by the
40 governing board if the proposed budget is not adopted by the qualified
41 electors of the school district.

42 11. The full cash value, the assessed valuation and the estimated
43 amount of the secondary tax bill if the proposed budget is adopted for
44 each of the following:

45 (a) An owner-occupied residence whose assessed valuation is the
46 average assessed valuation of property classified as class five for the
47 current year in the school district.

1 (b) An owner-occupied residence whose assessed valuation is
2 one-half of the assessed valuation of the residence in subdivision (a) of
3 this paragraph.

4 (c) An owner-occupied residence whose assessed valuation is twice
5 the assessed valuation of the residence in subdivision (a) of this
6 paragraph.

7 (d) A business whose assessed valuation is the average of the
8 assessed valuation of property classified as class three for the current
9 year in the school district.

10 C. For the purpose of this section, the school district may use its
11 staff, equipment, materials, buildings or other resources only to
12 distribute the informational report at the school district office or at
13 public hearings and to produce such information as required in subsection
14 B of this section, provided that nothing in this subsection shall preclude
15 school districts from holding or participating in any public hearings at
16 which testimony is given by at least one person for the proposed increase
17 and one person against the proposed increase. The state board of
18 education may adopt rules pursuant to section 15-511 relating to political
19 activities of school district employees consistent with this subsection.

20 D. The elections prescribed in subsection A of this section shall
21 be held on either the third Tuesday in May or the second Tuesday in
22 February MARCH and shall be conducted as nearly as practicable in the
23 manner prescribed in article 1 of this chapter, sections 15-422 through
24 15-424 and section 15-426, relating to special elections, except that:

25 1. The notices required pursuant to section 15-403 shall be posted
26 not less than twenty-five days before the election.

27 2. Ballots shall be counted pursuant to title 16, chapter 4,
28 article 10.

29 E. If the election is to exceed the revenue control limit and if
30 the proposed increase will be fully funded by a levy of taxes upon the
31 taxable property within the school district, the ballot shall contain the
32 words "budget increase, yes" and "budget increase, no", and the voter
33 shall signify his desired choice. The ballot shall also contain the
34 amount of the proposed increase of the proposed budget over the alternate
35 budget, a statement that the amount of the proposed increase will be based
36 on a percentage of the school district's revenue control limit in future
37 years, if applicable, as provided in subsection P of this section and the
38 following statement:

39 Any budget increase authorized by this election shall be
40 entirely funded by a levy of taxes upon the taxable property
41 within this school district for the year for which adopted and
42 for _____ subsequent years, shall not be realized from monies
43 furnished by the state and shall not be subject to the
44 limitation on taxes specified in article IX, section 18,
45 Constitution of Arizona. Based on an estimate of assessed
46 valuation used for secondary property tax purposes, the
47 proposed increase in the school district's budget over that
48 allowed by law would result in an estimated increase in the

1 school district's tax rate of _____ dollar per one
2 hundred dollars of assessed valuation used for secondary
3 property tax purposes and is in addition to the school
4 district's tax rate which will be levied to fund the school
5 district's revenue control limit allowed by law. If the
6 proposed budget is disapproved, the alternate budget shall be
7 adopted by the school district governing board.

8 F. If the election is to exceed the revenue control limit and if
9 the proposed increase will be fully funded by revenues from other than a
10 levy of taxes upon the taxable property within the school district, the
11 ballot shall contain the words "budget increase, yes" and "budget
12 increase, no", and the voter shall signify his desired choice. The ballot
13 shall also contain:

14 1. The amount of the proposed increase of the proposed budget over
15 the alternate budget.

16 2. A statement that the amount of the proposed increase will be
17 based on a percentage of the school district's revenue control limit in
18 future years, if applicable, as provided in subsection P of this section.

19 3. The following statement:

20 Any budget increase authorized by this election shall be
21 entirely funded by this school district with revenues from
22 other than a levy of taxes on the taxable property within the
23 school district for the year for which adopted and for _____
24 subsequent years and shall not be realized from monies
25 furnished by the state. If the proposed budget is
26 disapproved, the alternate budget shall be adopted by the
27 school district governing board.

28 G. Except as provided in subsection H of this section, the maximum
29 budget increase which may be requested and authorized as provided in
30 subsection E or F of this section or the combination of subsections E and
31 F of this section is ten per cent of the revenue control limit as provided
32 in section 15-947, subsection A for the budget year.

33 H. For school districts with a student count of one hundred or
34 fewer in grades kindergarten through eight or with a student count of one
35 hundred or fewer in grades nine through twelve, the maximum budget
36 increase which may be requested and authorized as provided in subsections
37 E and F of this section is computed as follows:

38 1. Determine twenty-five per cent of the revenue control limit as
39 provided in section 15-947, subsection A for the budget year.

40 2. Subtract the amount of any budget increases which are authorized
41 and which will be in effect for the budget year as provided in subsections
42 E and F of this section from the amount determined in paragraph 1 of this
43 subsection.

44 3. The amount determined in paragraph 2 of this subsection is the
45 maximum budget increase which may be requested and authorized as provided
46 in subsections E and F of this section.

47 I. If the election is to exceed the revenue control limit as
48 provided in section 15-482 and if the proposed increase will be fully

1 funded by a levy of taxes on the taxable property within the school
2 district, the ballot shall contain the words "budget increase, yes" and
3 "budget increase, no", and the voter shall signify his desired choice.
4 The ballot shall also contain the amount of the proposed increase of the
5 budget over the alternate budget, a statement that the amount of the
6 proposed increase will be based on a percentage of the school district's
7 revenue control limit in future years, if applicable, as provided in
8 subsection Q of this section, and the following statement:

9 Any budget increase authorized by this election shall be
10 entirely funded by a levy of taxes on the taxable property
11 within this school district for the year for which adopted and
12 for _____ subsequent years, shall not be realized from monies
13 furnished by the state and shall not be subject to the
14 limitation on taxes specified in article IX, section 18,
15 Constitution of Arizona. Based on an estimate of assessed
16 valuation used for secondary property tax purposes, the
17 portion of the proposed increase in the school district's
18 budget over that allowed by law which will be funded by a levy
19 of taxes upon the taxable property within this school district
20 would result in an estimated increase in the school district's
21 tax rate of _____ dollar per one hundred dollars of
22 assessed valuation used for secondary property tax purposes
23 and is in addition to the school district's tax rate that will
24 be levied to fund the school district's revenue control limit
25 allowed by law. If the proposed budget is disapproved, the
26 alternate budget shall be adopted by the school district
27 governing board.

28 J. If the election is to exceed the revenue control limit as
29 provided in section 15-482 and if the proposed increase will be fully
30 funded by revenues other than a levy of taxes on the taxable property
31 within the school district, the ballot shall contain the words "budget
32 increase, yes" and "budget increase, no", and the voter shall signify his
33 desired choice. The ballot shall also contain the amount of the proposed
34 increase of the proposed budget over the alternate budget, a statement
35 that the amount of the proposed increase will be based on a percentage of
36 the school district's revenue control limit in future years, if
37 applicable, as provided in subsection Q of this section and the following
38 statement:

39 Any budget increase authorized by this election shall be
40 entirely funded by this school district with revenues from
41 other than a levy of taxes on the taxable property within the
42 school district for the year for which adopted and for _____
43 subsequent years and shall not be realized from monies
44 furnished by the state. If the proposed budget is
45 disapproved, the alternate budget shall be adopted by the
46 school district governing board.

47 K. The maximum budget increase that may be requested and authorized
48 as provided in subsection I or J of this section, or a combination of both

1 of these subsections, is five per cent of the revenue control limit as
2 provided in section 15-947, subsection A for the budget year. For a
3 unified school district, a common school district not within a high school
4 district or a common school district within a high school district that
5 offers instruction in high school subjects as provided in section 15-447,
6 five per cent of the revenue control limit means five per cent of the
7 revenue control limit attributable to the weighted student count in
8 preschool programs for handicapped children, kindergarten programs and
9 grades one through eight as provided in section 15-971, subsection B.

10 L. If the election is to exceed the capital outlay revenue limit
11 and if the proposed increase will be fully funded by a levy of taxes upon
12 the taxable property within the school district, the ballot shall contain
13 the words "budget increase, yes" and "budget increase, no", and the voter
14 shall signify his desired choice. The ballot shall also contain the
15 amount of the proposed increase of the proposed budget over the alternate
16 budget and the following statement:

17 Any budget increase authorized by this election shall be
18 entirely funded by a levy of taxes upon the taxable property
19 within this school district for the year in which adopted and
20 for _____ subsequent years, shall not be realized from monies
21 furnished by the state and shall not be subject to the
22 limitation on taxes specified in article IX, section 18,
23 Constitution of Arizona. Based on an estimate of assessed
24 valuation used for secondary property tax purposes, the
25 proposed increase in the school district's budget over that
26 allowed by law would result in an estimated increase in the
27 school district's tax rate of _____ dollar per one
28 hundred dollars of assessed valuation used for secondary
29 property tax purposes and is in addition to the school
30 district's tax rate which will be levied to fund the school
31 district's capital outlay revenue limit allowed by law. If
32 the proposed budget is disapproved, the alternate budget shall
33 be adopted by the school district governing board.

34 M. If the election is to exceed the capital outlay revenue limit
35 and if the proposed increase will be fully funded by revenues from other
36 than a levy of taxes upon the taxable property within the school district,
37 the ballot shall contain the words "budget increase, yes" and "budget
38 increase, no", and the voter shall signify his desired choice. The ballot
39 shall also contain the amount of the proposed increase of the proposed
40 budget over the alternate budget and the following statement:

41 Any budget increase authorized by this election shall be
42 entirely funded by this school district with revenues from
43 other than a levy of taxes on the taxable property within the
44 school district for the year in which adopted and for _____
45 subsequent years and shall not be realized from monies
46 furnished by the state. If the proposed budget is
47 disapproved, the alternate budget shall be adopted by the
48 school district governing board.

1 N. If the election is to exceed a combination of the revenue
2 control limit as provided in subsection E or F of this section, the
3 revenue control limit as provided in subsection I or J of this section or
4 the capital outlay revenue limit as provided in subsection L or M of this
5 section, the ballot shall be prepared so that the voters may vote on each
6 proposed increase separately and shall contain statements required in the
7 same manner as if each proposed increase were submitted separately.

8 O. If the election provides for a levy of taxes on the taxable
9 property within the school district, at least thirty days prior to the
10 election, the department of revenue shall provide the school district
11 governing board and the county school superintendent with an estimate of
12 the school district's assessed valuation used for secondary property tax
13 purposes for the ensuing fiscal year. The governing board and the county
14 school superintendent shall use this estimate to translate the amount of
15 the proposed dollar increase in the budget of the school district over
16 that allowed by law into a tax rate figure.

17 P. If the voters in a school district vote to adopt a budget in
18 excess of the revenue control limit as provided in subsection E or F of
19 this section, any additional increase shall be included in the aggregate
20 budget limit for each of the years authorized. Any additional increase
21 shall be excluded from the determination of equalization assistance. The
22 school district governing board may, however, levy on the assessed
23 valuation used for secondary property tax purposes of the property in the
24 school district the additional increase if adopted under subsection E of
25 this section for the period of one year, two years or five through seven
26 years as authorized. If an additional increase is approved as provided in
27 subsection F of this section, the school district governing board may only
28 use revenues derived from the school district's prior year's maintenance
29 and operation fund ending cash balance, after any reversion as required
30 pursuant to section 15-991.02, to fund the additional increase. If a
31 budget increase was previously authorized and will be in effect for the
32 budget year or budget year and subsequent years, as provided in subsection
33 E or F of this section, the governing board may request a new budget
34 increase as provided in the same subsection under which the prior budget
35 increase was adopted which shall not exceed the maximum amount permitted
36 under subsection G of this section. If the voters in the school district
37 authorize the new budget increase amount, the existing budget increase no
38 longer is in effect. If the voters in the school district do not
39 authorize the budget increase amount, the existing budget increase remains
40 in effect for the time period for which it was authorized. The maximum
41 additional increase authorized as provided in subsection E or F of this
42 section and the additional increase which is included in the aggregate
43 budget limit is based on a percentage of a school district's revenue
44 control limit in future years, if the budget increase is authorized for
45 more than one year. If the additional increase:

46 1. Is for two years, the proposed increase in the second year is
47 equal to the initial proposed percentage increase.

1 2. Is for five years or more, the proposed increase is equal to the
2 initial proposed percentage increase in the following years of the
3 proposed increase, except that in the next to last year it is two-thirds
4 of the initial proposed percentage increase and it is one-third of the
5 initial proposed percentage increase in the last year of the proposed
6 increase.

7 Q. If the voters in a school district vote to adopt a budget in
8 excess of the revenue control limit as provided in subsection I or J of
9 this section, any additional increase shall be included in the aggregate
10 budget limit for each of the years authorized. Any additional increase
11 shall be excluded from the determination of equalization assistance. The
12 school district governing board, however, may levy on the assessed
13 valuation used for secondary property tax purposes of the property in the
14 school district the additional increase if adopted under subsection I of
15 this section for the period of one year, two years or five through seven
16 years as authorized. If an additional increase is approved as provided in
17 subsection J of this section, the increase may only be budgeted and
18 expended if sufficient monies are available in the maintenance and
19 operation fund of the school district. If a budget increase was
20 previously authorized and will be in effect for the budget year or budget
21 year and subsequent years, as provided in subsection I or J of this
22 section, the governing board may request a new budget increase as provided
23 in the same subsection under which the prior budget increase was adopted
24 that does not exceed the maximum amount permitted under subsection K of
25 this section. If the voters in the school district authorize the new
26 budget increase amount, the existing budget increase no longer is in
27 effect. If the voters in the school district do not authorize the budget
28 increase amount, the existing budget increase remains in effect for the
29 time period for which it was authorized. The maximum additional increase
30 authorized as provided in subsection I or J of this section and the
31 additional increase that is included in the aggregate budget limit is
32 based on a percentage of a school district's revenue control limit in
33 future years, if the budget increase is authorized for more than one year.
34 If the additional increase:

35 1. Is for two years, the proposed increase in the second year is
36 equal to the initial proposed percentage increase.

37 2. Is for five years or more, the proposed increase is equal to the
38 initial proposed percentage increase in the following years of the
39 proposed increase, except that in the next to last year it is two-thirds
40 of the initial proposed percentage increase and it is one-third of the
41 initial proposed percentage increase in the last year of the proposed
42 increase.

43 R. If the voters in a school district vote to adopt a budget in
44 excess of the capital outlay revenue limit as provided in subsection L of
45 this section, any additional increase shall be included in the aggregate
46 budget limit for each of the years authorized. The additional increase
47 shall be excluded from the determination of equalization assistance. The
48 school district governing board may, however, levy on the assessed

1 valuation used for secondary property tax purposes of the property in the
2 school district the additional increase for the period authorized but not
3 to exceed ten years.

4 S. If the voters in a school district vote to adopt a budget in
5 excess of the capital outlay revenue limit as provided in subsection M of
6 this section, any additional increase shall be included in the aggregate
7 budget limit for each of the years authorized. The additional increase
8 shall be excluded from the determination of equalization assistance. The
9 school district governing board may only use revenues derived from the
10 school district's prior year's maintenance and operation fund ending cash
11 balance, after any reversion as required pursuant to section 15-991.02,
12 and capital outlay fund ending cash balance, after any reversion as
13 required pursuant to section 15-991.02, to fund the additional increase
14 for the period authorized but not to exceed ten years.

15 T. In addition to subsections M and S of this section, from the
16 maintenance and operation fund and capital outlay fund ending cash
17 balances, after any reversions as required pursuant to section 15-991.02,
18 the school district governing board shall first use any available revenues
19 to reduce its primary tax rate to zero and shall use any remaining
20 revenues to fund the additional increase authorized as provided in
21 subsections F and M of this section.

22 U. If the voters in a school district disapprove the proposed
23 budget, the alternate budget which, except for any budget increase
24 authorized by a prior election, does not include an increase in the
25 budget in excess of the amount provided in section 15-905 shall be adopted
26 by the governing board as provided in section 15-905.

27 V. The governing board may request that any override election be
28 cancelled if any change in chapter 9 of this title changes the amount of
29 the aggregate budget limit as provided in section 15-905. The request to
30 cancel the override election shall be made to the county school
31 superintendent at least ten days prior to the date of the scheduled
32 override election.

33 Sec. 6. Section 15-1442, Arizona Revised Statutes, is amended to
34 read:

35 15-1442. Election; returns; results; certificate of
36 election; statement of contributions and
37 expenditures

38 A. CANDIDATES FOR THE DISTRICT BOARD MUST FILE NOMINATING
39 PETITIONS, CONFORMING TO THE PROVISIONS SET FORTH IN SECTION 16-314, WITH
40 THE APPROPRIATE COUNTY OFFICER.

41 A. B. Members of the district board shall be elected at the time
42 and place, and in the manner, of general elections as provided in
43 title 16.

44 B. C. The county school superintendent and the chairman of the
45 board of supervisors shall meet on the seventh day following the election
46 to canvass the returns in accordance with procedures for the canvass of
47 returns in a general election. The county school superintendent shall
48 declare the results of the election, declare elected the person receiving

1 the highest number of votes for each office to be filled and issue to him
2 a certificate of election.

3 G. D. All candidates for the office of community college district
4 governing board member shall file with the clerk of the board of
5 supervisors a statement of contributions and expenditures as provided in
6 section 16-913.

7 Sec. 7. Section 16-101, Arizona Revised Statutes, is amended to
8 read:

9 16-101. Qualifications of registrant; definition

10 A. Every resident of the state is qualified to register to vote if
11 he:

12 1. Is a citizen of the United States.

13 2. Will be eighteen years of age or more on or before the date of
14 the regular general election next following his registration.

15 3. Will have been a resident of the state twenty-nine days next
16 preceding the election, except as provided in section 16-126.

17 4. Is able to write his name or make his mark, unless prevented
18 from so doing by physical disability.

19 5. Has not been convicted of treason or a felony, unless restored
20 to civil rights.

21 ~~6. Is not under guardianship, non compos mentis or insane.~~

22 6. HAS NOT BEEN ADJUDICATED AN INCAPACITATED PERSON AS DEFINED IN
23 SECTION 14-5101.

24 B. For purposes of this title, "resident" means an individual who
25 has actual physical presence in this state, or for purposes of a political
26 subdivision actual physical presence in the political subdivision,
27 combined with an intent to remain. A temporary absence does not result in
28 a loss of residence if the individual has an intent to return following
29 his absence. An individual has only one residence for purposes of this
30 title.

31 Sec. 8. Section 16-103, Arizona Revised Statutes, is amended to
32 read:

33 16-103. Qualified person temporarily absent from state;
34 persons in the service of the United States

35 A. A qualified person temporarily absent from the state may
36 register by filling out an affidavit of registration which shall be
37 furnished upon request of the registrant by the county recorder of the
38 county in which the registrant has residence pursuant to section 16-593.
39 The registrant shall execute the affidavit of registration and administer
40 the oath himself and shall return the affidavit to the county recorder.

41 B. The county recorder may accept a federal postcard application in
42 lieu of an affidavit of registration from any qualified person covered
43 under the ~~federal voting assistance act of 1955, as amended, (42 United~~
44 ~~States Code sections 1973cc through 1973cc 2, 1973cc 11 through 1973cc 15~~
45 ~~and 1973cc 21 through 1973cc 26) or the overseas citizens voting rights~~
46 ~~act (42 United States Code sections 1973dd through 1973dd 6) UNIFORMED AND~~
47 ~~OVERSEAS CITIZENS ABSENTEE VOTING ACT OF 1985 (P.L. 99-410; 42 UNITED~~
48 ~~STATES CODE SECTION 1973).~~

1 C. Any other provisions of law to the contrary notwithstanding,
2 registration for any person ~~in the United States service and the spouse~~
3 ~~and any dependent of such person if otherwise qualified to vote~~ COVERED
4 UNDER SUBSECTION B OF THIS SECTION may be accomplished at any time prior
5 to 7:00 p.m. of an election day. This subsection applies only to persons
6 TEMPORARILY ~~residing outside~~ ABSENT FROM this state.

7 Sec. 9. Section 16-121, Arizona Revised Statutes, is amended to
8 read:

9 16-121. Qualified elector defined

10 A. A person who has properly registered to vote shall, if he is at
11 least eighteen years of age on or before the date of the election, be
12 deemed a qualified elector for any purpose for which such qualification is
13 required by law, except as provided in section 16-126.

14 B. FOR PURPOSES OF SUBSECTION A OF THIS SECTION, A PERSON WHO DOES
15 NOT RESIDE AT A FIXED, PERMANENT OR PRIVATE STRUCTURE SHALL BE PROPERLY
16 REGISTERED TO VOTE IF THAT PERSON IS QUALIFIED PURSUANT TO SECTION 16-101
17 AND WHOSE REGISTRATION ADDRESS IS ANY OF THE FOLLOWING PLACES LOCATED IN
18 THIS STATE:

- 19 1. A HOMELESS SHELTER TO WHICH THE REGISTRANT REGULARLY RETURNS.
- 20 2. THE PLACE AT WHICH THE REGISTRANT IS A RESIDENT.
- 21 3. THE COUNTY COURTHOUSE IN THE COUNTY IN WHICH THE REGISTRANT
22 RESIDES.
- 23 4. A GENERAL DELIVERY ADDRESS FOR A POST OFFICE COVERING THE
24 LOCATION WHERE THE REGISTRANT IS A RESIDENT.

25 C. A PERSON WHO IS OTHERWISE QUALIFIED TO REGISTER TO VOTE SHALL
26 NOT BE REFUSED REGISTRATION OR DECLARED NOT QUALIFIED TO VOTE BECAUSE THE
27 PERSON DOES NOT LIVE IN A PERMANENT, PRIVATE OR FIXED STRUCTURE.

28 D. AS USED IN THIS SECTION, "HOMELESS SHELTER" MEANS A SUPERVISED
29 PUBLICLY OR PRIVATELY OPERATED SHELTER DESIGNED TO PROVIDE TEMPORARY
30 LIVING ACCOMMODATIONS TO INDIVIDUALS WHO LACK A FIXED, REGULAR AND
31 ADEQUATE NIGHTTIME RESIDENCE.

32 Sec. 10. Title 16, chapter 1, article 2, Arizona Revised Statutes,
33 is amended by adding section 16-121.01, to read:

34 16-121.01. Requirements for proper registration

35 A. A PERSON IS PRESUMED TO BE PROPERLY REGISTERED TO VOTE ON
36 COMPLETION OF A REGISTRATION FORM AS PRESCRIBED BY SECTION 16-152 THAT
37 CONTAINS AT LEAST THE NAME, THE RESIDENCE ADDRESS OR THE LOCATION AND THE
38 SIGNATURE OR OTHER STATEMENT OF THE REGISTRANT AS PRESCRIBED BY SECTION
39 16-152, SUBSECTION A, PARAGRAPH 22.

40 B. THE PRESUMPTION IN SUBSECTION A OF THIS SECTION MAY BE REBUTTED
41 ONLY BY CLEAR AND CONVINCING EVIDENCE OF ANY OF THE FOLLOWING:

- 42 1. THAT THE REGISTRANT IS NOT THE PERSON WHOSE NAME APPEARS ON THE
43 REGISTER.
- 44 2. THAT THE REGISTRANT HAS NOT RESIDED IN THIS STATE FOR
45 TWENTY-NINE DAYS NEXT PRECEDING THE ELECTION OR OTHER EVENT FOR WHICH THE
46 REGISTRANT'S STATUS AS PROPERLY REGISTERED IS IN QUESTION.
- 47 3. THAT THE REGISTRANT IS NOT PROPERLY REGISTERED AT AN ADDRESS
48 PERMITTED BY SECTION 16-121.

1 4. THAT THE REGISTRANT IS NOT A QUALIFIED REGISTRANT UNDER SECTION
2 16-101.

3 Sec. 11. Repeal

4 Section 16-128, Arizona Revised Statutes, is repealed.

5 Sec. 12. Section 16-134, Arizona Revised Statutes, is amended to
6 read:

7 16-134. Return of registrations made outside office of
8 county recorder; incomplete or illegible forms

9 A. A county recorder shall authorize persons to accept registration
10 forms and shall designate places for receipt of registration forms.

11 B. A person authorized by the county recorder to accept
12 registration forms outside the office of the county recorder shall
13 promptly return or mail each completed registration form within
14 forty-eight hours to the county recorder of the county in which the
15 registrant resides.

16 C. If the information on the registration form is incomplete or
17 illegible and the county recorder is not able to process it, THE COUNTY
18 RECORDER SHALL NOTIFY the applicant ~~shall be notified~~ within ten business
19 days of receipt OF THE REGISTRATION FORM, SHALL SPECIFY THE MISSING OR
20 ILLEGIBLE INFORMATION AND, IF THE MISSING OR ILLEGIBLE INFORMATION
21 INCLUDES ANY OF THE INFORMATION PRESCRIBED BY SECTION 16-121.01,
22 SUBSECTION A, SHALL STATE that the registration cannot be completed until
23 the ~~necessary~~ information is supplied.

24 Sec. 13. Section 16-165, Arizona Revised Statutes, is amended to
25 read:

26 16-165. Causes for cancellation

27 A. The county recorder shall cancel a registration:

28 1. At the request of the person registered.

29 2. When the county recorder knows of the death of the person
30 registered.

31 3. ~~When the insanity of~~ IF the person registered ~~is legally~~
32 ~~established~~ HAS BEEN ADJUDICATED AN INCAPACITATED PERSON AS DEFINED IN
33 SECTION 14-5101.

34 4. When the person registered has been convicted of a felony, and
35 the judgment of conviction has not been reversed or set aside.

36 5. Upon production of a certified copy of a judgment directing a
37 cancellation to be made.

38 6. Promptly after the election if the person registered has applied
39 for a ballot pursuant to section 16-126.

40 7. When a person has been on the inactive voter list under section
41 16-166 for four consecutive years.

42 ~~8. When the county recorder knows the person registered has a~~
43 ~~change of residence and knows the new residence address.~~

44 8. WHEN THE COUNTY RECORDER RECEIVES WRITTEN INFORMATION FROM THE
45 PERSON REGISTERED THAT THE PERSON HAS A CHANGE OF RESIDENCE WITHIN THE
46 COUNTY AND THE PERSON DOES NOT COMPLETE AND RETURN A NEW REGISTRATION FORM
47 WITHIN THIRTY-FIVE DAYS AFTER THE COUNTY RECORDER MAILS NOTIFICATION OF

1 THE NEED TO COMPLETE AND RETURN A NEW REGISTRATION FORM WITH CURRENT
2 INFORMATION.

3 9. WHEN THE COUNTY RECORDER RECEIVES WRITTEN INFORMATION FROM THE
4 PERSON REGISTERED THAT THE PERSON HAS A CHANGE OF ADDRESS OUTSIDE THE
5 COUNTY.

6 B. If the county recorder cancels a registration pursuant to
7 subsection A, paragraph 8 of this section, the county recorder shall send
8 the person notice that his registration has been cancelled and a
9 registration form with the information described in section 16-131,
10 subsection C, attached to the form.

11 C. When proceedings are had in the superior court resulting in a
12 person being declared incapable of taking care of himself and managing his
13 property, and for whom a guardian of his person and estate is appointed,
14 or resulting in such person being committed as an insane person, or
15 resulting in a person being convicted of a felony, the clerk of the
16 superior court in the county in which such proceedings were had shall file
17 with the appropriate county recorder a certificate of such fact, and the
18 recorder shall cancel the name of the person upon the register. Such
19 certificate shall name the person covered, shall give his date and place
20 of birth if available, his social security number, if available, his usual
21 place of residence and his address, and shall be filed with the recorder
22 of the county where the person last resided.

23 D. Each month the department of health services shall transmit to
24 the appropriate county recorder without charge a record of the death of
25 every resident of his county sixteen years of age and older reported to
26 the department within the preceding month. This record shall include only
27 the name of the decedent, his date of birth, his social security number,
28 if available, his usual legal residence at the time of his death and, if
29 available, the decedent's father's name or his mother's maiden name. The
30 record shall be used by the county recorder for the sole purpose of
31 removing the names of deceased persons from the register. Public access
32 to the records is prohibited. Use of information from the records for
33 purposes other than those required by this section is prohibited. The
34 recorder shall promptly cancel the name of each deceased person from the
35 register.

36 Sec. 14. Section 16-166, Arizona Revised Statutes, is amended to
37 read:

38 16-166. Verification of registration; procedure; transfer
39 of registration to inactive status

40 A. The county recorder shall, by May 1 of the year in which a
41 general election at which a president of the United States is elected,
42 send by nonforwardable first class mail, marked "address correction
43 requested", a verification of registration notice to each elector whose
44 name appears on the general register. The verification of registration
45 notice shall contain the information about the elector as it appears on
46 the general register. The notice shall state that if the information is
47 accurate, the elector need take no further action, and that if the

1 information is incorrect, the elector should complete a new registration
2 form.

3 B. If the verification of registration notice is not returned by
4 the postal service to the county recorder as nonforwardable, no further
5 action by the county recorder is required under this section.

6 C. If the verification of registration notice is returned by the
7 postal service to the county recorder as nondeliverable, the county
8 recorder shall send a follow-up verification of registration notice to the
9 elector within two weeks of receipt of the returned verification of
10 registration notice. If a forwarding address is indicated on the returned
11 verification of registration notice, the county recorder shall send the
12 follow-up verification of registration notice to the forwarding address.
13 If no forwarding address is indicated on the returned verification of
14 registration notice, the county recorder shall send the follow-up
15 verification of registration notice to the address which appears on the
16 general register. The follow-up verification of registration notice shall
17 include a registration form and information described in section 16-131,
18 subsection C, and state that if the elector does not complete and return a
19 new registration form with current information to the county recorder by
20 July 1, the name of the elector will be removed from the general register
21 and transferred to the inactive voter list.

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

30 E. If an elector to whom a follow-up verification of registration
31 notice was sent under subsection C of this section does not provide a new
32 registration form by July 1, the county recorder shall remove the name of
33 the elector from the general register and transfer it to the inactive
34 voter list.

35 F. A county recorder ~~or any other officer in charge of elections~~
36 who makes a mailing other than for sample ballots to any elector shall
37 send the mailing by nonforwardable first class mail marked "address
38 correction requested". If the correspondence is returned by the postal
39 service to the county recorder ~~or other officer in charge of elections~~,
40 the county recorder shall send a follow-up verification of registration
41 notice in the same manner as prescribed in subsection C of this section.
42 If the elector does not provide a current residence address to the county
43 recorder within thirty-five days after the follow-up verification of
44 registration notice is mailed, the county recorder shall remove the
45 elector's name from the general register and transfer it to the inactive
46 voter list.

47 G. The county recorder shall maintain the names of electors who
48 have been removed from the general register under the provisions of

1 subsection E or F of this section on the inactive voter list for four
2 consecutive years.

3 H. On notification that a government agency has changed the name of
4 a street, route number, post office box number or other address
5 designation, the county recorder shall update the records of the
6 registration and send a new verification of registration notice to the
7 electors whose records were changed.

8 I. ANY AGENCY OF THE STATE, COUNTY, CITY, TOWN OR ANY SUBDIVISION
9 THEREOF THAT HAS AUTHORITY TO ALTER OR CHANGE STREET NAMES, ADDRESSES OR
10 OTHER ADDRESS DESIGNATIONS SHALL WITHIN TEN WORKING DAYS OF THE CHANGE
11 NOTIFY IN WRITING THE OFFICE OF THE COUNTY RECORDER IN ANY COUNTY AFFECTED
12 BY THE CHANGE.

13 Sec. 15. Section 16-169, Arizona Revised Statutes, is amended to
14 read:

15 16-169. Disposition and use of precinct registers;
16 signature roster; form

17 A. Upon completion of the precinct registers, the county recorder
18 shall certify to their completeness and correctness and shall transmit the
19 original and two copies thereof to the several election boards. A copy
20 shall be retained by the recorder for verification purposes on election
21 day and then such copy shall be delivered by the recorder to the absentee
22 election boards. The board of election shall use the original of the
23 precinct register, which shall be known as the "signature roster", for
24 identifying the electors qualified to vote in the precinct and may use the
25 remaining copies to process voters or may place them in a convenient place
26 outside the poll limits for use by the electors. After the canvass is
27 completed, a copy of the precinct register shall be delivered to the
28 county chairman of each political party having at least two candidates
29 other than presidential electors on the ballot in the last general
30 election.

31 B. The signature roster shall be bound with suitable covers and
32 shall bear on the outside front cover the title, "signature roster
33 precinct, _____ county, Arizona." On the ~~inside~~
34 ~~of the back~~ cover thereof shall appear, printed or typed, a certificate to
35 be signed by the inspector substantially as follows:

36 I, _____ inspector of the board of election of
37 _____ precinct, _____ county, Arizona, hereby certify
38 that the foregoing (excepting signatures in red) are true and
39 correct signatures of all electors who voted in
40 _____ precinct on _____ day of _____ 19____.

41 _____
42 (Inspector)

43 Sec. 16. Section 16-226, Arizona Revised Statutes, is amended to
44 read:

45 16-226. Nonpartisan elections; time of calling; definition

46 A. Nonpartisan elections shall be called no later than one hundred
47 twenty days before the date of holding the election.

1 B. FOR PURPOSES OF THIS CHAPTER, "NONPARTISAN" MEANS AN ELECTION
2 THAT IS HELD BY A SPECIAL DISTRICT ESTABLISHED PURSUANT TO TITLE 48 AND
3 THAT IS NOT HELD CONCURRENTLY WITH THE GENERAL ELECTION.

4 Sec. 17. Section 16-228, Arizona Revised Statutes, is amended to
5 read:

6 16-228. Notice of election for nonpartisan elections

7 A. The governing body shall publish a notice of election at least
8 twice in a newspaper of general circulation in the election district in
9 which a nonpartisan election is being held not less than once a week
10 during each of the two calendar weeks preceding twenty days before the
11 election. This notice shall contain at least:

- 12 1. The date of the election.
- 13 2. The location of the polls.
- 14 3. The hours the polls will be open.
- 15 4. The purpose of the election.
- 16 5. The election district conducting the election.

17 B. In lieu of publishing the notice described in subsection A, the
18 governing body may, and for a nonresident qualified elector OF ANY SPECIAL
19 DISTRICT shall, mail a notice of election to each household containing a
20 qualified elector of the district. Such notice shall contain the same
21 information described in subsection A and be mailed not later than ten
22 days before the election.

23 C. In mail ballot elections, the governing body shall publish a
24 notice of election at least twice in a newspaper of general circulation in
25 the special district in which the election is being held at least once a
26 week during each of the two weeks immediately preceding the thirty days
27 before the election. This notice shall contain at least:

- 28 1. The date of the election.
- 29 2. The date ballots will be mailed.
- 30 3. The deadline and location for return of the ballots.
- 31 4. How to obtain a replacement if a ballot is destroyed, lost,
32 spoiled or not received.
- 33 5. A statement that no polling place will be provided.
- 34 6. The name of the district that is conducting the election.
- 35 7. The qualifications of electors.

36 D. In lieu of publishing the notice described in subsection C, the
37 governing body may, and for a nonresident qualified elector OF ANY SPECIAL
38 DISTRICT shall, mail a notice of election to each household containing a
39 qualified elector of the district. The notice shall contain the same
40 information described in subsection C and shall be mailed not later than
41 forty-five days before the election.

42 Sec. 18. Section 16-229, Arizona Revised Statutes, is amended to
43 read:

44 16-229. Affidavit of compliance

45 The governing body of a special district as described in title 48
46 shall submit to the board of supervisors an affidavit certifying
47 compliance with the applicable federal and state election laws not later
48 than five days before the NONPARTISAN election.

1 Sec. 19. Section 16-311, Arizona Revised Statutes, is amended to
2 read:

3 16-311. Nomination papers; definitions; filing

4 A. Any person desiring to become a candidate at a primary election
5 for a political party and to have his name printed on the official ballot
6 shall be a qualified elector of such party and shall, not less than
7 seventy-five nor more than one hundred five days before the primary
8 election, sign and cause to be filed a nomination paper giving his place
9 of residence and post office address, naming the party of which he desires
10 to become a candidate, stating the office and district or precinct, if
11 any, for which he offers his candidacy, stating the exact manner in which
12 he desires to have his name printed on the official ballot pursuant to
13 subsection G, and giving the date of the primary election and, if
14 nominated, the date of the general election at which he desires to become
15 a candidate. A candidate for public office shall BE A QUALIFIED ELECTOR
16 AT THE TIME OF FILING AND SHALL reside in the county, district or precinct
17 which he proposes to represent.

18 B. Any person desiring to become a candidate at any nonpartisan
19 election and to have his name printed on the official ballot shall be AT
20 THE TIME OF FILING a qualified elector of such COUNTY, city, town or
21 district and, not less than sixty nor more than ninety days before the
22 election, shall sign and cause to be filed a nomination paper giving his
23 place of residence and post office address, stating the office and COUNTY,
24 CITY, TOWN OR district and ward or precinct, if any, for which he offers
25 his candidacy, stating the exact manner in which he desires to have his
26 name printed on the official ballot pursuant to subsection G and giving
27 the date of the election. A candidate for public office shall reside AT
28 THE TIME OF FILING in the county, CITY, TOWN, district, ward or precinct
29 which he proposes to represent.

30 C. Notwithstanding the provisions of subsection B to the contrary,
31 any city or town may adopt by ordinance for its elections the time frame
32 provided in subsection A for filing nomination petitions. Such ordinance
33 shall be adopted not less than one hundred twenty days before the first
34 election to which it applies.

35 D. ~~Such person~~ ALL PERSONS desiring to become a candidate shall
36 file with the nomination paper provided for in subsection A an affidavit
37 which shall be printed in a form prescribed by the secretary of state.
38 The affidavit shall include facts sufficient to show that, other than the
39 residency requirement provided in subsection A ~~of this section~~, the
40 candidate will be qualified at the time of election to hold the office he
41 seeks.

42 E. The nomination paper of a candidate for the office of United
43 States senator, OR representative in Congress or for a state office,
44 including a member of the legislature, or for any other office for which
45 the electors of the entire state or a subdivision of the state greater
46 than a county are entitled to vote, shall be filed with the secretary of
47 state no later than five o'clock p.m. on the last date for filing.

1 F. The nomination paper of a candidate for superior court judge or
2 for a county, district and precinct office for which the electors of a
3 county or a subdivision of a county other than an incorporated city or
4 town are entitled to vote shall be filed with the ~~clerk of the board of~~
5 ~~supervisors~~ COUNTY ELECTIONS OFFICER no later than five o'clock p.m. on
6 the last date for filing. The nomination paper of a candidate for a city
7 or town office shall be filed with the city or town clerk no later than
8 five o'clock p.m. on the last date for filing. The nomination paper of a
9 candidate for school district office shall be filed with the county school
10 superintendent no later than five o'clock p.m. on the last date for
11 filing.

12 G. The nomination paper shall include the exact manner in which the
13 candidate desires to have his name printed on the official ballot and
14 shall be limited to the candidate's surname and given name or names, an
15 abbreviated version of such names or appropriate initials such as "Bob"
16 for "Robert", "Jim" for "James", "Wm." for "William" or "S." for "Samuel".
17 Nicknames are permissible, but in no event shall nicknames, abbreviated
18 versions or initials of given names suggest reference to professional,
19 fraternal, religious or military titles. No other descriptive name or
20 names shall be printed on the official ballot, except as provided in this
21 section. Candidates' abbreviated names or nicknames may be printed within
22 quotation marks. The candidate's surname shall be printed first, followed
23 by the given name or names.

24 H. As used in this title:

25 1. "Election district" means the state, any county, city, town,
26 precinct, OR other political subdivision or a special district which is
27 not a political subdivision, which is authorized by statute to conduct an
28 election and which is authorized or required to conduct its election in
29 accordance with this title.

30 2. "Nomination paper" means the form filed with the appropriate
31 office by a person wishing to declare his intent to become a candidate for
32 a particular political office.

33 Sec. 20. Section 16-312, Arizona Revised Statutes, is amended to
34 read:

35 16-312. Filing of nomination papers for write-in
36 candidates

37 A. Any person desiring to become a write-in candidate for an
38 elective office in any election shall file a nomination paper, signed by
39 the candidate, giving his place of residence and post office address, age,
40 length of residence in the state and date of birth.

41 B. A write-in candidate shall file the nomination paper no later
42 than 5:00 p.m. on the fourteenth day prior to the election. Write-in
43 filing procedure shall be in the same manner as prescribed in section
44 16-311. Any person not filing such a statement shall not be counted in
45 the tally of ballots.

46 C. The secretary of state shall notify the various boards of
47 supervisors as to write-in candidates filing with his office. The county
48 school superintendent shall notify the appropriate board of supervisors as

1 to write-in candidates filing with his office. The board of supervisors
2 shall notify the appropriate election board inspector of all candidates
3 who have properly filed such statements. In the case of a city or town
4 election, the city or town clerk shall notify the appropriate election
5 board inspector of candidates properly filed. No other write-ins shall be
6 counted. The election board inspector shall post the notice of official
7 write-in candidates in a conspicuous location within the polling place.

8 D. A CANDIDATE MAY NOT FILE PURSUANT TO THIS SECTION IF THE
9 CANDIDATE RAN IN THE IMMEDIATELY PRECEDING PRIMARY ELECTION AND FAILED TO
10 BE NOMINATED TO THE OFFICE SOUGHT IN THE CURRENT ELECTION.

11 Sec. 21. Section 16-314, Arizona Revised Statutes, is amended to
12 read:

13 16-314. Filing and form of nomination petitions; definition

14 A. Any person desiring to become a candidate at any election and to
15 have his name printed on the official ballot shall, within the same time
16 and with the same officer as provided by section 16-311, file a nomination
17 petition in addition to the nomination paper required.

18 B. As used in this title, "nomination petition" means the form or
19 forms used for obtaining the required number of signatures of qualified
20 electors, which is circulated by or on behalf of the person wishing to
21 become a candidate for a political office.

22 C. Nomination petitions shall be captioned "partisan nomination
23 petition" or "nonpartisan nomination petition", followed by the language
24 of the petition in substantially the following form:

25 Partisan Nomination Petition

26 "I, the undersigned, a qualified elector of the county
27 of _____, state of Arizona, and of (here name
28 political division or district from which the nomination is
29 sought) and a member of the _____ party, hereby
30 nominate _____ who resides at _____ in the
31 county of _____ for the party nomination for the
32 office of _____ to be voted at the primary election
33 to be held _____ as representing the principles of
34 such party, and I hereby declare that I AM QUALIFIED TO VOTE
35 FOR THIS OFFICE AND THAT I have not signed, and will not sign,
36 any nomination petition for more persons than the number of
37 candidates necessary to fill such office at the next ensuing
38 election."

39 Nonpartisan Nomination Petition

40 "I, the undersigned, a qualified elector of the county
41 of _____, state of Arizona, and of (here name
42 political division or district from which the nomination is
43 sought) hereby nominate _____ who resides at
44 _____ in the county of _____ for the
45 office of _____ to be voted at the _____
46 election to be held _____, and hereby declare that I
47 AM QUALIFIED TO VOTE FOR THIS OFFICE AND THAT I have not
48 signed and will not sign any nomination petitions for more

1 persons than the number of candidates necessary to fill such
2 office at the next ensuing election."

3 D. The nomination petition of a person seeking to fill an unexpired
4 vacant term for any public office shall designate the expiration date of
5 the term following the name of the office being sought.

6 Sec. 22. Section 16-315, Arizona Revised Statutes, is amended to
7 read:

8 16-315. Form of petitions

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

11 1. Petitions shall be on paper fourteen inches ~~long~~ WIDE and eight
12 and one-half inches ~~wide~~ LONG.

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

16 3. There shall be ~~twenty-five~~ FIFTEEN lines spaced three-eighths of
17 an inch apart and consecutively numbered one through ~~twenty-five~~ FIFTEEN.

18 4. The signature portion of the petition shall be divided into
19 columns headed by the titles: ~~signature as registered~~; PRINTED NAME;
20 residence or mailing address OR, IF NO STREET ADDRESS, A DESCRIPTION OF
21 RESIDENCE LOCATION, city, town or post office; and date of signing.

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

24 B. The following shall appear on the petition:

25 Instructions for Circulators

26 1. All petitions shall be signed by circulator.

27 2. Circulator must be a qualified elector of this state.

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

30 ~~4. The elector shall sign with the elector's given name, middle
31 initial or middle name, if any, and surname under which registered.~~

32 4. CIRCULATOR'S RESIDENCE ADDRESS OR, IF NO STREET ADDRESS, A
33 DESCRIPTION OF RESIDENCE LOCATION SHALL BE INCLUDED ON THE PETITION.

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

36 Sec. 23. Section 16-322, Arizona Revised Statutes, is amended to
37 read:

38 16-322. Number of signatures required on nomination petitions

39 A. Nomination petitions shall be signed:

40 1. If for a candidate for the office of United States senator or
41 for a state office, excepting members of the legislature and superior
42 court judges, by a number of qualified electors who are qualified to vote
43 for the candidate whose nomination petition they are signing equal to at
44 least one-half of one per cent of the voter registration of the party of
45 the candidate in at least three counties in the state, but not less than
46 one-half of one per cent nor more than ten per cent of the total voter
47 registration of his party in the state.

1 2. If for a candidate for the office of representative in Congress,
2 by a number of qualified electors who are qualified to vote for the
3 candidate whose nomination petition they are signing equal to at least
4 one-half of one per cent but not more than ten per cent of the total voter
5 registration of the party designated in the district from which such
6 representative shall be elected.

7 3. If for a candidate for the office of member of the legislature,
8 by a number of qualified electors who are qualified to vote for the
9 candidate whose nomination petition they are signing equal to at least one
10 ~~and one-half~~ per cent but not more than three per cent of the total voter
11 registration of the party designated in the district from which the member
12 of the legislature may be elected.

13 4. If for a candidate for a county office or superior court judge,
14 by a number of qualified electors who are qualified to vote for the
15 candidate whose nomination petition they are signing equal to at least two
16 per cent but not more than ten per cent of the total voter registration of
17 the party designated in the county or district, provided that in counties
18 with a population of two hundred thousand persons or more, a candidate for
19 a county office shall have nomination petitions signed by a number of
20 qualified electors who are qualified to vote for the candidate whose
21 nomination petition they are signing equal to at least one-half of one per
22 cent but not more than ten per cent of the total voter registration of the
23 party designated in the county or district.

24 5. IF FOR A CANDIDATE FOR A COMMUNITY COLLEGE DISTRICT, BY A NUMBER
25 OF QUALIFIED ELECTORS WHO ARE QUALIFIED TO VOTE FOR THE CANDIDATE WHOSE
26 NOMINATION PETITION THEY ARE SIGNING EQUAL TO AT LEAST ONE-HALF OF ONE PER
27 CENT BUT NOT MORE THAN TEN PER CENT OF THE TOTAL VOTER REGISTRATION IN THE
28 PRECINCT AS ESTABLISHED PURSUANT TO SECTION 15-1441.

29 ~~6~~ 6. If for a candidate for county precinct committeeman, by a
30 number of qualified electors who are qualified to vote for the candidate
31 whose nomination petition they are signing equal to at least two per cent
32 BUT NOT MORE THAN TEN PER CENT of the party voter registration in the
33 precinct.

34 ~~6~~ 7. If for a candidate for justice of the peace or constable, by
35 a number of qualified electors who are qualified to vote for the candidate
36 whose nomination petition they are signing equal to at least two per cent
37 BUT NOT MORE THAN TEN PER CENT of the party voter registration in the
38 precinct.

39 ~~7~~ 8. If for a candidate for mayor or other office nominated by a
40 city at large, by a number of qualified electors who are qualified to vote
41 for the candidate whose nomination petition they are signing equal to at
42 least five per cent and not more than ten per cent of the designated party
43 vote in the city.

44 ~~8~~ 9. If for an office nominated by ward, precinct or other
45 district of a city, by a number of qualified electors who are qualified to
46 vote for the candidate whose nomination petition they are signing equal to
47 at least five per cent and not more than ten per cent of the designated
48 party vote in the ward, precinct or other district.

1 9. 10. If for a candidate for an office nominated by a town at
2 large, by a number of qualified electors who are qualified to vote for the
3 candidate whose nomination petition they are signing equal to at least
4 five per cent and not more than ten per cent of the vote in the town.

5 ~~10.~~ 11. If for a candidate for a governing board of a school
6 district, by a number of qualified electors who are qualified to vote for
7 the candidate whose nomination petition they are signing equal to at least
8 ONE-HALF OF one per cent of the ~~vote~~ TOTAL VOTER REGISTRATION in the
9 school district if the governing board members are elected at large or one
10 per cent of the ~~vote~~ TOTAL VOTER REGISTRATION in the single member
11 district if governing board members or joint technological education
12 district board members are elected from single member districts.

13 ~~11.~~ 12. If for a candidate for a governing body of a special
14 district as described in title 48 by a number of qualified electors who
15 are qualified to vote for the candidate whose nomination petition they are
16 signing equal to at least ONE-HALF OF one per cent of the vote in the
17 special district but not more than two hundred fifty and not fewer than
18 five signatures.

19 B. The basis of percentage in each instance referred to in
20 subsection A of this section, except in cities, towns and school
21 districts, shall be the number of voters registered in the designated
22 party of the candidate as reported pursuant to section 16-168, subsection
23 G on March 1 of the year in which the general election is held. In
24 cities, the basis of percentage shall be the vote of the party for mayor
25 at the last preceding election at which a mayor was elected. In towns,
26 the basis of percentage shall be the highest vote cast for an elected
27 official of the town at the last preceding election at which an official
28 of the town was elected. In school districts, the basis of percentage
29 shall be the ~~highest vote cast for a candidate for the governing board at~~
30 ~~the last general election at which a governing board member was elected.~~
31 ~~In special districts, other than school districts, the basis of percentage~~
32 ~~shall be the highest vote cast for a candidate for the governing body at~~
33 ~~the last election.~~ TOTAL NUMBER OF VOTERS REGISTERED IN THE SCHOOL
34 DISTRICT OR SINGLE MEMBER DISTRICT, WHICHEVER APPLIES.

35 C. In primary elections the signature requirement for party
36 nominees, other than nominees of the parties entitled to continued
37 representation pursuant to section 16-804, is at least one-tenth of one
38 per cent of the total vote for the winning candidate or candidates for
39 governor or presidential electors at the last general election within the
40 district. Signatures must be obtained from qualified electors who are
41 qualified to vote for the candidate whose nomination petition they are
42 signing.

43 D. If new boundaries for congressional districts, legislative
44 districts, supervisorial districts, justice precincts or election
45 precincts are established and effective subsequent to March 1 of the year
46 of a general election and prior to the date for filing of nomination
47 petitions, the basis for determining the required number of nomination
48 petition signatures is the number of registered voters in the designated

1 party of the candidate in the elective office, district or precinct on the
2 day the new districts or precincts are effective.

3 Sec. 24. Section 16-341, Arizona Revised Statutes, is amended to
4 read:

5 16-341. Nomination petition; method and time of filing;
6 form; qualifications and number of petitioners
7 required

8 A. Candidates for public office may be nominated otherwise than by
9 primary election or by party committee pursuant to this section. ~~unless~~
10 ~~such candidates were defeated or failed to obtain nomination in the~~
11 ~~immediately preceding primary election.~~

12 B. The provisions of this article shall not be used to place on the
13 general election ballot the name of a political party which fails to meet
14 the qualifications specified in section 16-802 or 16-804, or the name of
15 any candidate representing such party.

16 C. A nomination petition stating the name of the office to be
17 filled, the name and residence of the candidate and other information
18 required by this section shall be filed AT THE SAME TIME AND with the SAME
19 officer with whom primary nomination papers and petitions are required to
20 be filed ~~no later than 5:00 p.m. on the tenth day after the primary~~
21 ~~election~~ AS PRESCRIBED IN SECTION 16-311. The petition shall be signed
22 only by voters who have not signed the nomination petitions of a candidate
23 for the office to be voted for at ~~the last~~ THAT primary election and who
24 ~~have not voted at the primary election~~ ARE NOT MEMBERS OF A POLITICAL
25 PARTY THAT IS QUALIFIED TO BE REPRESENTED BY AN OFFICIAL PARTY BALLOT AT
26 THE NEXT ENSUING PRIMARY ELECTION AND ACCORDED REPRESENTATION ON THE
27 GENERAL ELECTION BALLOT. ~~unless the voter's party ballot did not give the~~
28 ~~voter the opportunity to vote for a particular office because of the~~
29 ~~absence of the office from the party's ballot.~~

30 D. The nomination petition shall be in substantially the following
31 form:

32 "The undersigned, qualified electors of the _____
33 precinct of _____ county, state of Arizona, do hereby
34 nominate _____, who resides at _____ in the county
35 of _____, as a candidate for the office of _____ at
36 the general (or special, as the case may be) election to be
37 held on the _____ day of _____, 19 _____.

38 I hereby declare that I have not signed the
39 nomination petitions of any candidate for the
40 office to be voted for at ~~the last~~ THIS primary
41 ~~election, and that I did not vote at the last~~
42 ~~primary election,~~ I AM NOT A MEMBER OF A POLITICAL
43 PARTY THAT IS QUALIFIED TO BE REPRESENTED BY AN
44 OFFICIAL PARTY BALLOT AT THE NEXT ENSUING PRIMARY
45 ELECTION AND ACCORDED REPRESENTATION ON THE
46 GENERAL ELECTION BALLOT and I do hereby select the
47 following designation under which name the said
48 candidate shall be placed on the official ballot

1 (here insert such designation not exceeding three
2 words in length as the signers may select)."

3 E. The nomination petition shall conform as nearly as possible to
4 the provisions relating to nomination petitions of candidates to be voted
5 for at primary elections and shall be signed by at least ~~one~~ THREE per
6 cent of the qualified electors of the state, county, subdivision or
7 district for which the candidate is nominated WHO ARE NOT MEMBERS OF A
8 POLITICAL PARTY THAT IS QUALIFIED TO BE REPRESENTED BY AN OFFICIAL PARTY
9 BALLOT AT THE NEXT ENSUING PRIMARY ELECTION AND ACCORDED REPRESENTATION ON
10 THE GENERAL ELECTION BALLOT.

11 F. The percentage of qualified electors necessary to sign the
12 nomination petition shall be determined by the total ~~vote cast for~~
13 ~~governor or presidential electors~~ NUMBER OF REGISTERED VOTERS FROM OTHER
14 THAN POLITICAL PARTIES THAT ARE QUALIFIED TO BE REPRESENTED BY AN OFFICIAL
15 PARTY BALLOT AT THE NEXT ENSUING PRIMARY ELECTION AND ACCORDED
16 REPRESENTATION ON THE GENERAL ELECTION BALLOT in the state, county,
17 subdivision or district at the last general election.

18 ~~G. Nomination petitions filed pursuant to this section may be~~
19 ~~circulated the day following the primary election. Signatures collected~~
20 ~~prior to that date are not valid.~~

21 H. G. For the purposes of this section, a nomination petition for
22 the office of presidential elector may include a group of names of
23 candidates equal to the number of United States senators and
24 representatives in Congress from this state instead of separate nomination
25 petitions for each candidate for the office of presidential elector. A
26 valid signature on a petition containing a group of presidential electors
27 candidates is counted as a signature for the nomination of each of the
28 candidates. The presidential candidate whom the candidates for
29 presidential elector will represent shall designate in writing to the
30 secretary of state the names of the candidates who will represent the
31 presidential candidate before any signatures for the candidate can be
32 accepted for filing.

33 Sec. 25. Section 16-344, Arizona Revised Statutes, is amended to
34 read:

35 16-344. Office of presidential elector; appointment by
36 state committee chairman

37 A. The chairman of the state committee of a political party which
38 is qualified for representation on the ~~ballot as provided in section~~
39 ~~16-802 or 16-804~~ AN OFFICIAL PARTY BALLOT AT THE PRIMARY ELECTION AND
40 ACCORDED A COLUMN ON THE GENERAL ELECTION BALLOT shall appoint candidates
41 for the office of presidential elector equal to the number of United
42 States senators and representatives in Congress from this state and shall
43 file for each candidate with the secretary of state, not less than
44 seventy-five days or more than one hundred five days before the primary
45 election, by 5:00 o'clock p.m. on the last day for filing:

46 1. A nomination paper giving the candidate's place of residence and
47 post office address, naming the party of which the candidate desires to
48 become a candidate, stating his candidacy for the office of presidential

1 elector, stating the exact manner in which the candidate desires to have
2 his name printed on the official ballot pursuant to section 16-311,
3 subsection G, and STATING the date of the general election at which he
4 desires to become a candidate.

5 2. An affidavit including facts sufficient to show that the
6 candidate resides in this state and will be qualified at the time of the
7 election to hold the office of presidential elector.

8 B. The nomination paper and affidavit of qualification pursuant to
9 subsection A of this section shall be printed in a form prescribed by the
10 secretary of state.

11 Sec. 26. Section 16-351, Arizona Revised Statutes, is amended to
12 read:

13 16-351. Limitations on appeals of validity of nomination
14 petitions

15 A. Any elector filing any court action challenging the nomination
16 petitions provided for in this chapter shall do so within five days,
17 excluding Saturday, Sunday and legal holidays, after the last day for
18 filing nomination papers and petitions. Within ten days after the filing
19 of the action, the superior court shall hear and render a decision on the
20 matter. Such decision shall be appealable only to the supreme court, and
21 notice of appeal shall be filed within five days after the decision of the
22 superior court in the action. The supreme court shall hear and render a
23 decision on the appeal promptly.

24 B. IN ANY ACTION CHALLENGING A NOMINATION PETITION, THE FOLLOWING
25 PERSONS ARE INDISPENSABLE PARTIES TO THE ACTION AND SHALL BE NAMED AND
26 SERVED AS DEFENDANTS:

27 1. THE CANDIDATE WHOSE PETITION IS THE SUBJECT OF THE CHALLENGE.

28 2. THE OFFICER WITH WHOM THE PETITIONS ARE REQUIRED TO BE FILED.

29 3. THE BOARD OF SUPERVISORS AND THE RECORDER OF EACH COUNTY OR THE
30 CLERK OF EACH CITY OR TOWN WHO ARE RESPONSIBLE FOR PREPARING THE BALLOTS
31 THAT CONTAIN THE CHALLENGED CANDIDATE'S NAME.

32 ~~B.~~ C. For the purposes of an action challenging nomination
33 petitions, THE BOARD OF SUPERVISORS AND THE RECORDER OF EACH COUNTY OR THE
34 CLERK OF EACH CITY OR TOWN RESPONSIBLE FOR PREPARING THE BALLOTS THAT
35 CONTAIN THE CHALLENGED CANDIDATE'S NAME AND each person filing a
36 nomination petition under this chapter appoints the officer with whom ~~he~~
37 THE CANDIDATE files his nomination paper and petitions as his agent to
38 receive service of process. AN ACTION CHALLENGING A NOMINATION PETITION
39 SHALL BE SERVED IMMEDIATELY AFTER THE ACTION IS FILED AND IN NO EVENT MORE
40 THAN TWENTY-FOUR HOURS AFTER FILING THE ACTION EXCLUDING SATURDAYS,
41 SUNDAYS AND OTHER LEGAL HOLIDAYS. Immediately upon receipt of process
42 served upon the officer as agent for a person filing a nomination
43 petition, the officer shall mail the process to the person AND SHALL
44 NOTIFY HIM BY TELEPHONE OF THE FILING OF THE ACTION.

45 ~~G.~~ D. Notwithstanding the system used pursuant to section 16-163,
46 subsection C, the most current version of the general county register at
47 the time of filing of a court action challenging a nomination petition
48 shall constitute the official record to be used to determine on a prima

1 facie basis by the challenger that the signer of a petition was not
2 registered to vote at the address given on the date of signing of the
3 petition. THIS SUBSECTION DOES NOT PRECLUDE THE CHALLENGED CANDIDATE FROM
4 INTRODUCING INTO EVIDENCE A CERTIFIED COPY OF THE REGISTRATION FORM OF ANY
5 SIGNER OF A PETITION DATED ON OR BEFORE THE DATE OF THE SIGNING OF THE
6 PETITION IF THE REGISTRATION FORM IS IN THE POSSESSION OF THE COUNTY
7 RECORDER BUT HAS NOT YET BEEN FILED IN THE GENERAL COUNTY REGISTER.

8 Sec. 27. Section 16-404, Arizona Revised Statutes, is amended to
9 read:

10 16-404. Preparation of polling place; voting booths;
11 ballot boxes for paper ballots

12 Each polling place shall be provided by the board of supervisors
13 with a sufficient number of voting booths ~~furnished with shelves~~ on which
14 voters may conveniently mark their ballots ~~screened from the observation~~
15 of others. Each booth shall be at least three feet square ~~and contain a~~
16 ~~shelf at least one foot wide extending across one side of the booth at a~~
17 ~~convenient height for writing~~ FEET IN SIZE. Each booth shall be supplied
18 with such conveniences, ~~including pens or pencils,~~ as will enable the
19 voter to prepare his ballot for voting. The board of supervisors shall
20 also furnish each polling place with ballot boxes, equipped with locks,
21 large enough to properly receive and hold the ballots cast.

22 Sec. 28. Section 16-411, Arizona Revised Statutes, is amended to
23 read:

24 16-411. Designation of election precincts and polling
25 places

26 A. The board of supervisors of each county shall, on or before
27 December 1 of each year preceding the year of a general election, by an
28 order, establish a convenient number of election precincts in the county
29 and define the boundaries thereof. Such election precinct boundaries
30 shall be so established as included within election districts prescribed
31 by law for elected officers of the state and its political subdivisions
32 including community college district precincts, except those elected
33 officers provided for in titles 30 and 48.

34 B. Not less than twenty days before a general or primary election,
35 and at least ten days before a special election, the board shall designate
36 one polling place within each precinct where the election shall be held.
37 Upon a specific finding of the board, included in the order or resolution
38 designating polling places pursuant to this subsection, that no suitable
39 polling place is available within a precinct, a polling place for such
40 precinct may be designated within an adjacent precinct. Any such polling
41 places shall be listed in a separate section of the order or resolution.

42 C. If the board fails to designate the place for holding the
43 election, or if it cannot be held at or about the place designated, the
44 justice of the peace in the precinct shall, two days before the election,
45 by an order, copies of which he shall immediately post in three public
46 places in the precinct, designate the place within the precinct for
47 holding the election. If there is no justice of the peace in the
48 precinct, or if he fails to do so, the election board of the precinct

1 shall designate and give notice of the place within the precinct of
2 holding the election.

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

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

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

- 16 1. Space is not available at the school.
- 17 2. A disruption of the normal school activities would occur.
- 18 3. The safety or welfare of the children would be jeopardized.

19 G. AT LEAST EIGHTY DAYS BEFORE A GENERAL AND A PRIMARY ELECTION,
20 THE BOARD SHALL MAKE AVAILABLE TO THE PUBLIC A LIST OF THE POLLING PLACES
21 FOR ALL PRECINCTS IN WHICH THE ELECTION IS TO BE HELD INCLUDING
22 IDENTIFICATION OF POLLING PLACE CHANGES THAT WERE SUBMITTED TO THE UNITED
23 STATES DEPARTMENT OF JUSTICE FOR APPROVAL.

24 Sec. 29. Section 16-445, Arizona Revised Statutes, is amended to
25 read:

26 16-445. Filing of computer election programs with
27 secretary of state

28 A. For any state, county, SCHOOL DISTRICT, SPECIAL DISTRICT, city
29 or town election, including primary elections, utilizing vote tabulating
30 devices as provided in this article, there shall be filed with the
31 secretary of state a copy of each computer program for each election at
32 least one week prior to the election.

33 B. A copy of any subsequent revision of the computer program shall
34 be filed in the same manner within forty-eight hours following the
35 revision.

36 C. Any tape or disc used in the programming or operation of a vote
37 tabulating device upon which votes are counted and any tape used in
38 compiling vote totals shall be kept under lock and seal and if there is a
39 retally of votes, the officer entrusted with the tapes or discs shall
40 submit his affidavit stating that they are the tapes or discs, or both,
41 used in the election and have not been altered.

42 D. All materials submitted to the secretary of state shall be used
43 by the secretary of state or attorney general to preclude fraud or any
44 unlawful act under the laws of ~~titles 16~~ THIS TITLE and TITLE 19 and shall
45 not be disclosed or used for any other purpose.

46 E. Each program tape, OR disc or any other material submitted to
47 the secretary of state shall be returned to the county, city or town

1 WITHIN six months after the close of the election for which it was
2 submitted except:

- 3 1. When a court ordered recount is pending.
- 4 2. When a restraining order is in effect.
- 5 3. When any other legal action is pending.

6 Sec. 30. Section 16-447, Arizona Revised Statutes, is amended to
7 read:

8 16-447. Number of voting devices; inspection of voting
9 devices; specifications and number of booths

10 A. If an electronic voting system is in use in a regular primary
11 election held for federal, state or county offices, the board of
12 supervisors or other authority in charge of elections shall provide each
13 polling place with at least two voting devices for EACH OF the two
14 political parties which cast the highest number of votes in this state at
15 the last preceding general election. Two voting devices for each
16 political party as provided in this subsection is the minimum number of
17 voting devices required for two hundred fifty registered electors, and one
18 additional voting device shall be provided for each additional one hundred
19 twenty registered electors, or fraction in excess of such number of
20 electors, except that for precincts with fewer than one hundred registered
21 electors the board of supervisors may provide sufficient additional
22 supplies, including repair parts, instead of a second voting device.

23 B. In a regular general election held for federal, state or county
24 offices the board of supervisors or other authority in charge of elections
25 shall provide at least two voting devices for two hundred fifty registered
26 electors, and one additional voting device shall be provided for each
27 additional one hundred twenty registered electors, or fraction in excess
28 of such number of electors, except that for precincts with fewer than one
29 hundred registered electors the board of supervisors may provide
30 sufficient additional supplies, including repair parts, instead of a
31 second voting device.

32 C. Prior to any election at which electronic voting devices are
33 used, the board of supervisors or other authority in charge of elections
34 shall have the voting devices prepared for the election and SHALL mail a
35 notice to the chairmen of the county committees of the different political
36 parties, stating when and where the voting devices may be inspected before
37 they are sealed and delivered to the polling places.

38 D. The board of supervisors or other authority in charge of
39 elections shall have delivered to each polling place a sufficient number
40 of voting booths and voting or marking devices. The voting booths shall
41 be durably constructed and shall be of sufficient size and so designed as
42 to enable the voter to mark his ballot in secrecy.

43 E. IN ANY ELECTION OTHER THAN THE BIENNIAL PRIMARY AND GENERAL
44 ELECTIONS, THE ELECTION OFFICER IN CHARGE OF THE ELECTION SHALL DETERMINE
45 THE NUMBER OF VOTING DEVICES TO BE USED.

46 Sec. 31. Section 16-452, Arizona Revised Statutes, is amended to
47 read:

1 16-452. Rules; instructions and procedures manual;
2 approval of manual; field check and review of
3 systems; violation; classification

4 A. The secretary of state ~~in concert~~ AFTER CONSULTATION with each
5 county board of supervisors or other officer in charge of elections shall
6 prescribe rules ~~and regulations~~ to achieve and maintain the maximum degree
7 of correctness, impartiality, uniformity and efficiency on the procedures
8 for absentee voting, ~~AND~~ voting, and of PRODUCING, DISTRIBUTING,
9 collecting, counting, tabulating and ~~recording votes~~ STORING BALLOTS.

10 B. Such rules ~~and regulations~~ shall be prescribed in an official
11 instructions and procedures manual to be issued not later than thirty days
12 prior to each election. Prior to its issuance, the manual shall be
13 approved by the governor and the attorney general. The secretary of state
14 shall submit the manual to the governor and the attorney general not fewer
15 than ninety days before each election.

16 C. A person who violates any rule ~~or regulation~~ adopted pursuant to
17 this section is guilty of a class 2 misdemeanor.

18 D. The secretary of state shall provide personnel, expert in
19 electronic voting systems and procedures and in electronic voting system
20 security, to field check and review electronic voting systems and
21 recommend needed statutory and procedural changes.

22 Sec. 32. Section 16-461, Arizona Revised Statutes, is amended to
23 read:

24 16-461. Sample primary election ballots; submission to
25 party chairmen for examination; preparation,
26 printing and distribution of ballot

27 A. At least forty-five days before a primary election, ~~each clerk~~
28 ~~of the boards of supervisors and, before an election in a city or town,~~
29 ~~each city or town clerk~~ THE OFFICER IN CHARGE OF THAT ELECTION shall:

30 1. Prepare a proof of a sample ballot.

31 2. Submit the sample ballot proof of each party to the county
32 chairman or in city or town primaries to the city or town chairman.

33 3. Mail a sample ballot proof to each candidate for whom a
34 nomination paper and petitions have been filed.

35 B. The county chairman of each political party shall on or before
36 the fortieth day preceding the primary election suggest to the ~~clerk~~
37 ELECTION OFFICER any change he considers should be made in his party
38 ballot, and if upon examination the ~~clerk~~ ELECTION OFFICER finds an error
39 or omission in the ballot he shall correct it. The ~~clerk~~ ELECTION OFFICER
40 shall cause the sample ballots to be printed and distributed as required
41 by law, shall maintain a copy of each sample ballot in his office and
42 shall post a notice indicating that sample ballots are available on
43 request in his office. The official sample ballot shall be printed on
44 colored paper.

45 C. Not later than forty days before a primary election, the county
46 chairman of a political party may request one sample primary election
47 ballot of his party for each election precinct.

1 D. The board of supervisors shall have printed mailer-type sample
2 ballots for a primary election and shall mail at least ten days prior to
3 the election one sample ballot of a political party to each household
4 containing a registered voter of that political party. A certified claim
5 shall be presented to the secretary of state by the board of supervisors
6 for the actual cost of printing, LABELING and postage of each sample
7 ballot actually mailed, and the secretary of state shall direct payment of
8 the authenticated claim from funds of his office.

9 E. For city and town elections, the governing body of a city or
10 town may have printed mailer-type sample ballots for a primary election.
11 If the city or town has printed such sample ballots, the city or town
12 shall provide for the distribution of such ballots and shall bear the
13 expense of printing and distribution of such sample ballots.

14 F. The return address on the mailer-type sample ballots shall not
15 contain the name of an appointed or elected public officer nor may the
16 name of an appointed or elected public officer be used to indicate who
17 produced the sample ballot.

18 G. The great seal of the state of Arizona shall be imprinted along
19 with the words "official voting materials" on the mailing face of each
20 sample ballot. In county, city or town elections the seal of such
21 jurisdiction shall be substituted for the state seal.

22 Sec. 33. Section 16-464, Arizona Revised Statutes, is amended to
23 read:

24 16-464. Rotation of names on ballots

25 A. When there are two or more candidates for a nomination, except
26 in the case of precinct committeemen, the names of all candidates for the
27 nomination shall be so alternated upon the ballots used in each election
28 precinct that the name of each candidate shall appear substantially an
29 equal number of times at the top, at the bottom and in each intermediate
30 place of the list or group of candidates in which they belong. WHEN THERE
31 ARE FEWER THAN OR THE SAME NUMBER OF CANDIDATES SEEKING OFFICE AS THE
32 NUMBER TO BE ELECTED, ROTATION OF NAMES IS NOT REQUIRED AND THE NAMES
33 SHALL BE PLACED IN ALPHABETICAL ORDER.

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

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

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

45 Sec. 34. Section 16-465, Arizona Revised Statutes, is amended to
46 read:

1 16-465. Arrangement of candidates' names at primary
2 election

3 A. When there are two or more candidates of the same political
4 party on the ballot, the names of such candidates, except in the case of
5 precinct committeemen, shall be so alternated on the ballots used in each
6 election precinct that the name of each candidate shall appear
7 substantially an equal number of times in each possible location. WHEN
8 THERE ARE FEWER THAN OR THE SAME NUMBER OF CANDIDATES SEEKING OFFICE AS
9 THE NUMBER TO BE ELECTED, ROTATION OF NAMES IS NOT REQUIRED AND THE NAMES
10 SHALL BE PLACED IN ALPHABETICAL ORDER.

11 B. In a primary election where voting machines are used, names of
12 candidates for precinct committeemen shall appear on the voting machine in
13 alphabetical order according to the first letter of the surnames of the
14 candidates.

15 Sec. 35. Section 16-466, Arizona Revised Statutes, is amended to
16 read:

17 16-466. Ballots and ballot labels; electromechanical

18 A. Ballots and ballot labels shall, as far as practicable, be in
19 the same order of arrangement as provided for paper ballots, except that
20 such information may be printed in vertical or horizontal rows, or in a
21 number of separate pages which are placed on the voting device.

22 B. Ballot labels shall be printed in plain clear type in black ink
23 and, for use in a general election, upon clear white materials and be of
24 such size and arrangement as to fit the construction of the voting device
25 or the vote tabulating equipment. Ballots prepared for use in a primary
26 election shall be printed on material of a different color for each
27 political party represented. Ballots may contain printed code marks or
28 punched holes which may be used for placing the ballots in correct reading
29 positions in counting devices. The code marks or punched holes shall not
30 be used in any way that will reveal the identity of the voters voting the
31 ballot.

32 C. The titles of offices may be arranged in vertical columns or in
33 a series of separate pages and shall be printed above or at the side of
34 the names of candidates so as to indicate clearly the candidates for each
35 office and the number to be elected. In case there are more candidates
36 for an office than can be printed in one column or on one ballot page, the
37 ballot label shall be clearly marked that the list of candidates is
38 continued on the following column or page, and insofar as may be
39 practicable, the same number of names shall be printed on each column or
40 page.

41 D. In primary and nonpartisan elections the names of candidates for
42 each office shall appear on the ballot or ballot labels so that each
43 candidate occupies each position on the ballot or ballot labels
44 substantially the same number of times insofar as may be practicable. IF
45 THERE ARE FEWER OR THE SAME NUMBER OF CANDIDATES SEEKING OFFICE THAN THE
46 NUMBER TO BE ELECTED, ROTATION OF NAMES SHALL NOT BE REQUIRED AND THE
47 NAMES SHALL BE PLACED IN ALPHABETICAL ORDER.

1 E. In primary elections for a judicial office if there are two or
2 more candidates of the same political party their names shall be
3 alternated on the ballots so that the name of each candidate shall appear
4 substantially an equal number of times in each possible location on the
5 ballot.

6 F. Five TWO sample ballots, which shall be facsimile copies of the
7 official ballot or ballot labels, shall be provided for each polling place
8 and shall be posted on election day as provided for paper ballots. Sample
9 ballots may be printed on a single page or on a number of pages stapled
10 together.

11 Sec. 36. Section 16-502, Arizona Revised Statutes, is amended to
12 read:

13 16-502. Form and contents of ballot

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

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

31 "Section One
32 Partisan Ballot

33 1. Put a mark in the square after the name of each
34 candidate for each partisan office for whom you wish to vote.

35 2. If you wish to vote for a person whose name is not
36 printed on the ballot, write such name in the blank space
37 opposite the office for which he is a candidate and put a mark
38 in the square opposite the name so written."

39 C. Immediately below the instructions for voting in section one
40 there shall be placed, in columns, the names of the candidates of the
41 several political parties. At the top of each column shall be printed, in
42 bold-faced letters, the name of the political party. Below the columns
43 and running across the ballot there shall be a heavy line, and below the
44 line shall be printed in each column the names of the candidates of each
45 of the political parties for the several offices. At the left of the
46 several columns shall be printed the heading "name of office to be voted
47 for", and below and in regular order the names of the offices to be filled
48 with the name of each office being of uniform type size. At the head of

1 each column shall be printed in the following order the names of
2 candidates for:

- 3 1. Presidential electors.
- 4 2. United States senator.
- 5 3. Representatives in Congress.
- 6 4. The several state offices.
- 7 5. The several county and precinct offices.

8 D. The names of candidates for the offices of state senator and
9 state representative along with the district number shall be placed among
10 the candidates for state offices and immediately below the candidates for
11 the office of governor. The number of the supervisorial district of which
12 a candidate is a nominee shall be printed in brackets immediately to the
13 right of the name of each candidate for supervisor.

14 E. The lists of the candidates of the several parties shall be
15 arranged with the names of the parties in descending order according to
16 the votes cast for governor for that county in the most recent general
17 election for the office of governor, commencing with the left-hand column.
18 In the case of political parties which did not have candidates on the
19 ballot in the last general election, such parties shall be listed in
20 alphabetical order to the right of the parties which did have candidates
21 on the ballot in the last general election. The names of all candidates
22 nominated under the provisions of section 16-341 shall be placed in a
23 single column at the right of the party columns and shall bear the heading
24 in bold-faced type: "Other candidates", and immediately under such heading
25 the words: "Vote separately for each office." Immediately above the name
26 of each candidate, in parenthesis, shall be printed the designation
27 prescribed in the candidate's certificate of nomination.

28 F. Immediately below the designation of the office to be voted for
29 shall appear the words: "Vote for not more than _____" (insert the
30 number to be elected).

31 G. In each column at the right of the name of each candidate and on
32 the same line there shall be an eighteen point square. Below the name of
33 the last named candidate for each office there shall be as many blank
34 lines as there are offices of the same title to be filled, with a square
35 after each line. Upon the blank line the voter may write the name of any
36 person for whom he desires to vote whose name is not printed, and in the
37 square opposite the name so written he shall designate his choice by a
38 mark as in the case of printed names.

39 H. When there are two or more candidates of the same political
40 party for the same office, or more than one candidate for a judicial
41 office, the names of all such candidates shall be so alternated on the
42 ballots used in each election district that the name of each candidate
43 shall appear substantially an equal number of times in each possible
44 location. IF THERE ARE FEWER OR THE SAME NUMBER OF CANDIDATES SEEKING
45 OFFICE THAN THE NUMBER TO BE ELECTED, THE ROTATION OF NAMES IS NOT
46 REQUIRED AND THE NAMES SHALL BE PLACED IN ALPHABETICAL ORDER.

47 I. Immediately below section one of the ballot shall be placed the
48 following:

"Section Two
Nonpartisan Ballot

1
2
3 1. Put a mark opposite the name of the candidate for
4 each nonpartisan office for which you wish to vote.

5 2. If you wish to vote for a person whose name is not
6 printed on the ballot, write such name in the blank space
7 opposite the office for which he is a candidate and put a mark
8 in the square opposite the name so written.

9 3. Put a mark in the square preceded by the word 'yes'
10 (or for) for each proposition or question you wish to be
11 adopted. Put a mark in the square preceded by the word 'no'
12 (or against) for each proposition or question you wish not to
13 be adopted."

14 J. Immediately below the instructions for voting in section two
15 shall be placed the names of the candidates for justice of the supreme
16 court, judges of the court of appeals, judges of the superior court,
17 school district officials and other nonpartisan officials in a column or
18 in columns without partisan or other designation except the title of
19 office IN AN ORDER DETERMINED BY THE OFFICER IN CHARGE OF THE ELECTION.

20 K. Immediately below the offices listed in subsection J OF THIS
21 SECTION, the ballot shall contain a separate heading of any nonpartisan
22 office for a vacant unexpired term and shall include the expiration date
23 OF THE TERM of the vacated office.

24 L. All proposed constitutional amendments and other propositions or
25 questions to be submitted to the voters shall be printed immediately below
26 the names of candidates for nonpartisan positions in such order as the
27 secretary of state, or if a city or town election, the city or town clerk,
28 designates. Except as provided by section 19-125, each proposition or
29 question shall be followed by the words "yes" and "no" or "for _____"
30 and "against _____" as the nature of the proposition or question
31 requires, and at the right of and opposite each of such words shall be
32 placed a square of the size of those placed opposite the names of the
33 candidates, in which the voter may indicate his vote for or against such
34 proposition or question by a mark as defined in section 16-400.

35 Sec. 37. Section 16-506, Arizona Revised Statutes, is amended to
36 read:

37 16-506. Ballot and ballot labels; electromechanical

38 A. In all elections the ballots shall provide a means whereby each
39 elector may vote for the candidates of his choice.

40 B. Immediately below the designation of the office to be voted for
41 shall appear the words: "Vote for not more than _____" (insert the
42 number to be elected).

43 C. In general elections for the state house of representatives the
44 names of the candidates of the same political party shall be alternated on
45 the ballots used in each district so that the name of each candidate shall
46 appear substantially an equal number of times in each possible location on
47 the ballot as may be practicable. IF THERE ARE FEWER OR THE SAME NUMBER
48 OF CANDIDATES SEEKING OFFICE THAN THE NUMBER TO BE ELECTED, THE ROTATION

1 OF NAMES IS NOT REQUIRED AND THE NAMES SHALL BE PLACED IN ALPHABETICAL
2 ORDER.

3 Sec. 38. Section 16-510, Arizona Revised Statutes, is amended to
4 read:

5 16-510. Sample ballots; preparation and distribution

6 A. Before printing the sample ballots for the general election the
7 board of supervisors shall send to each candidate whose name did not
8 appear on the preceding primary election ballot a BALLOT proof of the
9 sample ballot for his review.

10 B. The board of supervisors shall print and distribute, for the
11 information of voters at each polling place, a number of sample ballots as
12 it deems necessary.

13 C. The board of supervisors shall have printed mailer-type sample
14 ballots for a general election and shall mail at least ten days prior to
15 the election one such sample ballot to each household IN THE COUNTY
16 containing a registered voter. A certified claim shall be presented to
17 the secretary of state by the board of supervisors for the actual cost of
18 printing, LABELING and postage of each such sample ballot actually mailed,
19 and the secretary of state shall direct payment of such authenticated
20 claim from funds of his office.

21 D. For city and town elections the governing body of a city or town
22 may have printed mailer-type sample ballots for a general election. If
23 the city or town has printed such sample ballots, the city or town shall
24 provide for the distribution of such ballots and shall bear the expense of
25 printing and distributing such sample ballots.

26 E. For special district elections the governing body of a special
27 district may have printed mailer-type sample ballots. If the special
28 district has printed such sample ballots, the special district shall
29 provide for the distribution of such ballots and shall bear the expense of
30 printing and distributing such sample ballots.

31 Sec. 39. Section 16-513, Arizona Revised Statutes, is amended to
32 read:

33 16-513. Instructions for voters and election officers;
34 form; preparation and distribution

35 A. The board of supervisors shall prepare the following
36 instructions for the guidance of voters and election officers at the
37 election, according to which the election shall be conducted and which
38 shall govern the voters and election officers:

39 —Instructions to Voters and Election Officers

40 1. On entering the polls each voter shall give his name
41 in full and his place of residence to the election ~~official~~
42 OFFICER in charge of the signature roster. The inspector or
43 other election ~~official~~ OFFICER shall ascertain if the name of
44 the voter appears on the precinct register, and, if so, the
45 voter will be given a ballot on the stub of which shall be
46 written the initials of the election ~~official~~ OFFICER
47 delivering the ballot and the register number of the voter.

1 2. The voter shall retire to a booth provided for
2 voting and in such booth mark or punch his ballot. He will
3 mark or punch his ballot opposite the name of each candidate
4 whose name is printed on the ballot for whom he desires to
5 vote.

6 3. If the voter desires to vote for any person whose
7 name is not printed on the ballot, he shall write the name of
8 such person on the blank lines printed on the ballot, except
9 THAT when a write-in ballot envelope is provided for such
10 purpose he shall write the name and title of office of such
11 person.

12 4. If the voter by reason of infirmity, or for any
13 reason, is physically unable to mark his ballot, he may obtain
14 the assistance of two election officers of opposite political
15 parties in marking or punching the ballot. When a voter, for
16 any such reason, requests assistance in marking or punching
17 his ballot, two election officers, not of the same political
18 party, shall accompany him to the booth and there distinctly
19 state to him the names of the several candidates for each
20 office, and the political parties by which they were
21 nominated, and shall ask the voter for which candidate he
22 desires to vote, and shall mark or punch his ballot correctly.
23 Neither of the election officers shall in any way attempt to
24 influence the voter in his choice of candidates, nor in any
25 manner suggest or recommend that he vote for any particular
26 candidate, or for the candidate of any political party.

27 5. If a voter accidentally spoils his ballot, he shall
28 present the ballot concealing any marks thereon to the judge
29 having charge of the ballots, who shall mark the ballot
30 spoiled and deliver to the voter another ballot. This process
31 may be repeated until the voter has received three ballots,
32 but no more. All spoiled ballots shall be returned with
33 official returns of the election.^u

34 6. IF THE NAME OF THE VOTER DOES NOT APPEAR ON THE
35 PRECINCT REGISTER, THE VOTER SHALL BE ALLOWED TO VOTE A BALLOT
36 TO BE VERIFIED ON PRESENTATION OF A VOTER RECEIPT NOTIFICATION
37 OR IDENTIFICATION CARD FROM THE COUNTY RECORDER AFTER THE
38 ELECTION BOARD DETERMINES THAT THE ADDRESS OF THE REGISTRANT
39 IS WITHIN THE DESIGNATED PRECINCT AND THE VOTER PROVIDES
40 IDENTIFICATION VERIFYING HIS IDENTITY. IN THOSE CASES, THE
41 ELECTION OFFICER SHALL ENTER THE VOTER'S NAME ON A SEPARATE
42 SIGNATURE ROSTER PAGE AT THE END OF THE SIGNATURE ROSTER AND
43 THE VOTER SHALL SIGN IN THE SPACE PROVIDED. VOTERS' NAMES
44 SHALL BE NUMBERED CONSECUTIVELY BEGINNING WITH THE NUMBER Q-1.
45 THE VOTER SHALL BE GIVEN A BALLOT ON THE STUB OF WHICH SHALL
46 BE WRITTEN THE INITIALS OF THE ELECTION OFFICER DELIVERING THE
47 BALLOT AND THE REGISTRATION NUMBER OF THE VOTER, IF AVAILABLE.
48 AFTER THE VOTER HAS VOTED, THE ELECTION OFFICER SHALL PLACE

1 THE BALLOT IN A SEPARATE ENVELOPE, THE OUTSIDE OF WHICH SHALL
2 CONTAIN THE PRECINCT NAME OR NUMBER, THE SIGNATURE OF THE
3 VOTER AND THE VOTER REGISTRATION NUMBER OF THE VOTER, IF
4 AVAILABLE.

5 B. The board of supervisors shall furnish to the inspector in each
6 election precinct at least ~~five~~ TWO instruction cards, at the time and in
7 the same manner as the printed ballots are furnished.

8 Sec. 40. Title 16, chapter 4, article 6, Arizona Revised Statutes,
9 is amended by adding section 16-513.01, to read:

10 16-513.01. Right to vote a ballot to be verified; notice

11 THE BOARD OF SUPERVISORS OR OTHER OFFICER IN CHARGE OF ELECTIONS
12 SHALL FURNISH TO THE INSPECTOR IN EACH ELECTION PRECINCT AT LEAST TWO
13 "RIGHT TO VOTE A BALLOT TO BE VERIFIED" NOTICES AT THE TIME AND IN THE
14 SAME MANNER AS THE PRINTED BALLOTS ARE FURNISHED. THE "RIGHT TO VOTE A
15 BALLOT TO BE VERIFIED" NOTICE SHALL CONTAIN THE FOLLOWING:

16 RIGHT TO VOTE A BALLOT TO BE VERIFIED

17 IF YOU BELIEVE YOU ARE A REGISTERED VOTER OF THIS
18 PRECINCT AND YOU RESIDE IN THE PRECINCT BUT YOUR NAME DOES NOT
19 APPEAR ON THE PRECINCT REGISTER, YOU HAVE THE RIGHT TO VOTE A
20 BALLOT TO BE VERIFIED. SPEAK TO THE ELECTION OFFICER IN
21 CHARGE OF THE SIGNATURE ROSTER FOR FURTHER DETAILS.

22 Sec. 41. Section 16-515, Arizona Revised Statutes, is amended to
23 read:

24 16-515. "Seventy-five foot limit" notices; posting;
25 violation; classification

26 A. The board of supervisors shall furnish, with the ballots for
27 each polling place, three notices, printed in letters not less than two
28 inches high, reading: ~~"Fifty foot~~ "SEVENTY-FIVE FOOT limit" and
29 underneath that heading the following:

30 No person shall be allowed to remain inside these limits
31 while the polls are open, except for the purpose of voting,
32 and except the election officials, one representative at any
33 one time of each political party represented on the ballot who
34 has been appointed by the county chairman of such political
35 party, and the challengers allowed by law. Voters having cast
36 their ballots shall at once retire without the ~~fifty foot~~
37 SEVENTY-FIVE FOOT limit. A person violating any provision of
38 this notice is guilty of a class 2 misdemeanor.

39 B. A minor voting in a simulated election at a polling place is
40 subject to the same ~~fifty foot~~ SEVENTY-FIVE FOOT limit restrictions
41 prescribed for a voter. Persons supervising or working in a simulated
42 election in which minors vote may remain within the ~~fifty foot~~
43 SEVENTY-FIVE FOOT limit of the polling place. The inspector for the
44 polling place shall exercise authority over all election and simulated
45 election related activities at the polling place.

46 C. FOR AN ELECTION THAT IS HELD BY AN INDIAN TRIBE AND THAT IS HELD
47 AT A POLLING PLACE AT THE SAME TIME AND ON THE SAME DATE AS ANY OTHER
48 ELECTION, THE FOLLOWING APPLY:

1 1. A PERSON WHO IS VOTING IS SUBJECT TO THE SAME SEVENTY-FIVE FOOT
2 LIMIT RESTRICTIONS PRESCRIBED FOR OTHER VOTERS.

3 2. AN ELECTION OFFICIAL FOR THE TRIBAL ELECTION MAY REMAIN WITHIN
4 THE SEVENTY-FIVE FOOT LIMIT FOR THE POLLING PLACE.

5 G. D. Any person violating any provision of the ~~fifty foot~~
6 SEVENTY-FIVE FOOT limit notice is guilty of a class 2 misdemeanor.

7 Sec. 42. Section 16-516, Arizona Revised Statutes, is amended to
8 read:

9 16-516. Form of poll lists

10 A. The following form of poll lists shall be kept by boards and
11 clerks of election:

12 "Poll lists.

13 Of the election held in the precinct of _____ in the county
14 of _____ on the _____ day of _____ nineteen hundred
15 _____, A.B., C.D. and E.F., judges, and G.H. and J.K., clerks of
16 the election, were respectively sworn or affirmed, as the law directs,
17 previous to their entering on the duties of their respective offices, and
18 the following is the number and name of electors voting:
19

Ballot stub No.	Register No.	Name

24
25
26 We hereby certify that the number of electors voting at this
27 election was

28 _____
29 _____
30 _____
31 Clerks

32 _____
33 _____
34 _____

35 Board of election."
36 B. THE PAPER USED FOR POLL LISTS IS EXEMPT FROM THE PAPER SIZE
37 RESTRICTIONS PRESCRIBED BY SECTION 39-103.

38 Sec. 43. Section 16-531, Arizona Revised Statutes, is amended to
39 read:

40 16-531. Appointment of election boards and tally boards;
41 qualifications

42 A. When an election is ordered, and not less than twenty days prior
43 to a general or primary election, the board of supervisors shall appoint
44 for each election precinct one inspector, one marshal, two judges and not
45 less than two clerks of election. The inspector, marshal, judges and

1 clerks shall be qualified voters of the precinct for which appointed,
2 unless there are IS not A sufficient NUMBER OF PERSONS ~~members of either~~
3 ~~of the two largest political parties~~ available to provide the number of
4 appointments required. The INSPECTOR, MARSHAL AND judges ~~and clerks~~ shall
5 also be members of the two political parties which cast the highest number
6 of votes in the state at the last preceding general election and shall be
7 divided equally between these two parties. One-half or one more than
8 one-half of the inspectors in the various precincts in the county shall be
9 members of one of the two largest political parties and the remaining
10 inspectors shall be members of the other of the two largest political
11 parties. In each precinct where the inspector is a member of one of the
12 two largest political parties, the marshal in that precinct shall be a
13 member of the other of the two largest political parties. Whenever
14 possible, any person appointed as an inspector shall have had previous
15 experience as an inspector, judge, marshal or clerk of elections. If
16 there is no qualified person in a given precinct, the appointment of an
17 inspector may be made from names provided by the county party chairman.
18 If not less than ~~thirty~~ NINETY days prior to the election the chairman of
19 the county committee of either of the parties designates qualified voters
20 of the precinct, or of another precinct if there are not sufficient
21 members of his party available in the precinct to provide the necessary
22 representation on the election board, ~~as judge and as clerk,~~ such
23 designated qualified voters shall be appointed. The judges, together with
24 the inspector, shall constitute the board of elections. ANY REGISTERED
25 VOTER IN THE ELECTION PRECINCT, OR IN ANOTHER ELECTION PRECINCT IF THERE
26 ARE NOT SUFFICIENT PERSONS AVAILABLE IN THE ELECTION PRECINCT FOR WHICH
27 THE CLERKS ARE BEING APPOINTED, MAY BE APPOINTED AS CLERK.

28 B. If the election precinct consists of fewer than two hundred
29 qualified electors, the board of supervisors may appoint not fewer than
30 one inspector and two judges. The board of supervisors shall give notice
31 of election precincts consisting of fewer than two hundred qualified
32 electors to the county chairmen of the two largest political parties not
33 later than thirty days before the election. The inspector and judges
34 shall be appointed in the same manner by party as provided in
35 subsection A.

36 C. If a nonpartisan election is ordered, not less than twenty days
37 before the election the governing board holding the election shall
38 appoint, without consideration for political party, a minimum of three
39 election workers for each polling place. The election workers shall
40 consist of at least one inspector and two judges. Whenever possible, they
41 shall be qualified electors of the precinct located within the district,
42 without consideration for political party.

43 D. Where the election precinct consists of three hundred fifty or
44 more qualified electors, the board of supervisors may in addition to the
45 board of elections appoint a similar board to be known as the tally board.
46 The tally board shall take custody of the ballots from the closing of the
47 polls until the tally of the ballots is completed. The tally board shall
48 consist of the inspector of the board of elections, two judges and not

1 less than two clerks ~~and~~. THE INSPECTOR AND TWO JUDGES shall be appointed
 2 to provide as equal as practicable representation of members of the two
 3 largest political parties on the board in the same manner as provided for
 4 the election boards. ANY REGISTERED VOTER IN THE ELECTION PRECINCT, OR IN
 5 ANOTHER ELECTION PRECINCT IF THERE ARE NOT SUFFICIENT PERSONS AVAILABLE IN
 6 THE ELECTION PRECINCT FOR WHICH THE CLERKS ARE BEING APPOINTED, MAY BE
 7 APPOINTED AS CLERK. A member appointed to serve on the tally board, with
 8 the exception of the inspector of the board of elections, shall not be
 9 appointed to serve on the board of elections. The inspector of the board
 10 of elections shall be a member of the tally board and during such time
 11 shall act as the supervisor of the tally board. No United States, state,
 12 county or precinct officer, nor a candidate for office at the election,
 13 other than a precinct committeeman or a candidate for the office of
 14 precinct committeeman, is qualified to act as judge, inspector, marshal or
 15 clerk.

16 E. If an electronic voting system is in use the write-in ballots
 17 shall be tallied by a board of elections consisting of one inspector and
 18 two judges who are appointed in the same manner by party as provided in
 19 subsection A.

20 F. At least ten days before a special election, the governing body
 21 conducting the election may in like manner appoint a special tally board
 22 or boards for the specific purpose of tallying the ballots on the closing
 23 of the polls. The tally boards shall consist of at least one inspector
 24 and two judges. The inspector of the board of elections shall act as the
 25 supervisor of the tally board.

26 G. Nothing in this section shall prevent the board of supervisors
 27 or governing body from refusing for cause to reappoint, or from removing
 28 for cause, an election or tally board member.

29 Sec. 44. Section 16-532, Arizona Revised Statutes, is amended to
 30 read:

31 16-532. Instruction of election board inspectors and
 32 judges; certificate of qualification; optional
 33 training; instruction of counting center
 34 election officials

35 A. Not more than ~~thirty~~ FORTY-FIVE days prior to an election the
 36 board of supervisors or other authority in charge of elections shall
 37 conduct a class for the instruction of ~~election board members~~ INSPECTORS
 38 AND JUDGES OF THE ELECTION BOARD in their duties, which shall include
 39 instruction in the voting system to be used and the election laws
 40 applicable to such election. Each election board member receiving
 41 instructions and properly qualified shall receive a certificate of
 42 qualification. Only ~~election board members~~ INSPECTORS AND JUDGES OF THE
 43 ELECTION BOARD who have received the required instruction class shall
 44 serve at any election, except as provided pursuant to sections 16-533 and
 45 16-534. OTHER MEMBERS OF THE ELECTION BOARD MAY BE TRAINED AT THE SAME
 46 TIME.

1 B. The instructor of election board members shall be qualified in
2 election law and shall have had practical experience in the election
3 process such person is teaching.

4 C. The election authority in charge of the instructional classes
5 may conduct multiple sessions to insure that election board members
6 receive adequate instruction.

7 D. THE BOARD OF SUPERVISORS OR OTHER OFFICER IN CHARGE OF ELECTIONS
8 MAY APPROVE AN ALTERNATE METHOD OF INSTRUCTION AND TESTING FOR ELECTION
9 BOARD MEMBERS. EACH ELECTION BOARD MEMBER WHO SUCCESSFULLY COMPLETES THE
10 INSTRUCTION SHALL BE CERTIFIED AS A PREMIUM BOARD WORKER. THIS
11 INSTRUCTION MAY INCLUDE AT LEAST EIGHT CLASSROOM HOURS OF INSTRUCTION AND
12 SHALL INCLUDE A WRITTEN EXAMINATION ON ELECTION LAW AND ELECTION
13 PROCEDURES. EXCEPT AS PROVIDED IN SUBSECTION E OF THIS SECTION, A
14 CERTIFIED PREMIUM BOARD WORKER SHALL NOT BE REQUIRED TO RECEIVE ADDITIONAL
15 INSTRUCTION FOR AT LEAST THIRTY MONTHS FROM THE DATE OF THAT WORKER'S
16 INDIVIDUAL CERTIFICATION. THE BOARD OF SUPERVISORS MAY APPROVE ADDITIONAL
17 COMPENSATION FOR CERTIFIED PREMIUM BOARD WORKERS.

18 E. THE BOARD OF SUPERVISORS OR OTHER AUTHORITY IN CHARGE OF
19 ELECTIONS MAY REQUIRE ADDITIONAL TRAINING AT ANY TIME FOR ANY OR ALL
20 ELECTION BOARD WORKERS, INCLUDING PREMIUM BOARD WORKERS. THE BOARD OF
21 SUPERVISORS OR OTHER AUTHORITY IN CHARGE OF ELECTIONS SHALL NOTIFY
22 ELECTION BOARD WORKERS IN WRITING OF CHANGES IN THE LAW REGARDING
23 ELECTIONS OR CHANGES IN ELECTION PROCEDURES. THIS NOTIFICATION SHALL BE
24 MADE IMMEDIATELY PRECEDING THE ELECTION IN WHICH THE STATUTORY CHANGE OR
25 PROCEDURAL CHANGE REGARDING ELECTION LAW BECOMES EFFECTIVE.

26 ~~D.~~ F. Not more than ~~thirty~~ FORTY-FIVE days prior to the day of an
27 election utilizing a punch card method of voting and electromechanical
28 tabulation of ballots, the board of supervisors or other authority in
29 charge of elections shall conduct a class for the deputized counting
30 center election officials in their duties.

31 Sec. 45. Section 16-542, Arizona Revised Statutes, is amended to
32 read:

33 16-542. Request for ballot

34 A. Within ninety days next preceding the Saturday before any
35 election called pursuant to the laws of this state, an elector may make a
36 signed request to the county recorder, or other officer in charge of
37 elections for the applicable political subdivision of this state in whose
38 jurisdiction the elector is registered to vote, for an official absentee
39 ballot. If the signed request indicates that the elector needs a primary
40 election ballot and a general election ballot, the county recorder or
41 other officer in charge of elections shall honor the request. THE COUNTY
42 RECORDER MAY ESTABLISH ON-SITE ABSENTEE VOTING LOCATIONS AT HIS OFFICE OR
43 ANY OTHER LOCATIONS IN THE COUNTY HE DEEMS NECESSARY.

44 B. NOTWITHSTANDING SUBSECTION A OF THIS SECTION, A REQUEST FOR AN
45 OFFICIAL ABSENTEE BALLOT FROM AN ABSENT UNIFORMED SERVICES VOTER OR
46 OVERSEAS VOTER AS DEFINED IN THE UNIFORMED AND OVERSEAS CITIZENS ABSENTEE
47 VOTING ACT OF 1986 (P.L. 99-410; 42 UNITED STATES CODE SECTION 1973) THAT
48 IS RECEIVED BY THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS

1 MORE THAN NINETY DAYS NEXT PRECEDING THE SATURDAY BEFORE THE ELECTION IS
2 VALID.

3 ~~B.~~ C. The recorder or other officer in charge of elections shall
4 mail postage prepaid to the ADDRESS PROVIDED BY THE requesting elector,
5 WHICH ADDRESS SHALL BE THE ELECTOR'S RESIDENCE ADDRESS OR THE LOCATION
6 WHERE HE IS TEMPORARILY RESIDING WHILE ABSENT FROM HIS PRECINCT, the
7 absentee ballot and the envelope for its return within five days after
8 receipt of the official absentee ballots from the officer charged by law
9 with the duty of preparing ballots pursuant to section 16-545. Only the
10 elector may be in possession of that elector's unvoted absentee ballot.
11 ~~, either at his place of residence or at a location where he is~~
12 ~~temporarily residing while absent from his precinct.~~ If the request is
13 made by the elector within thirty days next preceding the Saturday before
14 the election, such mailing must be made within forty-eight hours after
15 receipt of the request. Saturdays, Sundays and holidays are excluded from
16 the computation of the forty-eight hour period prescribed by this
17 subsection. IF THE REQUEST IS MADE BY AN ABSENT UNIFORMED SERVICES VOTER
18 OR AN OVERSEAS VOTER MORE THAN NINETY DAYS NEXT PRECEDING THE SATURDAY
19 BEFORE THE ELECTION, THE MAILING SHALL BE MADE WITHIN TWENTY-FOUR HOURS
20 AFTER THE ABSENTEE BALLOTS ARE DELIVERED PURSUANT TO SECTION 16-545,
21 SUBSECTION B, EXCLUDING SUNDAYS.

22 ~~C.~~ D. The county recorder or other officer in charge of elections
23 shall direct the voting of an elector by absentee ballot when it appears
24 that the request of the elector was received before five o'clock p.m. on
25 the Friday preceding the election.

26 ~~B.~~ E. The county recorder or other officer in charge of absentee
27 balloting shall provide an alphabetized list of all voters in the precinct
28 who have requested and HAVE been sent an absentee ballot to the election
29 board of the precinct in which the voter is registered not later than the
30 day prior to the election. No person shall vote at the polling place who
31 has received an absentee ballot except pursuant to section 16-579,
32 subsection B.

33 ~~E.~~ F. Qualified electors as a result of an emergency occurring
34 between five o'clock p.m. on the Friday preceding the election and five
35 o'clock p.m. on the Monday preceding the election may request to vote
36 absentee in the manner prescribed by the county recorder of their
37 respective county. For purposes of this subsection, "emergency" means any
38 unforeseen circumstances which would prevent the elector from voting at
39 the polls.

40 Sec. 46. Section 16-543, Arizona Revised Statutes, is amended to
41 read:

42 16-543. Application for ballot; United States service

43 ~~Any elector in the United States service, and the spouse and any~~
44 ~~dependent of such elector if otherwise qualified to vote, may request an~~
45 ~~absentee ballot with a federal postcard application, as provided for in~~
46 ~~the federal voting assistance act of 1955 (Public Law 296, 84th Congress,~~
47 ~~69 Stat. 584).~~ ANY ABSENT UNIFORMED SERVICES VOTER OR OVERSEAS VOTER AS
48 DEFINED IN THE UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT OF 1986

1 (P.L. 99-410; 42 UNITED STATES CODE SECTION 1973) MAY REQUEST AN ABSENTEE
2 BALLOT WITH A FEDERAL POSTCARD APPLICATION THAT CONTAINS BOTH AN ABSENTEE
3 VOTER REGISTRATION APPLICATION AND AN ABSENTEE BALLOT APPLICATION. Upon
4 receipt of such application, the county recorder or other officer in
5 charge of elections shall determine whether or not the elector is
6 registered. If the applicant is so registered, the recorder or other
7 officer in charge of elections shall forward to him an official absentee
8 ballot. If the applicant is not registered, and the request is for a
9 ballot for use in a county election but the federal postcard application
10 is complete, the recorder shall forward an official absentee ballot to the
11 applicant. If the applicant is not registered to vote and the federal
12 postcard application is not used or complete, the recorder shall forward
13 an affidavit of registration as provided in section 16-103 and shall at
14 the same time forward to the unregistered applicant an official absentee
15 ballot and application.

16 Sec. 47. Section 16-543.01, Arizona Revised Statutes, is amended to
17 read:

18 16-543.01. Procedures for voting with special write-in
19 absentee ballots

20 A. Notwithstanding any other provision of law, any elector ~~in the~~
21 ~~United States service, or the spouse or dependent of such elector~~
22 ~~qualified to vote,~~ WHO IS AN ABSENT UNIFORMED AND OVERSEAS SERVICES VOTER OR OVERSEAS
23 VOTER AS DEFINED IN THE UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING
24 ACT OF 1986 (P.L. 99-410; 42 UNITED STATES CODE SECTION 1973) may request
25 ~~not earlier than ninety days before an election~~ a special write-in
26 absentee ballot if the elector submits with the request a statement that
27 provides that due to military or other contingencies that preclude normal
28 mail delivery, the elector cannot vote an absentee ballot during the
29 normal absentee voting period. The special write-in absentee ballots
30 shall be provided for presidential electors and United States senator and
31 representative in Congress.

32 B. The request for a special write-in absentee ballot may be made
33 on a federal postcard application.

34 C. Upon receipt of such request, the county recorder shall
35 immediately forward to the elector a special write-in absentee ballot and
36 application in a form prescribed and provided by the secretary of state.
37 Upon receipt of such request, the recorder shall determine whether or not
38 the elector is registered. If the elector is so registered, the recorder
39 shall forward to him a special write-in absentee ballot and application.
40 If the applicant is not registered but the federal postcard application is
41 complete, the recorder shall forward a special write-in absentee ballot
42 and application to the applicant. If the applicant is not registered and
43 the federal postcard application is not used or complete, the recorder
44 shall forward an affidavit of registration as provided in section 16-103
45 and shall at the same time forward to the unregistered applicant a special
46 write-in absentee ballot and application. The recorder shall send with
47 the special write-in absentee ballot a list of all candidates who have
48 qualified for the primary ballot by the sixtieth day before the primary

1 election or who have qualified for the general ballot by the fiftieth day
2 before the general election. The elector shall be entitled to write in
3 the name of any candidate who has qualified for a specific office listed
4 on the ballot, whether the candidate is seeking the nomination or election
5 to such office.

6 D. Write-in votes on special write-in absentee ballots shall be
7 counted in the same manner provided by law for the counting of other
8 write-in votes.

9 Sec. 48. Title 16, chapter 4, article 8, Arizona Revised Statutes,
10 is amended by adding section 16-543.02, to read:

11 16-543.02. Federal write-in absentee ballots; procedure

12 A. AN OVERSEAS VOTER AS DEFINED IN THE UNIFORMED AND OVERSEAS
13 CITIZENS ABSENTEE VOTING ACT OF 1986 (P.L. 99-410; 42 UNITED STATES CODE
14 SECTION 1973) WHO IS ABSENT FROM THE PLACE OF RESIDENCE IN THIS STATE
15 WHERE HE IS OTHERWISE QUALIFIED TO VOTE MAY USE A FEDERAL WRITE-IN
16 ABSENTEE BALLOT IN A GENERAL ELECTION FOR THE OFFICES OF PRESIDENTIAL
17 ELECTOR AND UNITED STATES SENATOR AND REPRESENTATIVE IN CONGRESS IF THE
18 VOTER APPLIES FOR A REGULAR ABSENTEE BALLOT AT LEAST THIRTY DAYS BEFORE
19 THE GENERAL ELECTION AND DOES NOT RECEIVE THAT ABSENTEE BALLOT.

20 B. A FEDERAL WRITE-IN ABSENTEE BALLOT OF AN OVERSEAS VOTER SHALL
21 NOT BE COUNTED IF ANY OF THE FOLLOWING CONDITIONS ARE MET:

22 1. THE BALLOT IS SUBMITTED FROM ANY LOCATION IN THE UNITED STATES.

23 2. THE APPLICATION OF THE OVERSEAS VOTER FOR A REGULAR ABSENTEE
24 BALLOT IS RECEIVED BY THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF
25 ELECTIONS LESS THAN THIRTY DAYS BEFORE THE GENERAL ELECTION.

26 3. A REGULAR ABSENTEE BALLOT FROM THE OVERSEAS VOTER IS RECEIVED BY
27 THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS NOT LATER THAN
28 7:00 P.M. ON ELECTION DAY.

29 C. AN OVERSEAS VOTER WHO COMPLETES A FEDERAL WRITE-IN ABSENTEE
30 BALLOT MAY DESIGNATE A CANDIDATE BY WRITING IN THE NAME OF THE CANDIDATE
31 OR BY WRITING IN THE NAME OF A POLITICAL PARTY, IN WHICH CASE THE BALLOT
32 SHALL BE COUNTED FOR THE CANDIDATE OF THAT POLITICAL PARTY. IN THE CASE
33 OF THE OFFICES OF PRESIDENT AND VICE-PRESIDENT, A VOTE FOR A NAMED
34 CANDIDATE OR IN THE NAME OF THE POLITICAL PARTY SHALL BE COUNTED AS A VOTE
35 FOR THAT CANDIDATE'S OR PARTY'S PRESIDENTIAL ELECTORS. ANY ABBREVIATION,
36 MISPELLING OR OTHER MINOR VARIATION IN THE FORM OF THE NAME OF A
37 CANDIDATE OR POLITICAL PARTY SHALL BE DISREGARDED IN DETERMINING THE
38 VALIDITY OF THE BALLOT IF THE INTENTION OF THE VOTER CAN BE ASCERTAINED.

39 Sec. 49. Section 16-563, Arizona Revised Statutes, is amended to
40 read:

41 16-563. Posting sample ballots, instruction cards and
42 notice to voters before opening polls

43 Before opening the polls the inspector of election shall direct the
44 following postings:

45 1. One of the sample ballots provided for in section 16-510, and
46 one of the cards of instructions provided for in section 16-513 AND ONE OF
47 THE "RIGHT TO VOTE A BALLOT TO BE VERIFIED" NOTICES PROVIDED FOR IN
48 SECTION 16-513.01 in plain view in the room where the ballots are cast.

1 At least ONE OTHER SAMPLE BALLOT, CARD OF INSTRUCTION AND "RIGHT TO VOTE A
2 BALLOT TO BE VERIFIED" NOTICE SHALL BE POSTED IN A ~~four other sample~~
3 ~~ballots and cards of instructions shall be posted in~~ conspicuous places
4 PLACE in and around the polling place.

5 2. Three ~~fifty foot~~ SEVENTY-FIVE FOOT limit notices approximately
6 ~~fifty~~ SEVENTY-FIVE feet in different directions from the main outside
7 entrance ~~of the place~~ BEING USED BY VOTERS TO ENTER THE BUILDING in which
8 the election is being held.

9 3. In each voting booth, a notice to voters provided in section
10 16-514 at general elections only.

11 Sec. 50. Section 16-565, Arizona Revised Statutes, is amended to
12 read:

13 16-565. Hours polls opened and closed; proclamation of
14 opening and closing polls

15 A. For any election called pursuant to the laws of this state, the
16 polls shall be opened in every precinct at ~~six o'clock~~ 6:00 a.m. on the
17 day of election and shall be closed at ~~seven o'clock~~ 7:00 p.m.

18 B. Before the election board receives any ballots, it shall
19 proclaim aloud at the place of election that the polls are open and voting
20 may thereupon commence and continue during the time the polls remain open.

21 C. The election marshal shall proclaim the opening of the polls AT
22 6:00 A.M. and shall proclaim the closing of the polls AT one hour, ~~and~~ AT
23 thirty minutes, AT FIFTEEN MINUTES AND AT ONE MINUTE before
24 closing, ~~fifteen minutes before closing~~ and AGAIN at the moment of
25 closing. The inspector and two judges shall determine when the hour for
26 closing the polls has arrived.

27 D. Any qualified voter who at the moment of closing is in the line
28 of waiting voters shall be allowed to prepare and have his ballot
29 deposited by the election board official in the presence of the election
30 board and himself.

31 Sec. 51. Section 16-570, Arizona Revised Statutes, is amended to
32 read:

33 16-570. Conduct of election; duties of officers; placing
34 machines

35 A. One election official shall attend the voting machine, and the
36 other officers shall attend the poll books and perform the duties of
37 election officials as provided by law.

38 B. The voting machine shall be so placed and protected that it is
39 accessible to only one voter at a time and is in full view of all election
40 officers and watchers at the polling place.

41 C. The election ~~officer~~ OFFICIAL attending the machine shall
42 inspect the face of the machine periodically to ascertain whether the
43 ballot labels are in their proper places and that the machine has not been
44 injured or tampered with.

45 D. During elections the door or other compartment of the machine
46 shall not be unlocked or opened or the counters exposed except for good
47 and sufficient reasons, a statement of which shall be made and signed by
48 the election officers and attached to the returns.

1 Sec. 52. Section 16-571, Arizona Revised Statutes, is amended to
2 read:

3 16-571. Poll lists to be kept by election clerk; posting

4 A. Each election board clerk shall keep a list in duplicate of
5 persons voting, and the name of each person who votes shall be entered
6 thereon and numbered in the order of voting.

7 B. The poll list as prescribed in section 16-516 shall be written
8 on one side only, and the copies thereof shall be legible carbon copies.
9 Immediately upon the completion of each page of the poll list one copy
10 shall, upon request, be given to a representative designated by each major
11 political party. For the purposes of this subsection, "major political
12 party" means the two parties receiving the highest number of votes for
13 governor or presidential electors at the last election. IN AN ELECTION
14 WITH NONPARTISAN CANDIDATES OR BALLOT ISSUES, THE OFFICER IN CHARGE OF THE
15 JURISDICTION THAT IS CONDUCTING THE ELECTION MAY DESIGNATE WHO IS TO
16 RECEIVE COPIES OF THE POLL LISTS.

17 Sec. 53. Section 16-579, Arizona Revised Statutes, is amended to
18 read:

19 16-579. Procedure for obtaining ballot by elector

20 A. Every qualified elector, before receiving his ballot, shall
21 announce his name and place of residence in a clear, audible tone of voice
22 to the election official in charge of the signature roster or present his
23 name and residence in writing. If the name is found upon the precinct
24 register by the election officer having charge thereof, or the qualified
25 elector presents a certificate from the county recorder showing that he is
26 entitled by law to vote in the precinct, the election official in charge
27 of the signature roster shall repeat the name and the qualified elector
28 shall be allowed within the voting area.

29 B. Any qualified elector who is listed as having applied for an
30 absentee ballot, ~~but states that he did not receive or did not vote such~~
31 ~~ballot,~~ HAS NOT VOTED AND WILL NOT VOTE AN ABSENTEE BALLOT FOR THIS
32 ELECTION OR SURRENDERS THE ABSENTEE BALLOT TO THE PRECINCT INSPECTOR ON
33 ELECTION DAY shall be allowed to vote pursuant to the procedure set forth
34 in section 16-584.

35 C. Each qualified elector's name shall be numbered consecutively by
36 the clerks, with the number upon the stub of the ballot delivered to him,
37 and in the order of applications for ballots. The election judge having
38 charge of the ballots shall also write his initials upon the stub and the
39 number of the qualified elector as it appears upon the precinct register.
40 The judge shall give the qualified elector only one ballot, and his name
41 shall be immediately checked on the precinct register.

42 D. Each qualified elector shall sign his name in the signature
43 roster prior to receiving his ballot, but an inspector or judge may sign
44 the roster for an elector who is unable to sign because of physical
45 disability, and in that event the name of the elector shall be written
46 with red ink, and no attestation or other proof shall be necessary. The
47 provisions of this subsection relating to signing the signature roster
48 shall not apply to absentee, sick or disabled electors.

1 E. A person offering to vote at a special district election for
2 which no special district register has been supplied shall sign an
3 affidavit stating his address and that he resides within the district
4 boundaries or proposed district boundaries and swearing that he is a
5 qualified elector and has not already voted at the election being held.

6 Sec. 54. Section 16-580, Arizona Revised Statutes, is amended to
7 read:

8 16-580. Manner of voting; assistance for certain electors

9 A. Only one person per voting booth shall be permitted at any one
10 time to sign for the receipt of a ballot and to wait for an opportunity to
11 vote.

12 B. On receiving his ballot the voter shall forthwith, and without
13 leaving the voting area, retire alone, except as provided in subsection G,
14 to one of the voting booths not occupied, prepare his ballot in secret and
15 vote in the manner and substantial form as required by the instruction to
16 voters.

17 C. In order that the rights of other voters shall not be interfered
18 with a voter shall not be allowed to occupy a voting booth for more than
19 five minutes when other voters are waiting to occupy the booth. If he
20 refuses to leave after the lapse of five minutes he may be removed by the
21 judges. IF A PERSON HAS NOT COMPLETED HIS BALLOT AFTER THE ALLOTTED FIVE
22 MINUTES, HE MAY REQUEST THE MARSHAL TO HOLD HIS BALLOT AND WHEN ANOTHER
23 BOOTH IS EMPTY AND ALL VOTERS PRESENT HAVE HAD AN OPPORTUNITY TO VOTE THE
24 REMOVED PERSON MAY BE ALLOWED AN ADDITIONAL FIVE MINUTES IN THE BOOTH.

25 D. Before leaving the voting booth the voter shall fold his ballot
26 lengthwise and crosswise, or place his card in the ballot envelope, but in
27 such a way that the contents of the ballot shall be concealed and the stub
28 can be removed without exposing the contents of the ballot and shall keep
29 the ballot folded until he has delivered it to the inspector, or judge
30 acting as such.

31 E. The election board official shall receive the ballot from the
32 voter and in the presence of the election board remove the stub without
33 opening the ballot, deposit the ballot in the ballot box, or if the voter
34 so requests, hand the ballot to the voter and permit the voter to deposit
35 the ballot in the ballot box, and string the stub upon a string provided
36 therefor. If the stub has been removed from the ballot prior to receipt
37 by the election official, it shall not be deposited in the ballot box, but
38 it shall be marked "spoiled" and placed with the spoiled ballots.

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

44 G. Any registered voter may, at his option, be accompanied and
45 assisted by a person of his own choice or shall be assisted by two
46 election officials, one from each major political party, during any
47 process relating to voting or during the actual process of voting on a
48 paper ballot, machine or electronic voting system.

1 Sec. 55. Section 16-590, Arizona Revised Statutes, is amended to
2 read:

3 16-590. Appointment of challengers and party representatives

4 A. The county chairman of each party may, for each precinct, by
5 written appointment addressed to the election board OFFICER IN CHARGE OF
6 THE JURISDICTION THAT IS CONDUCTING THE ELECTION, designate a party agent
7 or representative and alternates for a polling place in the precinct who
8 may act as challengers for the party which appointed him.

9 B. At each voting place, one challenger for each political party
10 may be present and act, but no challenger may enter a voting booth except
11 to mark his ballot.

12 C. Not more than the number of party representatives for each party
13 which were mutually agreed upon by each political party represented on the
14 ballot shall be in the polling place at one time. If such agreement
15 cannot be reached, the number of representatives shall be limited to one
16 in the polling place at one time for each political party.

17 Sec. 56. Repeal

18 Section 16-591, Arizona Revised Statutes, is repealed.

19 Sec. 57. Title 16, chapter 4, article 9, Arizona Revised Statutes,
20 is amended by adding a new section 16-591, to read:

21 16-591. Grounds for challenging an elector

22 ANY QUALIFIED ELECTOR OF THE COUNTY MAY ORALLY CHALLENGE A PERSON
23 OFFERING TO VOTE AS NOT QUALIFIED UNDER SECTION 16-121.01 OR ON THE GROUND
24 THAT THE PERSON HAS VOTED BEFORE AT THAT ELECTION.

25 Sec. 58. Section 16-615, Arizona Revised Statutes, is amended to
26 read:

27 16-615. Delivery of returns

28 A. Before it adjourns, the election board or tally board shall
29 enclose and seal in a strong envelope provided for that purpose, one of
30 the poll lists and one of the tally lists, signed as required, and the
31 stubs of the voted ballots and shall direct it to the board of
32 supervisors.

33 B. The envelope containing the poll list, the tally list and the
34 stubs of the voted ballots shall constitute the official returns of the
35 election and shall, together with the envelope containing the voted
36 ballots, be delivered to one of the members of the election board or tally
37 board, previously determined by lot, unless otherwise agreed upon, and
38 such member shall by himself, or by an agent agreed upon by the board and
39 sworn by a member thereof, in the presence of the board to faithfully
40 perform the duties of election messenger, without delay, and by the most
41 expeditious means and route, deliver the packages and envelopes, without
42 opening them, to the ~~clerk of the board of supervisors~~ OFFICER IN CHARGE
43 OF THE ELECTION at his office, or to the nearest postmaster or sworn
44 express agent, who shall endorse on the packages and envelopes the name of
45 the person delivering them, and the hour and date of the delivery, and
46 forward the packages and envelopes by the first mail or express to the
47 ~~clerk of the board of supervisors~~ OFFICER IN CHARGE OF THE ELECTION at the
48 county seat.

1 Sec. 59. Section 16-616, Arizona Revised Statutes, is amended to
2 read:

3 16-616. Preparation and disposition of unofficial returns

4 One of the poll lists and one of the tally lists used at the
5 election shall be withheld by the election board from the sealed packages
6 of ballots and other election supplies and shall be separately sealed in
7 an envelope and returned to the ~~clerk of the board of supervisors~~ OFFICER
8 IN CHARGE OF THE ELECTION in the same manner as the official returns. The
9 ~~clerk~~ OFFICER shall, for a period of six months, keep such envelope open
10 to the inspection of electors.

11 Sec. 60. Section 16-618, Arizona Revised Statutes, is amended to
12 read:

13 16-618. Preparation, disposition and posting of abstract
14 of vote; exception to posting

15 At the time that the election board or tally board prepares the
16 official election returns, it shall also prepare and certify in duplicate
17 upon a blank provided for that purpose, an abstract of the number of
18 ballots cast at the election, the number rejected in making the count, and
19 the number of votes cast for each person for the several offices and for
20 or against each proposed constitutional amendment and initiated or
21 referred measure. One copy shall be mailed or delivered at the time and
22 in the same manner as the official returns, and the ~~clerk of the board of~~
23 ~~supervisors~~ OFFICER IN CHARGE OF THE ELECTION shall immediately upon its
24 receipt make public the contents of the copy. Except in those counties
25 using automatic vote tabulating equipment, the other copy shall
26 immediately be posted conspicuously on the outside of the polling place.

27 Sec. 61. Section 16-619, Arizona Revised Statutes, is amended to
28 read:

29 16-619. Preparation, delivery and publication of
30 condensed abstract of vote

31 The election board or tally board shall immediately upon completion
32 of the count also prepare a condensed abstract showing the number of
33 ballots cast, the number rejected, and the number of votes cast for each
34 candidate and for or against any proposed constitutional amendment or
35 initiated or referred measure. The condensed abstract shall begin with
36 the name of the precinct and shall contain only the surname of the
37 candidate, beginning at the head of the ballot and running consecutively
38 by offices without inserting the names of the offices, and the numbers of
39 each proposed constitutional amendment and each initiated or referred
40 measure, and shall be signed by the inspector and without delay delivered
41 to the nearest telegraph or telephone station for immediate transmittal,
42 if by telegraph, to the ~~clerk of the board of supervisors~~ OFFICER IN
43 CHARGE OF THE ELECTION, or if by telephone, to the ~~said clerk~~ THAT OFFICER
44 if a prompt connection can be secured, or to the chairman or secretary of
45 the county committee of either of the two parties which cast the highest
46 number of votes for state officers at the preceding election. If the
47 condensed abstract is transmitted to one of the chairmen or secretaries,
48 such chairman or secretary shall deliver the abstract to the ~~clerk of the~~

1 ~~board of supervisors~~ OFFICER IN CHARGE OF THE ELECTION at the earliest
2 practicable moment, but he shall immediately make the abstract public.

3 Sec. 62. Section 16-620, Arizona Revised Statutes, is amended to
4 read:

5 16-620. Tabulation and publication of condensed
6 abstracts; costs of transmittal

7 A. When the condensed abstract is received by the ~~clerk of the~~
8 ~~board of supervisors~~ OFFICER IN CHARGE OF THE ELECTION, it shall be at
9 once transcribed upon a tabulation containing all the precincts in the
10 county, and the tabulation shall be open to the inspection of the public
11 at the office of the board of supervisors and also at some convenient
12 public place.

13 B. The cost of transmittal of the condensed abstracts to the clerk
14 of the board of supervisors shall be a county charge.

15 Sec. 63. Section 16-645, Arizona Revised Statutes, is amended to
16 read:

17 16-645. Canvass and return of precinct vote; declaring
18 nominee of party; certificate of nomination;
19 write-in candidates

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

32 B. The board of supervisors shall deliver the canvass to the
33 secretary of state within ten days after the primary election, and the
34 secretary of state shall on or before the second Monday following the
35 primary election canvass the return and issue the certification of
36 nomination as provided in this section to the nominees who filed
37 nominating petitions and papers with the secretary of state pursuant to
38 section 16-311, subsection B- D.

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

43 D. Except as provided in subsection C of this section, a
44 certificate of nomination shall not be issued to a write-in candidate of a
45 party which has not qualified for continued representation on the official
46 ballot pursuant to section 16-804 unless he receives a plurality of the
47 votes of the party for the office for which he is a candidate.

1 E. Except as provided by subsections C and D of this section, a
2 certificate of nomination shall not be issued to a write-in candidate of a
3 party qualified for continued representation on the official ballot unless
4 he receives a number of votes equivalent to at least the same number of
5 signatures required by section 16-322 for nominating petitions for the
6 same office.

7 Sec. 64. Section 16-649, Arizona Revised Statutes, is amended to
8 read:

9 16-649. Determination of tie vote; notice to candidates;
10 exception

11 A. If two or more candidates receive an equal number of votes for
12 the same office, and a higher number than any other candidate, whether
13 upon the canvass by the secretary of state or the county board of
14 supervisors, or upon recount by a court, the officer or board whose duty
15 it is to declare the result shall determine by lot and in the presence of
16 the candidates which candidate shall be declared elected.

17 B. Ten days' previous notice shall be given to candidates for state
18 offices, and five days' previous notice shall be given to candidates for
19 other offices, of the time and place of determining the election by lot,
20 by the officer or board whose duty it is to declare the result of the
21 election.

22 C. The provisions of this section shall not apply to candidates for
23 the executive offices of the state as defined by the constitution.

24 D. A BALLOT ISSUE THAT ENDS IN A TIE VOTE IS DEEMED TO HAVE FAILED.

25 E. THE OFFICIAL SUBJECT TO A RECALL SHALL BE CERTIFIED THE WINNER
26 IF THE RECALL ELECTION ENDS IN A TIE VOTE.

27 Sec. 65. Section 16-661, Arizona Revised Statutes, is amended to
28 read:

29 16-661. Automatic recount; requirements; exemption

30 A. When the canvass of returns in a primary or general election
31 shows that the margin between the two candidates receiving the greatest
32 number of votes for a particular office, or between the number of votes
33 cast for and against initiated or referred measures, or proposals to amend
34 the Constitution of Arizona, does not exceed one-tenth of one per cent of
35 the number of votes cast for both such candidates or upon such measures or
36 proposals, or, in any event, does not exceed two hundred votes in the case
37 of an office to be filled by state electors, or an initiated or referred
38 measure or proposal to amend the constitution, does not exceed fifty votes
39 in the case of a member of the legislature or does not exceed ten votes in
40 the case of an office to be filled by the electors of a county or
41 subdivision thereof, a recount of the vote upon such candidates, measures
42 or proposals shall be required.

43 B. Subsection A does not apply to elections for PRECINCT
44 COMMITTEEMEN, school district governing boards, community college district
45 governing boards, fire district boards or fire district chiefs or
46 secretary-treasurers or boards of other special districts.

47 Sec. 66. Section 16-822, Arizona Revised Statutes, is amended to
48 read:

1 5. Knowingly solicits a voter to show his ballot, or receives from
2 a voter a ballot prepared for voting, unless he is an election official.

3 6. Knowingly receives an official ballot from a person other than
4 one of the judges having charge of the ballots, unless a judge of
5 election.

6 7. Knowingly delivers an official ballot to a voter, unless a judge
7 of election.

8 8. Knowingly places a mark upon his ballot by which it can be
9 identified as the one voted by him.

10 9. After having received a ballot as a voter, knowingly fails to
11 return the ballot to the inspector of election or judge of election acting
12 as such inspector before leaving the polling place or going outside the
13 voting area.

14 Sec. 69. Title 19, chapter 1, article 2, Arizona Revised Statutes,
15 is amended by adding section 19-117, to read:

16 19-117. Initiative and referendum petition; changes
17 applicability

18 NOTWITHSTANDING ANY OTHER LAW, ANY CHANGE IN THE LAW OR PROCEDURE
19 WITH RESPECT TO CIRCULATION OR FILING OF AN INITIATIVE OR REFERENDUM
20 PETITION ADOPTED BY A GOVERNING BODY AFTER AN INITIATIVE OR REFERENDUM
21 PETITION APPLICATION IS FILED PURSUANT TO SECTION 19-111 DOES NOT APPLY TO
22 THE INITIATIVE OR REFERENDUM PETITION.

23 Sec. 70. Section 19-121, Arizona Revised Statutes, is amended to
24 read:

25 19-121. Signature sheets; petitions; form; procedure for
26 filing

27 A. Signature sheets filed shall:

28 1. Be in the form prescribed by law.

29 2. Have printed in its lower right-hand corner, on each side of
30 such sheet, the official serial number assigned to the petition by the
31 secretary of state.

32 3. Be attached to a full and correct copy of the title and text of
33 the measure, or amendment to the constitution, proposed or referred by the
34 petition.

35 4. Be printed in at least eight point type.

36 5. Be printed in black ink on white or recycled white pages
37 fourteen inches in width by eight and one-half inches in length, with a
38 margin of at least one-half inch at the top and one-fourth inch at the
39 bottom of each page.

40 B. For purposes of this chapter, a petition is filed when the
41 petition sheets are tendered to the secretary of state, at which time a
42 receipt is immediately issued by the secretary of state based on an
43 estimate made to the secretary of state of the purported number of sheets
44 and signatures filed. After the issuance of the receipt, no additional
45 petition sheets may be accepted for filing.

46 C. Petitions may be filed with the secretary of state in numbered
47 sections for convenience in handling. Not more than fifteen signatures on
48 one sheet shall be counted.

1 D. Initiative petitions which have not been filed with the
2 secretary of state as of 5:00 p.m. on the day required by the constitution
3 prior to the ensuing general election after their issuance shall be null
4 and void, but in no event shall the secretary of state accept an
5 initiative petition which was issued for circulation more than twenty-four
6 months prior to the general election at which the measure is to be
7 included on the ballot.

8 E. For purposes of this article ~~a~~ AND ARTICLE 4, THE measure TO BE
9 ATTACHED TO THE PETITION AS enacted by the legislative body of an
10 incorporated city, town or county means THE ADOPTED ORDINANCE OR
11 RESOLUTION OR, IN THE ABSENCE OF A WRITTEN ORDINANCE OR RESOLUTION, that
12 portion of the minutes of the legislative body that reflects the action
13 taken by that body when adopting the ~~ordinance~~ MEASURE. In the case of
14 zoning measures the measure shall also include a legal description of the
15 property and any amendments made to the ordinance by the legislative body.

16 Sec. 71. Title 19, chapter 2, article 1, Arizona Revised Statutes,
17 is amended by adding section 19-217, to read:

18 19-217. Recall petition; changes applicability

19 NOTWITHSTANDING ANY OTHER LAW, ANY CHANGE IN THE LAW OR PROCEDURE
20 WITH RESPECT TO CIRCULATION OR FILING OF RECALL PETITIONS ADOPTED BY A
21 GOVERNING BODY AFTER A RECALL PETITION APPLICATION IS SUBMITTED PURSUANT
22 TO SECTION 19-202.01 FOR A STATE OFFICER, A MEMBER OF CONGRESS, A COUNTY
23 OR DISTRICT OFFICER, A SUPERIOR COURT JUDGE, A CITY OR TOWN OFFICER OR A
24 MEMBER OF A SCHOOL DISTRICT GOVERNING BOARD DOES NOT APPLY TO THE RECALL
25 PETITION.

26 Sec. 72. Section 35-453, Arizona Revised Statutes, is amended to
27 read:

28 35-453. Order for election

29 A. The governing body or board of the political subdivision shall
30 order the election to be held at the regular voting places within the
31 limits of such subdivision not less than thirty nor more than ~~sixty~~ ONE
32 HUNDRED FIFTY days from the date of the order.

33 B. If the election is to be held for creating an indebtedness by a
34 county, the order shall be made by the board of supervisors of the county
35 in which the election will be held.

36 C. The order shall state the object of the election, and shall be
37 prima facie evidence that all provisions necessary to give the order
38 validity or qualify the governing body or board to make such order have
39 been fully complied with.

40 Sec. 73. Section 35-454, Arizona Revised Statutes, is amended to
41 read:

42 35-454. Notice of order for election; election; return;
43 canvass of vote; certificate of election

44 A. The governing body or board of the political subdivision shall:

45 1. Post at least five copies of the order for election in public
46 places within the subdivision in which the election is to be held at least
47 twelve days prior to the day of the election.

48 2. Post a copy of the order at each polling place.

1 3. Publish a copy of the order for election in a newspaper of
2 general circulation within the political subdivision not less than once a
3 week for three successive weeks prior to the day of such election.

4 B. The election shall conform with the general election laws of the
5 state. The return of the election held in a county shall be made to the
6 board of supervisors and, in any other case, to the governing body or
7 board of the municipal corporation within twelve days after the election.

8 C. The board of supervisors, governing body or board shall hold a
9 special meeting within seven days from the twelfth day after the election
10 to canvass the votes cast and certify the result. The certificate of the
11 result shall be prima facie evidence of full performance of all conditions
12 and requirements precedent to holding the election.

13 D. The governing board or body shall file and record in the office
14 of the county recorder a certificate disclosing the purpose of the
15 election, the total number of votes cast and the total number of votes for
16 and against creating the indebtedness, and stating whether or not the
17 indebtedness is ordered. Upon filing and recording the certificate, the
18 governing board or body shall carry out the purpose of the election.

19 E. SUBSECTION A, PARAGRAPH 3 OF THIS SECTION SHALL NOT APPLY TO A
20 COMMUNITY COLLEGE DISTRICT, IF THE DISTRICT COMPLIES WITH THE PROVISIONS
21 OF SECTION 35-454.01.

22 Sec. 74. Title 35, chapter 3, article 3, Arizona Revised Statutes,
23 is amended by adding section 35-454.01, to read:

24 35-454.01. Community college district sample ballot mailing

25 THE GOVERNING BODY OF A COMMUNITY COLLEGE DISTRICT MAY PREPARE AND
26 MAIL A SAMPLE BALLOT TO EACH RESIDENCE IN WHICH AN ELECTOR OF THE DISTRICT
27 RESIDES. NOTICE OF THE DATE OF THE ELECTION AND THE LOCATION OF THE
28 POLLING PLACE SHALL ALSO BE ATTACHED TO THE SAMPLE BALLOT. MAILING OF THE
29 BALLOTS SHALL BE COMPLETED AT LEAST TEN DAYS PRIOR TO THE DATE SET FOR THE
30 ELECTION. THE FAILURE OF ANY ONE OR MORE ELECTORS TO RECEIVE A SAMPLE
31 BALLOT SHALL NOT BE GROUNDS TO INVALIDATE THE ELECTION.

32 Sec. 75. Section 35-455, Arizona Revised Statutes, is amended to
33 read:

34 35-455. Issuance and sale of bonds; call for election

35 A. When the political subdivision designated in this article
36 desires to issue bonds or other evidences of indebtedness, the governing
37 body or board thereof may, with the assent of a majority of the qualified
38 electors therein voting at the election held as provided by section
39 35-454, issue and sell bonds in the amount authorized at the election.

40 B. The call for the election shall set forth the aggregate amount
41 of the bonds, the maximum rate of interest to be paid thereon, the maximum
42 number of years bonds of any issue or series may run from their date, and
43 the purposes for which the money derived from the sale of the bonds will
44 be expended.

45 C. Bonds of any issue or series of bonds voted under this section
46 may run for any number of years not exceeding the longest period permitted
47 by the voted proposition.

1 D. The governing body or board may expend the monies received from
2 the sale of the bonds only for the purposes stated in the call for the
3 ~~election under subsection B of this section~~ BALLOT and for the necessary
4 costs and expenses of the issuance and sale of the bonds. If an
5 unexpended balance remains after satisfying the purposes of the bonds, the
6 balance shall be used to retire the bonded indebtedness.

7 Sec. 76. Study committee on recall elections in cities,
8 towns and school districts

9 A. A study committee on recall elections in cities, towns and
10 school districts is established consisting of the following members:

11 1. Two members of the senate, not more than one of whom shall be
12 from the same political party, appointed by the president of the senate,
13 one of whom shall be co-chairman of the committee.

14 2. Two members of the house of representatives, not more than one
15 of whom shall be from the same political party, appointed by the speaker
16 of the house of representatives, one of whom shall be co-chairman of the
17 committee.

18 3. Two representatives of cities and towns appointed by the
19 president of the senate upon recommendation of the league of Arizona
20 cities and towns.

21 4. Two representatives of school districts appointed by the speaker
22 of the house of representatives upon recommendation of the Arizona school
23 boards association.

24 5. One private citizen from a city or town with a population of
25 less than twenty thousand persons appointed by the speaker of the house of
26 representatives.

27 6. One private citizen from a city or town with a population of
28 greater than twenty thousand persons appointed by the president of the
29 senate.

30 7. One election official appointed by the governor.

31 B. Members of the study committee are not eligible to receive
32 compensation or reimbursement of expenses.

33 C. The committee shall:

34 1. Review current laws and constitutional provisions on recall and
35 the impact of those provisions on cities, towns and school districts, in
36 particular the impact on small and mid-size jurisdictions.

37 2. Report to the governor, the president of the senate and the
38 speaker of the house of representatives by November 15, 1993
39 recommendations for any changes in the recall statutes or constitutional
40 provisions.

41 Sec. 77. Delayed repeal

42 Section 76 of this act is repealed on November 15, 1993.

43 Sec. 78. Effective date

44 Sections 1 through 75 of this act are effective from and after
45 December 31, 1993.

APPROVED BY THE GOVERNOR APRIL 14, 1993.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 15, 1993.

FILED
ARIZONA
SECRETARY OF STATE

State of Arizona
Senate
Forty-first Legislature
First Regular Session
1993

CHAPTER 226

SENATE BILL 1039

AN ACT

AMENDING SECTION 16-901, ARIZONA REVISED STATUTES; REPEALING SECTIONS 16-902, 16-903 AND 16-904, ARIZONA REVISED STATUTES; AMENDING TITLE 16, CHAPTER 6, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING NEW SECTIONS 16-902, 16-903 AND 16-904; AMENDING TITLE 16, CHAPTER 6, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 16-902.01 AND 16-902.02; AMENDING SECTION 16-905, ARIZONA REVISED STATUTES; RENUMBERING SECTION 16-906, ARIZONA REVISED STATUTES, AS SECTION 16-912; REPEALING SECTIONS 16-907, 16-908, 16-909 AND 16-912, ARIZONA REVISED STATUTES; AMENDING TITLE 16, CHAPTER 6, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING NEW SECTIONS 16-906 AND 16-907; AMENDING SECTION 16-912, ARIZONA REVISED STATUTES, AS RENUMBERED; REPEALING SECTIONS 16-913, 16-914 AND 16-915, ARIZONA REVISED STATUTES; AMENDING TITLE 16, CHAPTER 6, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING NEW SECTIONS 16-913, 16-914 AND 16-915; AMENDING SECTIONS 16-915.01 AND 16-916, ARIZONA REVISED STATUTES; REPEALING SECTION 16-917, ARIZONA REVISED STATUTES; AMENDING TITLE 16, CHAPTER 6, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING A NEW SECTION 16-917; AMENDING SECTIONS 16-919, 16-921, 16-924 AND 38-544, ARIZONA REVISED STATUTES; RELATING TO CAMPAIGN FINANCE.

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

2 Section 1. Section 16-901, Arizona Revised Statutes, is amended to
3 read:

4 16-901. Definitions

5 In this chapter, unless the context otherwise requires:

6 ~~1. "Campaign committee" includes the state central committee or~~
7 ~~state committee of any political party, any county, city, town or precinct~~
8 ~~committee of any political party or of a candidate, and any association or~~
9 ~~combination of persons organized, conducted or combined for the purpose of~~
10 ~~influencing the result of any election in this state or in any county,~~
11 ~~city, town or precinct in this state, notwithstanding that the association~~

1 ~~or combination of persons may be part of a larger association or~~
2 ~~combination of persons not primarily organized, conducted or combined for~~
3 ~~the purpose of influencing the result of any election in this state or in~~
4 ~~any county, city, town or precinct in this state.~~

5 1. "AGENT" MEANS, WITH RESPECT TO ANY PERSON OTHER THAN A
6 CANDIDATE, ANY PERSON WHO HAS ORAL OR WRITTEN AUTHORITY, EITHER EXPRESS OR
7 IMPLIED, TO MAKE OR AUTHORIZE THE MAKING OF EXPENDITURES AS DEFINED IN
8 THIS SECTION ON BEHALF OF A CANDIDATE, ANY PERSON WHO HAS BEEN AUTHORIZED
9 BY THE TREASURER OF A POLITICAL COMMITTEE TO MAKE OR AUTHORIZE THE MAKING
10 OF EXPENDITURES OR A POLITICAL CONSULTANT FOR A CANDIDATE OR POLITICAL
11 COMMITTEE.

12 2. "CANDIDATE" MEANS AN INDIVIDUAL WHO RECEIVES OR GIVES CONSENT
13 FOR RECEIPT OF A CONTRIBUTION FOR HIS NOMINATION FOR OR ELECTION TO ANY
14 OFFICE IN THIS STATE OTHER THAN A FEDERAL OFFICE.

15 ~~2.~~ 3. "Candidate's campaign committee" means a ~~campaign~~ POLITICAL
16 committee ~~under the control of a candidate or designated or~~ AND authorized
17 by a candidate. ~~to receive contributions or make expenditures on behalf~~
18 ~~of the candidate.~~

19 ~~3.~~ "Closing reporting date" means ~~the last day that must be~~
20 ~~included on a statement of contributions and expenditures filed pursuant~~
21 ~~to this article. The closing reporting date for such statements filed~~
22 ~~before a primary, general or special election is twenty days before the~~
23 ~~election. The closing reporting date for such statements filed after a~~
24 ~~primary election is ten days after the primary election and twenty days~~
25 ~~after a general or special election.~~

26 4. "CLEARLY IDENTIFIED CANDIDATE" MEANS THAT THE NAME, A PHOTOGRAPH
27 OR A DRAWING OF THE CANDIDATE APPEARS OR THE IDENTITY OF THE CANDIDATE IS
28 OTHERWISE APPARENT BY UNAMBIGUOUS REFERENCE.

29 ~~4.~~ "Constituent communication contribution" means ~~money or the fair~~
30 ~~market value of anything directly or indirectly given or loaned to an~~
31 ~~elected official for the purpose of defraying the expense of~~
32 ~~communications with constituents. Constituent communication contribution~~
33 ~~does not include the value of anything directly or indirectly provided to~~
34 ~~defray the expense of an elected official meeting with constituents if the~~
35 ~~elected official is engaged in the performance of the duties of his office~~
36 ~~or provided by the state or a political subdivision to an elected official~~
37 ~~for communication with constituents if the elected official is engaged in~~
38 ~~the performance of the duties of his office.~~

39 5. "CONTRIBUTION" MEANS ANY GIFT, SUBSCRIPTION, LOAN, ADVANCE OR
40 DEPOSIT OF MONEY OR ANYTHING OF VALUE MADE FOR THE PURPOSE OF INFLUENCING
41 AN ELECTION AND:

42 (a) INCLUDES ALL OF THE FOLLOWING:

43 (i) A CONTRIBUTION MADE TO RETIRE CAMPAIGN DEBT.

44 (ii) MONEY OR THE FAIR MARKET VALUE OF ANYTHING DIRECTLY OR
45 INDIRECTLY GIVEN OR LOANED TO AN ELECTED OFFICIAL FOR THE PURPOSE OF
46 DEFRAYING THE EXPENSE OF COMMUNICATIONS WITH CONSTITUENTS, REGARDLESS OF
47 WHETHER THE ELECTED OFFICIAL HAS DECLARED HIS CANDIDACY.

1 (iii) THE ENTIRE AMOUNT PAID TO A POLITICAL COMMITTEE TO ATTEND A
2 FUND-RAISING OR OTHER POLITICAL EVENT AND THE ENTIRE AMOUNT PAID TO A
3 POLITICAL COMMITTEE AS THE PURCHASE PRICE FOR A FUND-RAISING MEAL OR ITEM,
4 EXCEPT THAT NO CONTRIBUTION RESULTS IF THE ACTUAL COST OF THE MEAL OR
5 FUND-RAISING ITEM, BASED ON THE AMOUNT CHARGED TO THE COMMITTEE BY THE
6 VENDOR, CONSTITUTES THE ENTIRE AMOUNT PAID BY THE PURCHASER FOR THE MEAL
7 OR ITEM, THE MEAL OR ITEM IS FOR THE PURCHASER'S PERSONAL USE AND NOT FOR
8 RESALE AND THE ACTUAL COST IS THE ENTIRE AMOUNT PAID BY THE PURCHASER IN
9 CONNECTION WITH THE EVENT. THIS EXCEPTION DOES NOT APPLY TO AUCTION
10 ITEMS.

11 (iv) UNLESS SPECIFICALLY EXEMPTED, THE PROVISION OF GOODS OR
12 SERVICES WITHOUT CHARGE OR AT A CHARGE THAT IS LESS THAN THE USUAL AND
13 NORMAL CHARGE FOR SUCH GOODS AND SERVICES.

14 (b) DOES NOT INCLUDE ANY OF THE FOLLOWING:

15 (i) THE VALUE OF SERVICES PROVIDED WITHOUT COMPENSATION BY ANY
16 INDIVIDUAL WHO VOLUNTEERS ON BEHALF OF A CANDIDATE, A CANDIDATE'S CAMPAIGN
17 COMMITTEE OR ANY OTHER POLITICAL COMMITTEE.

18 (ii) MONEY OR THE VALUE OF ANYTHING DIRECTLY OR INDIRECTLY PROVIDED
19 TO DEFRAY THE EXPENSE OF AN ELECTED OFFICIAL MEETING WITH CONSTITUENTS IF
20 THE ELECTED OFFICIAL IS ENGAGED IN THE PERFORMANCE OF THE DUTIES OF HIS
21 OFFICE OR PROVIDED BY THE STATE OR A POLITICAL SUBDIVISION TO AN ELECTED
22 OFFICIAL FOR COMMUNICATION WITH CONSTITUENTS IF THE ELECTED OFFICIAL IS
23 ENGAGED IN THE PERFORMANCE OF THE DUTIES OF HIS OFFICE.

24 (iii) THE USE OF REAL OR PERSONAL PROPERTY, INCLUDING A CHURCH OR
25 COMMUNITY ROOM USED ON A REGULAR BASIS BY MEMBERS OF A COMMUNITY FOR
26 NONCOMMERCIAL PURPOSES, THAT IS OBTAINED BY AN INDIVIDUAL IN THE COURSE OF
27 VOLUNTEERING PERSONAL SERVICES TO ANY CANDIDATE, CANDIDATE'S COMMITTEE OR
28 POLITICAL PARTY, AND THE COST OF INVITATIONS, FOOD AND BEVERAGES
29 VOLUNTARILY PROVIDED BY AN INDIVIDUAL TO ANY CANDIDATE, CANDIDATE'S
30 CAMPAIGN COMMITTEE OR POLITICAL PARTY IN RENDERING VOLUNTARY PERSONAL
31 SERVICES ON THE INDIVIDUAL'S RESIDENTIAL PREMISES; OR IN THE CHURCH OR
32 COMMUNITY ROOM FOR CANDIDATE-RELATED OR POLITICAL PARTY-RELATED
33 ACTIVITIES, TO THE EXTENT THAT THE CUMULATIVE VALUE OF THE INVITATIONS,
34 FOOD AND BEVERAGES PROVIDED BY THE INDIVIDUAL ON BEHALF OF ANY SINGLE
35 CANDIDATE DOES NOT EXCEED ONE HUNDRED DOLLARS WITH RESPECT TO ANY SINGLE
36 ELECTION.

37 (iv) ANY UNREIMBURSED PAYMENT FOR PERSONAL TRAVEL EXPENSES MADE BY
38 AN INDIVIDUAL WHO ON HIS OWN BEHALF VOLUNTEERS HIS PERSONAL SERVICES TO A
39 CANDIDATE.

40 (v) THE PAYMENT BY A POLITICAL PARTY FOR PARTY OPERATING EXPENSES,
41 PARTY STAFF AND PERSONNEL, PARTY NEWSLETTERS AND REPORTS, VOTER
42 REGISTRATION AND EFFORTS TO INCREASE VOTER TURNOUT, PARTY ORGANIZATION
43 BUILDING AND MAINTENANCE AND PRINTING AND POSTAGE EXPENSES FOR SLATE
44 CARDS, SAMPLE BALLOTS, OTHER WRITTEN MATERIALS THAT SUBSTANTIALLY PROMOTE
45 THREE OR MORE NOMINEES OF THE PARTY FOR PUBLIC OFFICE AND OTHER ELECTION
46 ACTIVITIES NOT RELATED TO A SPECIFIC CANDIDATE, EXCEPT THAT THIS ITEM DOES
47 NOT APPLY TO COSTS INCURRED WITH RESPECT TO A DISPLAY OF THE LISTING OF

1 CANDIDATES MADE ON TELECOMMUNICATIONS SYSTEMS OR IN NEWSPAPERS, MAGAZINES
2 OR SIMILAR TYPES OF GENERAL CIRCULATION ADVERTISING.

3 (vi) INDEPENDENT EXPENDITURES.

4 (vii) MONIES LOANED BY A STATE BANK, A FEDERALLY CHARTERED
5 DEPOSITORY INSTITUTION OR A DEPOSITORY INSTITUTION THE DEPOSITS OR
6 ACCOUNTS OF WHICH ARE INSURED BY THE FEDERAL DEPOSIT INSURANCE CORPORATION
7 OR THE NATIONAL CREDIT UNION ADMINISTRATION, OTHER THAN AN OVERDRAFT MADE
8 WITH RESPECT TO A CHECKING OR SAVINGS ACCOUNT, THAT IS MADE IN ACCORDANCE
9 WITH APPLICABLE LAW AND IN THE ORDINARY COURSE OF BUSINESS. IN ORDER FOR
10 THIS EXEMPTION TO APPLY, THIS LOAN SHALL BE DEEMED A LOAN BY EACH ENDORSER
11 OR GUARANTOR, IN THAT PROPORTION OF THE UNPAID BALANCE THAT EACH ENDORSER
12 OR GUARANTOR BEARS TO THE TOTAL NUMBER OF ENDORSERS OR GUARANTORS, THE
13 LOAN SHALL BE MADE ON A BASIS THAT ASSURES REPAYMENT, EVIDENCED BY A
14 WRITTEN INSTRUMENT, SHALL BE SUBJECT TO A DUE DATE OR AMORTIZATION
15 SCHEDULE AND SHALL BEAR THE USUAL AND CUSTOMARY INTEREST RATE OF THE
16 LENDING INSTITUTION.

17 (viii) A GIFT, SUBSCRIPTION, LOAN, ADVANCE OR DEPOSIT OF MONEY OR
18 ANYTHING OF VALUE TO A NATIONAL OR A STATE COMMITTEE OF A POLITICAL PARTY
19 SPECIFICALLY DESIGNATED TO DEFRAY ANY COST FOR THE CONSTRUCTION OR
20 PURCHASE OF AN OFFICE FACILITY NOT ACQUIRED FOR THE PURPOSE OF INFLUENCING
21 THE ELECTION OF A CANDIDATE IN ANY PARTICULAR ELECTION.

22 (ix) LEGAL OR ACCOUNTING SERVICES RENDERED TO OR ON BEHALF OF A
23 POLITICAL COMMITTEE OR A CANDIDATE, IF THE ONLY PERSON PAYING FOR THE
24 SERVICES IS THE REGULAR EMPLOYER OF THE INDIVIDUAL RENDERING THE SERVICES
25 AND IF THE SERVICES ARE SOLELY FOR THE PURPOSE OF COMPLIANCE WITH THIS
26 TITLE.

27 (x) THE PAYMENT BY A POLITICAL PARTY OF THE COSTS OF CAMPAIGN
28 MATERIALS, INCLUDING PINS, BUMPER STICKERS, HANDBILLS, BROCHURES, POSTERS,
29 PARTY TABLOIDS AND YARD SIGNS, USED BY THE PARTY IN CONNECTION WITH
30 VOLUNTEER ACTIVITIES ON BEHALF OF ANY NOMINEE OF THE PARTY OR THE PAYMENT
31 BY A STATE OR LOCAL COMMITTEE OF A POLITICAL PARTY OF THE COSTS OF VOTER
32 REGISTRATION AND GET-OUT-THE-VOTE ACTIVITIES CONDUCTED BY THE COMMITTEE IF
33 THE PAYMENTS ARE NOT FOR THE COSTS OF CAMPAIGN MATERIALS OR ACTIVITIES
34 USED IN CONNECTION WITH ANY TELECOMMUNICATION, NEWSPAPER, MAGAZINE,
35 BILLBOARD, DIRECT MAIL OR SIMILAR TYPE OF GENERAL PUBLIC COMMUNICATION OR
36 POLITICAL ADVERTISING.

37 (xi) TRANSFERS BETWEEN POLITICAL COMMITTEES TO DISTRIBUTE MONIES
38 RAISED THROUGH A JOINT FUND-RAISING EFFORT IN THE SAME PROPORTION TO EACH
39 COMMITTEE'S SHARE OF THE FUND-RAISING EXPENSES AND PAYMENTS FROM ONE
40 POLITICAL COMMITTEE TO ANOTHER IN REIMBURSEMENT OF A COMMITTEE'S
41 PROPORTIONATE SHARE OF ITS EXPENSES IN CONNECTION WITH A JOINT
42 FUND-RAISING EFFORT.

43 (xii) AN EXTENSION OF CREDIT FOR GOODS AND SERVICES MADE IN THE
44 ORDINARY COURSE OF THE CREDITOR'S BUSINESS IF THE TERMS ARE SUBSTANTIALLY
45 SIMILAR TO EXTENSIONS OF CREDIT TO NONPOLITICAL DEBTORS THAT ARE OF
46 SIMILAR RISK AND SIZE OF OBLIGATION AND IF THE CREDITOR MAKES A
47 COMMERCIALY REASONABLE ATTEMPT TO COLLECT THE DEBT, EXCEPT THAT ANY
48 EXTENSION OF CREDIT UNDER THIS ITEM MADE FOR THE PURPOSE OF INFLUENCING AN

1 ELECTION WHICH REMAINS UNSATISFIED BY THE CANDIDATE AFTER SIX MONTHS,
2 NOTWITHSTANDING GOOD FAITH COLLECTION EFFORTS BY THE CREDITOR, SHALL BE
3 DEEMED RECEIPT OF A CONTRIBUTION BY THE CANDIDATE BUT NOT A CONTRIBUTION
4 BY THE CREDITOR.

5 (xiii) INTEREST OR DIVIDENDS EARNED BY A POLITICAL COMMITTEE ON ANY
6 BANK ACCOUNTS, DEPOSITS OR OTHER INVESTMENTS OF THE POLITICAL COMMITTEE.

7 6. "EARMARKED" MEANS A DESIGNATION, INSTRUCTION OR ENCUMBRANCE THAT
8 RESULTS IN ALL OR ANY PART OF A CONTRIBUTION OR EXPENDITURE BEING MADE TO,
9 OR EXPENDED ON BEHALF OF, A CLEARLY IDENTIFIED CANDIDATE OR A CANDIDATE'S
10 CAMPAIGN COMMITTEE.

11 7. "ELECTION" MEANS AN ELECTION FOR AN INITIATIVE, REFERENDUM OR
12 OTHER MEASURE OR PROPOSITION OR A PRIMARY, GENERAL, RECALL, SPECIAL OR
13 RUNOFF ELECTION FOR ANY OFFICE IN THIS STATE OTHER THAN THE OFFICE OF
14 PRECINCT COMMITTEEMAN AND OTHER THAN A FEDERAL OFFICE. FOR PURPOSES OF
15 SECTIONS 16-903, 16-905 AND 16-905.01, THE GENERAL ELECTION INCLUDES THE
16 PRIMARY ELECTION.

17 ~~5. "Expenditures" does not include an expenditure for personal or~~
18 ~~travel expenses not paid for from campaign funds.~~

19 8. "EXPENDITURES" INCLUDES ANY PURCHASE, PAYMENT, DISTRIBUTION,
20 LOAN, ADVANCE, DEPOSIT OR GIFT OF MONEY OR ANYTHING OF VALUE MADE BY A
21 PERSON FOR THE PURPOSE OF INFLUENCING AN ELECTION IN THIS STATE AND A
22 CONTRACT, PROMISE OR AGREEMENT TO MAKE AN EXPENDITURE RESULTING IN AN
23 EXTENSION OF CREDIT AND THE VALUE OF ANY IN-KIND CONTRIBUTION RECEIVED.
24 EXPENDITURE DOES NOT INCLUDE ANY OF THE FOLLOWING:

25 (a) A NEWS STORY, COMMENTARY OR EDITORIAL DISTRIBUTED THROUGH THE
26 FACILITIES OF ANY TELECOMMUNICATIONS SYSTEM, NEWSPAPER, MAGAZINE OR OTHER
27 PERIODICAL PUBLICATION, UNLESS THE FACILITIES ARE OWNED OR CONTROLLED BY A
28 POLITICAL COMMITTEE, POLITICAL PARTY OR CANDIDATE.

29 (b) NONPARTISAN ACTIVITY DESIGNED TO ENCOURAGE INDIVIDUALS TO VOTE
30 OR TO REGISTER TO VOTE.

31 (c) THE PAYMENT BY A POLITICAL PARTY OF THE COSTS OF PREPARATION,
32 DISPLAY, MAILING OR OTHER DISTRIBUTION INCURRED BY THE PARTY WITH RESPECT
33 TO ANY PRINTED SLATE CARD, SAMPLE BALLOT OR OTHER PRINTED LISTING OF THREE
34 OR MORE CANDIDATES FOR ANY PUBLIC OFFICE FOR WHICH AN ELECTION IS HELD,
35 EXCEPT THAT THIS SUBDIVISION DOES NOT APPLY TO COSTS INCURRED BY THE PARTY
36 WITH RESPECT TO A DISPLAY OF ANY LISTING OF CANDIDATES MADE ON ANY
37 TELECOMMUNICATIONS SYSTEM OR IN NEWSPAPERS, MAGAZINES OR SIMILAR TYPES OF
38 GENERAL PUBLIC POLITICAL ADVERTISING.

39 (d) THE PAYMENT BY A POLITICAL PARTY OF THE COSTS OF CAMPAIGN
40 MATERIALS, INCLUDING PINS, BUMPER STICKERS, HANDBILLS, BROCHURES, POSTERS,
41 PARTY TABLOIDS AND YARD SIGNS, USED BY THE PARTY IN CONNECTION WITH
42 VOLUNTEER ACTIVITIES ON BEHALF OF ANY NOMINEE OF THE PARTY OR THE PAYMENT
43 BY A STATE OR LOCAL COMMITTEE OF A POLITICAL PARTY OF THE COSTS OF VOTER
44 REGISTRATION AND GET-OUT-THE-VOTE ACTIVITIES CONDUCTED BY THE COMMITTEE IF
45 THE PAYMENTS ARE NOT FOR THE COSTS OF CAMPAIGN MATERIALS OR ACTIVITIES
46 USED IN CONNECTION WITH ANY TELECOMMUNICATIONS SYSTEM, NEWSPAPER,
47 MAGAZINE, BILLBOARD, DIRECT MAIL OR SIMILAR TYPE OF GENERAL PUBLIC
48 COMMUNICATION OR POLITICAL ADVERTISING.

1 (e) ANY DEPOSIT OR OTHER PAYMENT FILED WITH THE SECRETARY OF STATE
2 OR ANY OTHER SIMILAR OFFICER TO PAY ANY PORTION OF THE COST OF PRINTING AN
3 ARGUMENT IN A PUBLICITY PAMPHLET ADVOCATING OR OPPOSING A BALLOT MEASURE.

4 9. "IDENTIFICATION" MEANS:

5 (a) FOR AN INDIVIDUAL, HIS NAME AND MAILING ADDRESS, HIS OCCUPATION
6 AND THE NAME OF HIS EMPLOYER.

7 (b) FOR ANY OTHER PERSON, INCLUDING A POLITICAL COMMITTEE, THE FULL
8 NAME AND MAILING ADDRESS OF THE PERSON. FOR A POLITICAL COMMITTEE,
9 IDENTIFICATION INCLUDES THE IDENTIFICATION NUMBER ISSUED ON THE FILING OF
10 A STATEMENT OF ORGANIZATION PURSUANT TO SECTION 16-902.01.

11 10. "INCOMPLETE CONTRIBUTION" MEANS ANY CONTRIBUTION RECEIVED BY A
12 POLITICAL COMMITTEE FOR WHICH THE CONTRIBUTOR'S MAILING ADDRESS,
13 OCCUPATION, EMPLOYER OR IDENTIFICATION NUMBER HAVE NOT BEEN OBTAINED AND
14 ARE NOT IN THE POSSESSION OF THE POLITICAL COMMITTEE.

15 11. "INDEPENDENT EXPENDITURE" MEANS AN EXPENDITURE BY A PERSON OR
16 POLITICAL COMMITTEE, OTHER THAN A CANDIDATE'S CAMPAIGN COMMITTEE, THAT
17 EXPRESSLY ADVOCATES THE ELECTION OR DEFEAT OF A CLEARLY IDENTIFIED
18 CANDIDATE, THAT IS MADE WITHOUT COOPERATION OR CONSULTATION WITH ANY
19 CANDIDATE OR COMMITTEE OR AGENT OF THE CANDIDATE AND THAT IS NOT MADE IN
20 CONCERT WITH OR AT THE REQUEST OR SUGGESTION OF A CANDIDATE, OR ANY
21 COMMITTEE OR AGENT OF THE CANDIDATE. INDEPENDENT EXPENDITURE INCLUDES AN
22 EXPENDITURE THAT IS SUBJECT TO THE REQUIREMENTS OF SECTION 16-917 WHICH
23 REQUIRES A COPY OF CAMPAIGN LITERATURE OR ADVERTISEMENT TO BE SENT TO A
24 CANDIDATE NAMED OR OTHERWISE REFERRED TO IN THE LITERATURE OR
25 ADVERTISEMENT. AN EXPENDITURE IS NOT AN INDEPENDENT EXPENDITURE IF ANY OF
26 THE FOLLOWING APPLIES:

27 (a) ANY OFFICER, MEMBER, EMPLOYEE OR AGENT OF THE POLITICAL
28 COMMITTEE MAKING THE EXPENDITURE IS ALSO AN OFFICER, MEMBER, EMPLOYEE OR
29 AGENT OF THE COMMITTEE OF THE CANDIDATE WHOSE ELECTION OR WHOSE OPPONENT'S
30 DEFEAT IS BEING ADVOCATED BY THE EXPENDITURE OR AN AGENT OF THE CANDIDATE
31 WHOSE ELECTION OR WHOSE OPPONENT'S DEFEAT IS BEING ADVOCATED BY THE
32 EXPENDITURE.

33 (b) THERE IS ANY ARRANGEMENT, COORDINATION OR DIRECTION WITH
34 RESPECT TO THE EXPENDITURE BETWEEN THE CANDIDATE OR THE CANDIDATE'S AGENT
35 AND THE PERSON MAKING THE EXPENDITURE, INCLUDING ANY OFFICER, DIRECTOR,
36 EMPLOYEE OR AGENT OF THAT PERSON.

37 (c) IN THE SAME ELECTION THE PERSON MAKING THE EXPENDITURE,
38 INCLUDING ANY OFFICER, DIRECTOR, EMPLOYEE OR AGENT OF THAT PERSON, IS OR
39 HAS BEEN:

40 (i) AUTHORIZED TO RAISE OR EXPEND MONIES ON BEHALF OF THE CANDIDATE
41 OR THE CANDIDATE'S AUTHORIZED COMMITTEES.

42 (ii) RECEIVING ANY FORM OF COMPENSATION OR REIMBURSEMENT FROM THE
43 CANDIDATE, THE CANDIDATE'S COMMITTEES OR THE CANDIDATE'S AGENT.

44 (d) THE EXPENDITURE IS BASED ON INFORMATION ABOUT THE CANDIDATE'S
45 PLANS, PROJECTS OR NEEDS, OR THOSE OF HIS CAMPAIGN COMMITTEE, PROVIDED TO
46 THE EXPENDING PERSON BY THE CANDIDATE OR BY THE CANDIDATE'S AGENTS OR ANY
47 OFFICER, MEMBER OR EMPLOYEE OF THE CANDIDATE'S CAMPAIGN COMMITTEE WITH A
48 VIEW TOWARD HAVING THE EXPENDITURE MADE.

1 12. "IN-KIND CONTRIBUTION" MEANS A CONTRIBUTION OF GOODS OR SERVICES
2 OR ANYTHING OF VALUE AND NOT A MONETARY CONTRIBUTION.

3 ~~6.~~ 13. "Itemized" means that ~~a class of like expenditures or~~
4 ~~contributions is stated under one item and that separate classes of~~
5 ~~expenditures or contributions are stated~~ EACH CONTRIBUTION RECEIVED OR
6 EXPENDITURE MADE IS SET FORTH separately.

7 ~~7. "Opening reporting date" means:~~

8 ~~(a) For statements of contributions and expenditures relating to~~
9 ~~candidates, including a judge who seeks to be retained in office, the date~~
10 ~~on which the first previously unreported contribution or expenditure is~~
11 ~~received or made relating to the election or the first day following the~~
12 ~~closing reporting date of the last statement of contributions and~~
13 ~~expenditures filed pursuant to this article.~~

14 ~~(b) For statements of contributions and expenditures relating to~~
15 ~~initiatives and referendums or any other measure or proposition appearing~~
16 ~~on a ballot, the date on which the first contribution or expenditure is~~
17 ~~received or made either after the secretary of state, the clerk of the~~
18 ~~board of supervisors or the city or town clerk, as appropriate, assigns a~~
19 ~~number to the initiative or referendum petition or ballot measure or~~
20 ~~proposition as provided in sections 19 111, 19 141 and 19 144 or after the~~
21 ~~legislature refers a measure or proposed amendment of the constitution or~~
22 ~~a city or town council refers a charter amendment or the first day~~
23 ~~following the closing reporting date of the last statement of~~
24 ~~contributions and expenditures filed pursuant to this article.~~

25 ~~8. "Political activity" includes the printing and circulation of~~
26 ~~nomination petitions of candidates and of initiative or referendum~~
27 ~~petitions.~~

28 ~~9. "Promise" includes any promise, present or future, whether or~~
29 ~~not evidenced in writing.~~

30 14. "PERSONAL MONIES" MEANS ANY OF THE FOLLOWING:

31 (a) ASSETS TO WHICH THE CANDIDATE HAS A LEGAL RIGHT OF ACCESS OR
32 CONTROL AT THE TIME HE BECOMES A CANDIDATE AND WITH RESPECT TO WHICH THE
33 CANDIDATE HAS EITHER LEGAL TITLE OR AN EQUITABLE INTEREST.

34 (b) SALARY AND OTHER EARNED INCOME FROM BONA FIDE EMPLOYMENT OF THE
35 CANDIDATE, DIVIDENDS AND PROCEEDS FROM THE SALE OF THE STOCKS OR
36 INVESTMENTS OF THE CANDIDATE, BEQUESTS TO THE CANDIDATE, INCOME TO THE
37 CANDIDATE FROM TRUSTS ESTABLISHED BEFORE CANDIDACY, INCOME TO THE
38 CANDIDATE FROM TRUSTS ESTABLISHED BY BEQUEST AFTER CANDIDACY OF WHICH THE
39 CANDIDATE IS A BENEFICIARY, GIFTS TO THE CANDIDATE OF A PERSONAL NATURE
40 THAT HAVE BEEN CUSTOMARILY RECEIVED BEFORE THE CANDIDACY AND PROCEEDS
41 RECEIVED BY THE CANDIDATE FROM LOTTERIES AND OTHER LEGAL GAMES OF CHANCE.

42 (c) THE PROCEEDS OF LOANS OBTAINED BY THE CANDIDATE THAT ARE NOT
43 CONTRIBUTIONS AND FOR WHICH THE COLLATERAL OR SECURITY IS COVERED BY
44 SUBDIVISION (a) OR (b) OF THIS PARAGRAPH.

45 15. "POLITICAL COMMITTEE" MEANS A CANDIDATE OR ANY ASSOCIATION OR
46 COMBINATION OF PERSONS THAT IS ORGANIZED, CONDUCTED OR COMBINED FOR THE
47 PURPOSE OF INFLUENCING THE RESULT OF ANY ELECTION IN THIS STATE OR IN ANY
48 COUNTY, CITY, TOWN, DISTRICT OR PRECINCT IN THIS STATE, THAT ENGAGES IN

1 POLITICAL ACTIVITY IN BEHALF OF OR AGAINST A CANDIDATE FOR ELECTION OR
2 RETENTION OR IN SUPPORT OF OR OPPOSITION TO AN INITIATIVE, REFERENDUM OR
3 RECALL OR ANY OTHER MEASURE OR PROPOSITION AND, IN THE CASE OF A
4 CANDIDATE, THAT RECEIVES CONTRIBUTIONS OR MAKES EXPENDITURES OF MORE THAN
5 TWO HUNDRED FIFTY DOLLARS IN CONNECTION THEREWITH, NOTWITHSTANDING THAT
6 THE ASSOCIATION OR COMBINATION OF PERSONS MAY BE PART OF A LARGER
7 ASSOCIATION, COMBINATION OF PERSONS OR SPONSORING ORGANIZATION NOT
8 PRIMARILY ORGANIZED, CONDUCTED OR COMBINED FOR THE PURPOSE OF INFLUENCING
9 THE RESULT OF ANY ELECTION IN THIS STATE OR IN ANY COUNTY, CITY, TOWN OR
10 PRECINCT IN THIS STATE. POLITICAL COMMITTEE INCLUDES THE FOLLOWING TYPES
11 OF COMMITTEES:

12 (a) A CANDIDATE'S CAMPAIGN COMMITTEE.

13 (b) A SEPARATE, SEGREGATED FUND ESTABLISHED BY A CORPORATION OR
14 LABOR ORGANIZATION PURSUANT TO SECTION 16-920, SUBSECTION A, PARAGRAPH 3.

15 (c) A COMMITTEE ACTING IN SUPPORT OF OR OPPOSITION TO THE
16 QUALIFICATION, PASSAGE OR DEFEAT OF A BALLOT MEASURE, QUESTION OR
17 PROPOSITION.

18 (d) A COMMITTEE ORGANIZED TO CIRCULATE OR OPPOSE A RECALL PETITION
19 OR TO INFLUENCE THE RESULT OF A RECALL ELECTION.

20 (e) A POLITICAL PARTY.

21 (f) A COMMITTEE ORGANIZED FOR THE PURPOSE OF MAKING INDEPENDENT
22 EXPENDITURES.

23 (g) A COMMITTEE ORGANIZED IN SUPPORT OF OR OPPOSITION TO ONE OR
24 MORE CANDIDATES.

25 (h) A POLITICAL ORGANIZATION.

26 16. "POLITICAL ORGANIZATION" MEANS AN ORGANIZATION THAT IS FORMALLY
27 AFFILIATED WITH AND RECOGNIZED BY A POLITICAL PARTY INCLUDING A DISTRICT
28 COMMITTEE ORGANIZED PURSUANT TO SECTION 16-823.

29 17. "POLITICAL PARTY" MEANS THE STATE COMMITTEE AS PRESCRIBED BY
30 SECTION 16-825 OR THE COUNTY COMMITTEE AS PRESCRIBED BY SECTION 16-821 OF
31 AN ORGANIZATION THAT MEETS THE REQUIREMENTS FOR RECOGNITION AS A POLITICAL
32 PARTY PURSUANT TO SECTION 16-801 OR SECTION 16-804, SUBSECTION A.

33 18. "SPONSORING ORGANIZATION" MEANS ANY ORGANIZATION THAT
34 ESTABLISHES, ADMINISTERS OR FINANCIALLY SUPPORTS, OR THAT HAS COMMON OR
35 OVERLAPPING MEMBERSHIP OR OFFICERS WITH, A POLITICAL COMMITTEE OTHER THAN
36 A CANDIDATE'S CAMPAIGN COMMITTEE.

37 19. "STATEWIDE OFFICE" MEANS THE OFFICE OF GOVERNOR, SECRETARY OF
38 STATE, STATE TREASURER, ATTORNEY GENERAL, SUPERINTENDENT OF PUBLIC
39 INSTRUCTION, CORPORATION COMMISSIONER OR MINE INSPECTOR.

40 20. "SURPLUS MONIES" MEANS THOSE MONIES OF A POLITICAL COMMITTEE
41 REMAINING AFTER ALL OF THE COMMITTEE'S EXPENDITURES HAVE BEEN MADE AND ITS
42 DEBTS HAVE BEEN EXTINGUISHED.

43 Sec. 2. Repeal

44 Sections 16-902, 16-903 and 16-904, Arizona Revised Statutes, are
45 repealed.

46 Sec. 3. Title 16, chapter 6, article 1, Arizona Revised Statutes,
47 is amended by adding a new section 16-902, sections 16-902.01 and
48 16-902.02 and new sections 16-903 and 16-904, to read:

16-902. Organization of political committees

A. EACH POLITICAL COMMITTEE SHALL HAVE A CHAIRMAN AND TREASURER. THE POSITION OF CHAIRMAN AND TREASURER OF A SINGLE POLITICAL COMMITTEE MAY NOT BE HELD BY THE SAME INDIVIDUAL, EXCEPT THAT A CANDIDATE MAY BE CHAIRMAN AND TREASURER OF HIS OWN CAMPAIGN COMMITTEE.

B. THE NAME OF EACH POLITICAL COMMITTEE SHALL INCLUDE THE NAME OF ANY SPONSORING ORGANIZATION, AND, IN THE CASE OF A CANDIDATE'S CAMPAIGN COMMITTEE, THE COMMITTEE'S NAME SHALL INCLUDE THE NAME OF THE CANDIDATE WHO DESIGNATED THE COMMITTEE PURSUANT TO SECTION 16-903.

C. EACH POLITICAL COMMITTEE SHALL DESIGNATE ONE OR MORE STATE BANKS, FEDERALLY CHARTERED DEPOSITORY INSTITUTIONS OR DEPOSITORY INSTITUTIONS THE DEPOSITS OR ACCOUNTS OF WHICH ARE INSURED BY THE FEDERAL DEPOSIT INSURANCE CORPORATION OR THE NATIONAL CREDIT UNION ADMINISTRATION AS ITS CAMPAIGN DEPOSITORY OR DEPOSITORIES. EACH POLITICAL COMMITTEE SHALL MAINTAIN AT LEAST ONE ACCOUNT AND OTHER ACCOUNTS AS THE COMMITTEE DEEMS NECESSARY AT A DEPOSITORY OR DEPOSITORIES DESIGNATED BY THE COMMITTEE. ALL WITHDRAWALS OR DISBURSEMENTS FROM THESE ACCOUNTS REQUIRE THE SIGNATURE OF THE TREASURER OR A DESIGNATED AGENT OF THE POLITICAL COMMITTEE.

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

A. EACH POLITICAL COMMITTEE SHALL FILE A STATEMENT OF ORGANIZATION NO LATER THAN TEN DAYS AFTER DESIGNATION PURSUANT TO SECTION 16-903 IN THE CASE OF A CANDIDATE'S CAMPAIGN COMMITTEE, AND NO LATER THAN TEN DAYS AFTER BECOMING A POLITICAL COMMITTEE IN THE CASE OF ALL OTHER POLITICAL COMMITTEES.

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.

C. ON THE FILING OF A STATEMENT OF ORGANIZATION, A POLITICAL COMMITTEE SHALL BE ISSUED AN IDENTIFICATION NUMBER.

D. THE POLITICAL COMMITTEE SHALL FILE AN AMENDED STATEMENT OF ORGANIZATION REPORTING ANY CHANGE IN THE INFORMATION PRESCRIBED IN SUBSECTION B OF THIS SECTION WITHIN TEN DAYS AFTER THE CHANGE.

16-902.02. Out-of-state political committees; registrations; initial reporting

A POLITICAL COMMITTEE THAT FILES A STATEMENT OF ORGANIZATION IN THIS STATE AS PRESCRIBED BY SECTION 16-902.01, THAT IS REGISTERED IN ANOTHER STATE OR PURSUANT TO FEDERAL LAW AND THAT INTENDS TO USE IN THIS STATE MONIES RAISED BEFORE FILING ITS STATEMENT OF ORGANIZATION SHALL ALSO FILE

1 COMPLETE COPIES OF ITS PREVIOUS CAMPAIGN FINANCE OR OTHER SIMILAR REPORTS
2 FILED IN THOSE OTHER JURISDICTIONS THAT COVER ALL CONTRIBUTIONS OR
3 RECEIPTS FOR THE PRECEDING TWO YEARS.

4 16-903. Candidate's campaign committees; designation;
5 candidate as agent; civil penalty

6 A. EACH CANDIDATE WHO RECEIVES CONTRIBUTIONS OR MAKES EXPENDITURES
7 OF MORE THAN TWO HUNDRED FIFTY DOLLARS IN CONNECTION WITH A CAMPAIGN FOR
8 PUBLIC OFFICE SHALL DESIGNATE IN WRITING A POLITICAL COMMITTEE FOR EACH
9 ELECTION TO SERVE AS THE CANDIDATE'S CAMPAIGN COMMITTEE. THE CANDIDATE
10 SHALL MAKE THE DESIGNATION PURSUANT TO THIS SUBSECTION NO LATER THAN TEN
11 DAYS AFTER RECEIVING SUCH CONTRIBUTIONS OR MAKING SUCH EXPENDITURES.

12 B. A CANDIDATE MAY HAVE ONLY ONE CAMPAIGN COMMITTEE DESIGNATED FOR
13 EACH ELECTION, BUT A CANDIDATE MAY HAVE MORE THAN ONE CAMPAIGN COMMITTEE
14 SIMULTANEOUSLY IN EXISTENCE.

15 C. A POLITICAL COMMITTEE THAT SUPPORTS OR HAS SUPPORTED ANOTHER
16 CANDIDATE OR MORE THAN ONE CANDIDATE MAY NOT BE DESIGNATED AS A
17 CANDIDATE'S CAMPAIGN COMMITTEE.

18 D. ANY CANDIDATE WHO RECEIVES A CONTRIBUTION OR ANY LOAN FOR USE IN
19 CONNECTION WITH THE CAMPAIGN OF THAT CANDIDATE FOR ELECTION OR WHO MAKES A
20 DISBURSEMENT IN CONNECTION WITH THAT CAMPAIGN SHALL BE DEEMED AS HAVING
21 RECEIVED THE CONTRIBUTION OR LOAN OR AS HAVING MADE THE DISBURSEMENT AS AN
22 AGENT OF THE CANDIDATE'S CAMPAIGN COMMITTEE FOR PURPOSES OF THIS ARTICLE.

23 E. AN ELECTED OFFICIAL IS NOT DEEMED TO HAVE OFFERED HIMSELF FOR
24 NOMINATION OR ELECTION TO AN OFFICE OR TO HAVE MADE A FORMAL, PUBLIC
25 DECLARATION OF CANDIDACY WITHIN THE MEANING OF SECTION 38-296 SOLELY BY
26 HIS DESIGNATION OF A CANDIDATE CAMPAIGN COMMITTEE.

27 F. A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO A CIVIL PENALTY
28 IMPOSED AS PRESCRIBED IN SECTION 16-924 OF THREE TIMES THE AMOUNT OF MONEY
29 THAT HAS BEEN RECEIVED, EXPENDED OR PROMISED IN VIOLATION OF THIS SECTION
30 OR THREE TIMES THE VALUE IN MONEY FOR AN EQUIVALENT OF MONEY OR OTHER
31 THINGS OF VALUE THAT HAVE BEEN RECEIVED, EXPENDED OR PROMISED IN VIOLATION
32 OF THIS SECTION.

33 16-904. Treasurer; duties; records; civil penalty

34 A. NO EXPENDITURE MAY BE MADE FOR OR ON BEHALF OF A POLITICAL
35 COMMITTEE WITHOUT THE AUTHORIZATION OF THE TREASURER OR HIS DESIGNATED
36 AGENT.

37 B. THE TREASURER SHALL MAINTAIN A RECORD OF ALL PETTY CASH
38 DISBURSEMENTS PURSUANT TO SUBSECTION E, PARAGRAPH 4 OF THIS SECTION.

39 C. ALL RECEIPTS RECEIVED BY A POLITICAL COMMITTEE SHALL BE
40 DEPOSITED IN AN ACCOUNT DESIGNATED PURSUANT TO SECTION 16-902, SUBSECTION

41 C. ALL MONIES OF A POLITICAL COMMITTEE SHALL BE SEGREGATED FROM, AND MAY
42 NOT BE COMMINGLED WITH, THE MONIES OF ANY INDIVIDUAL OTHER THAN
43 CONTRIBUTIONS BY AN INDIVIDUAL.

44 D. A POLITICAL COMMITTEE SHALL EXERCISE ITS BEST EFFORTS TO OBTAIN
45 THE REQUIRED INFORMATION FOR ANY INCOMPLETE CONTRIBUTION RECEIVED THAT IS
46 REQUIRED TO BE ITEMIZED ON A CAMPAIGN FINANCE REPORT PURSUANT TO SECTION
47 16-915, SUBSECTION A, PARAGRAPH 3. A POLITICAL COMMITTEE WILL NOT BE
48 DEEMED TO HAVE EXERCISED BEST EFFORTS TO OBTAIN THE REQUIRED INFORMATION

1 UNLESS THE TREASURER OR HIS AGENT HAS MADE AT LEAST ONE EFFORT AFTER THE
2 RECEIPT OF THE CONTRIBUTION TO OBTAIN THE MISSING INFORMATION BY A WRITTEN
3 REQUEST SENT TO THE CONTRIBUTOR OR BY ORAL CONTACT WITH THE CONTRIBUTOR
4 DOCUMENTED IN WRITING AND SHALL COMPLY WITH THE FOLLOWING:

5 1. THE REQUEST MUST CLEARLY ASK FOR THE MISSING INFORMATION AND
6 INFORM THE CONTRIBUTOR THAT THE COMMITTEE IS REQUIRED BY LAW TO OBTAIN THE
7 MAILING ADDRESS, OCCUPATION AND EMPLOYER OF EACH INDIVIDUAL CONTRIBUTOR
8 AND THE MAILING ADDRESS AND IDENTIFICATION NUMBER OF EACH POLITICAL
9 COMMITTEE CONTRIBUTOR.

10 2. ANY INFORMATION REQUIRED FOR THE IDENTIFICATION OF A CONTRIBUTOR
11 RECEIVED BY THE POLITICAL COMMITTEE AFTER THE CONTRIBUTION HAS BEEN
12 DISCLOSED ON A CAMPAIGN FINANCE REPORT REQUIRED PURSUANT TO SECTION 16-913
13 SHALL BE REPORTED ON AN AMENDED REPORT.

14 E. THE TREASURER OF A POLITICAL COMMITTEE IS THE CUSTODIAN OF THE
15 COMMITTEE'S BOOKS AND ACCOUNTS AND SHALL KEEP AN ACCOUNT OF ALL OF THE
16 FOLLOWING:

17 1. ALL CONTRIBUTIONS OR OTHER MONIES RECEIVED BY OR ON BEHALF OF
18 THE POLITICAL COMMITTEE.

19 2. THE IDENTIFICATION OF ANY INDIVIDUAL OR POLITICAL COMMITTEE THAT
20 MAKES ANY CONTRIBUTION TOGETHER WITH THE DATE AND AMOUNT OF EACH
21 CONTRIBUTION AND THE DATE OF DEPOSIT INTO A DESIGNATED ACCOUNT.

22 3. CUMULATIVE TOTALS CONTRIBUTED BY EACH INDIVIDUAL OR POLITICAL
23 COMMITTEE.

24 4. THE NAME AND ADDRESS OF EVERY PERSON TO WHOM ANY EXPENDITURE IS
25 MADE, THE DATE, AMOUNT AND PURPOSE OR REASON FOR THE EXPENDITURE AND,
26 EXCEPT IN THE CASE OF AN EXPENDITURE BY A CANDIDATE'S CAMPAIGN COMMITTEE,
27 THE NAME OF THE CANDIDATE AND THE OFFICE SOUGHT BY THE CANDIDATE IF THE
28 EXPENDITURE WAS MADE ON BEHALF OF OR IN OPPOSITION TO A CANDIDATE.

29 5. ALL PERIODIC OR OTHER STATEMENTS FOR EACH ACCOUNT DESIGNATED
30 PURSUANT TO SECTION 16-902, SUBSECTION C.

31 F. UNLESS SPECIFIED BY THE CONTRIBUTOR OR CONTRIBUTORS TO THE
32 CONTRARY, THE TREASURER SHALL RECORD A CONTRIBUTION MADE BY CHECK, MONEY
33 ORDER OR OTHER WRITTEN INSTRUMENT AS A CONTRIBUTION BY THE PERSON WHOSE
34 SIGNATURE OR NAME APPEARS ON THE BOTTOM OF THE INSTRUMENT OR WHO ENDORSES
35 THE INSTRUMENT BEFORE DELIVERY TO THE COMMITTEE. IF A CONTRIBUTION IS
36 MADE BY MORE THAN ONE PERSON IN A SINGLE WRITTEN INSTRUMENT, THE TREASURER
37 SHALL RECORD THE AMOUNT TO BE ATTRIBUTED TO EACH CONTRIBUTOR AS SPECIFIED.

38 G. ALL CONTRIBUTIONS OTHER THAN IN-KIND CONTRIBUTIONS MUST BE MADE
39 BY A CHECK DRAWN ON THE ACCOUNT OF THE ACTUAL CONTRIBUTOR OR BY A MONEY
40 ORDER OR A CASHIER'S CHECK CONTAINING THE NAME OF THE ACTUAL CONTRIBUTOR
41 OR MUST BE EVIDENCED BY A WRITTEN RECEIPT WITH A COPY OF THE RECEIPT GIVEN
42 TO THE CONTRIBUTOR AND A COPY MAINTAINED IN THE CONTRIBUTION RECORDS OF
43 THE RECIPIENT.

44 H. THE TREASURER SHALL PRESERVE ALL RECORDS REQUIRED TO BE KEPT BY
45 THIS SECTION AND COPIES OF ALL FINANCE REPORTS REQUIRED TO BE FILED BY
46 THIS ARTICLE FOR THREE YEARS AFTER THE FILING OF THE FINANCE REPORT
47 COVERING THE RECEIPTS AND DISBURSEMENTS EVIDENCED BY THE RECORDS.

1 I. ON REQUEST OF THE ATTORNEY GENERAL, SECRETARY OF STATE OR ANY
2 OTHER OFFICER WITH WHOM ANY OF THE COMMITTEE'S FINANCE REPORTS ARE FILED,
3 THE TREASURER SHALL PROVIDE ANY OF THE RECORDS REQUIRED TO BE KEPT
4 PURSUANT TO THIS SECTION.

5 J. A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO A CIVIL PENALTY
6 IMPOSED AS PRESCRIBED IN SECTION 16-924 OF THREE TIMES THE AMOUNT OF MONEY
7 THAT HAS BEEN RECEIVED, EXPENDED OR PROMISED IN VIOLATION OF THIS SECTION
8 OR THREE TIMES THE VALUE IN MONEY FOR AN EQUIVALENT OF MONEY OR OTHER
9 THINGS OF VALUE THAT HAS BEEN RECEIVED, EXPENDED OR PROMISED IN VIOLATION
10 OF THIS SECTION.

11 Sec. 4. Section 16-905, Arizona Revised Statutes, is amended to
12 read:

13 16-905. Contribution limitations; civil penalty;
14 complaint

15 A. For an ~~office~~ ELECTION other than FOR a statewide office, a
16 contributor shall not give and a candidate OR CANDIDATE'S CAMPAIGN
17 COMMITTEE shall not accept contributions of more than:

- 18 ~~1. Two hundred dollars from an individual.~~
19 ~~2. One thousand dollars from a single campaign committee.~~

20 1. TWO HUNDRED FIFTY DOLLARS FROM AN INDIVIDUAL.
21 2. TWO HUNDRED FIFTY DOLLARS FROM A SINGLE POLITICAL COMMITTEE,
22 EXCLUDING A POLITICAL PARTY, NOT CERTIFIED UNDER SUBSECTION H OF THIS
23 SECTION TO MAKE CONTRIBUTIONS AT THE HIGHER LIMITS PRESCRIBED BY PARAGRAPH
24 3 OF THIS SUBSECTION AND SUBSECTION B, PARAGRAPH 3 OF THIS SECTION.

25 3. ONE THOUSAND TWO HUNDRED SEVENTY DOLLARS FROM A SINGLE POLITICAL
26 COMMITTEE, EXCLUDING A POLITICAL PARTY, CERTIFIED PURSUANT TO SUBSECTION H
27 OF THIS SECTION.

28 B. For AN ELECTION FOR a statewide office, a contributor shall not
29 give and a candidate OR A CANDIDATE'S COMMITTEE shall not accept
30 contributions of more than:

- 31 ~~1. Five hundred dollars from an individual.~~
32 ~~2. Two thousand five hundred dollars from a single campaign~~

33 ~~committee.~~
34 1. SIX HUNDRED FORTY DOLLARS FROM AN INDIVIDUAL.
35 2. SIX HUNDRED FORTY DOLLARS FROM A SINGLE POLITICAL COMMITTEE,
36 EXCLUDING A POLITICAL PARTY, NOT CERTIFIED UNDER SUBSECTION H OF THIS
37 SECTION TO MAKE CONTRIBUTIONS AT THE HIGHER LIMITS PRESCRIBED BY
38 SUBSECTION A, PARAGRAPH 3 AND PARAGRAPH 3 OF THIS SUBSECTION.

39 3. THREE THOUSAND TWO HUNDRED DOLLARS FROM A SINGLE POLITICAL
40 COMMITTEE EXCLUDING POLITICAL PARTIES CERTIFIED PURSUANT TO SUBSECTION H
41 OF THIS SECTION.

42 C. A candidate shall not accept contributions from all ~~campaign~~
43 POLITICAL committees, EXCLUDING POLITICAL PARTIES, combined totaling more
44 than ~~five thousand~~ SIX THOUSAND THREE HUNDRED NINETY dollars for an office
45 other than a statewide office, or ~~fifty thousand~~ SIXTY-THREE THOUSAND
46 EIGHT HUNDRED EIGHTY dollars for a statewide office.

47 D. A NOMINEE OF A POLITICAL PARTY SHALL NOT ACCEPT CONTRIBUTIONS
48 FROM ALL POLITICAL PARTIES OR POLITICAL ORGANIZATIONS COMBINED TOTALING

1 MORE THAN SIX THOUSAND THREE HUNDRED NINETY DOLLARS FOR AN ELECTION FOR AN
2 OFFICE OTHER THAN A STATEWIDE OFFICE, AND SIXTY-THREE THOUSAND EIGHT
3 HUNDRED EIGHTY DOLLARS FOR AN ELECTION FOR A STATEWIDE OFFICE.

4 ~~B.~~ E. An individual shall not make contributions totaling more
5 than two thousand dollars in a calendar year to state and local
6 candidates, ~~campaign~~ POLITICAL committees contributing to state or local
7 candidates, and ~~campaign~~ POLITICAL committees advocating the election or
8 defeat of state or local candidates. Contributions to political parties
9 are exempt from the limitations of this subsection.

10 ~~E. If a candidate contributes or obligates more than ten thousand~~
11 ~~dollars of his own money to a campaign for an office other than a~~
12 ~~statewide office, or one hundred thousand dollars for a statewide office,~~
13 ~~the candidate shall, within twenty four hours, give written notice of the~~
14 ~~fact to the secretary of state and all other candidates for the same~~
15 ~~office. From that time until they exceed these amounts, other candidates~~
16 ~~for the same office are not subject to the limitations of subsections A, B~~
17 ~~and C.~~

18 F. THE USE OF A CANDIDATE'S PERSONAL MONIES IS NOT SUBJECT TO THE
19 LIMITATIONS OF THIS SECTION BUT AFFECTS THE APPLICATION OF THESE
20 LIMITATIONS TO THE CANDIDATE'S OPPONENTS AS FOLLOWS:

21 1. FOR A CANDIDATE FOR AN OFFICE OTHER THAN A STATEWIDE OFFICE:

22 (a) IF A CANDIDATE CONTRIBUTES OR PROMISES AMOUNTS OF MORE THAN TEN
23 THOUSAND DOLLARS OF THOSE PERSONAL MONIES, THE CANDIDATE, WITHIN
24 TWENTY-FOUR HOURS, EXCLUDING SATURDAYS, SUNDAYS AND OTHER LEGAL HOLIDAYS,
25 SHALL GIVE WRITTEN NOTICE OF THE AMOUNT CONTRIBUTED OR PROMISED TO ALL
26 OTHER CANDIDATES FOR THE SAME OFFICE AND TO THE SECRETARY OF STATE IF A
27 CANDIDATE FOR THE LEGISLATURE, TO THE CLERK OF THE BOARD OF SUPERVISORS IF
28 A CANDIDATE FOR A COUNTY OFFICE OR TO THE CITY OR TOWN CLERK IF A
29 CANDIDATE FOR A CITY OR TOWN OFFICE. OTHER CANDIDATES FOR THE SAME OFFICE
30 AND CONTRIBUTORS TO THOSE CANDIDATES ARE NOT SUBJECT TO THE LIMITATIONS OF
31 SUBSECTIONS A, B AND C OF THIS SECTION AFTER RECEIVING THE NOTICE UNTIL
32 THESE CANDIDATES RECEIVE CONTRIBUTIONS TOTALING THE AMOUNT OF PERSONAL
33 MONIES CONTRIBUTED OR PROMISED BY THE CANDIDATE GIVING THIS NOTICE, AS
34 MEASURED FROM THE DATE THE NOTICE IS RECEIVED.

35 (b) FOR EACH ADDITIONAL ACCUMULATION OF CONTRIBUTIONS OR PROMISES
36 OF THAT CANDIDATE'S PERSONAL MONIES THAT TOTALS AT LEAST FIVE THOUSAND
37 DOLLARS, THE CANDIDATE, WITHIN TWENTY-FOUR HOURS EXCLUDING SATURDAYS,
38 SUNDAYS AND OTHER LEGAL HOLIDAYS, SHALL GIVE WRITTEN NOTICE OF THE AMOUNT
39 CONTRIBUTED OR PROMISED. THE NOTICE SHALL BE GIVEN AS PRESCRIBED IN
40 SUBDIVISION (a) OF THIS PARAGRAPH. OTHER CANDIDATES FOR THE SAME OFFICE
41 AND CONTRIBUTORS TO THOSE CANDIDATES ARE NOT SUBJECT TO THE LIMITATIONS OF
42 SUBSECTIONS A, B AND C OF THIS SECTION AFTER RECEIVING THE NOTICE UNTIL
43 THESE CANDIDATES RECEIVE CONTRIBUTIONS TOTALING THE AMOUNT OF PERSONAL
44 MONIES CONTRIBUTED OR PROMISED BY THE CANDIDATE GIVING THIS NOTICE, AS
45 MEASURED FROM THE DATE THE NOTICE IS RECEIVED.

46 2. FOR A CANDIDATE FOR A STATEWIDE OFFICE:

47 (a) IF A CANDIDATE CONTRIBUTES OR PROMISES AMOUNTS OF MORE THAN
48 TWENTY THOUSAND DOLLARS OF THOSE PERSONAL MONIES, THE CANDIDATE, WITHIN

1 TWENTY-FOUR HOURS, EXCLUDING SATURDAYS, SUNDAYS AND OTHER LEGAL HOLIDAYS,
2 SHALL GIVE WRITTEN NOTICE OF THE AMOUNT CONTRIBUTED OR PROMISED TO ALL
3 OTHER CANDIDATES FOR THE SAME OFFICE AND TO THE SECRETARY OF STATE. OTHER
4 CANDIDATES FOR THE SAME OFFICE AND CONTRIBUTORS TO THOSE CANDIDATES ARE
5 NOT SUBJECT TO THE LIMITATIONS OF SUBSECTIONS A, B AND C OF THIS SECTION
6 AFTER RECEIVING THE NOTICE UNTIL THESE CANDIDATES RECEIVE CONTRIBUTIONS
7 TOTALING THE AMOUNT OF PERSONAL MONIES CONTRIBUTED OR PROMISED BY THE
8 CANDIDATE GIVING THIS NOTICE, AS MEASURED FROM THE DATE THE NOTICE IS
9 RECEIVED.

10 (b) FOR EACH ADDITIONAL ACCUMULATION OF CONTRIBUTIONS OR PROMISES
11 OF THAT CANDIDATE'S PERSONAL MONIES THAT TOTALS AT LEAST TEN THOUSAND
12 DOLLARS, THE CANDIDATE, WITHIN TWENTY-FOUR HOURS EXCLUDING SATURDAYS,
13 SUNDAY AND OTHER LEGAL HOLIDAYS, SHALL GIVE WRITTEN NOTICE OF THE AMOUNT
14 CONTRIBUTED OR PROMISED. THE NOTICE SHALL BE GIVEN AS PRESCRIBED IN
15 SUBDIVISION (a) OF THIS PARAGRAPH. OTHER CANDIDATES FOR THE SAME OFFICE
16 AND CONTRIBUTORS TO THOSE CANDIDATES ARE NOT SUBJECT TO THE LIMITATIONS OF
17 SUBSECTIONS A, B AND C OF THIS SECTION AFTER RECEIVING THE NOTICE UNTIL
18 THESE CANDIDATES RECEIVE CONTRIBUTIONS TOTALING THE AMOUNT OF PERSONAL
19 MONIES CONTRIBUTED OR PROMISED BY THE CANDIDATE GIVING THIS NOTICE, AS
20 MEASURED FROM THE DATE THE NOTICE IS RECEIVED.

21 3. IF ANY NOTICE PRESCRIBED BY THIS SUBSECTION IS NOT TIMELY GIVEN
22 THE OTHER CANDIDATES ARE NOT SUBJECT TO THE LIMITATIONS OF SUBSECTIONS A,
23 B AND C OF THIS SECTION FOR AN ADDITIONAL FIVE HUNDRED DOLLARS FOR EACH
24 DAY THE NOTICE WAS DELINQUENT.

25 ~~F. G. A candidate or~~ CANDIDATE'S campaign committee ~~under the~~
26 ~~control of a candidate~~ shall not contribute or transfer ~~funds~~ MONIES to
27 another ~~candidate or another~~ CANDIDATE'S campaign committee ~~under the~~
28 ~~control of a candidate~~. THIS SUBSECTION AND THE CONTRIBUTION LIMITATIONS
29 OF THIS SECTION DO NOT APPLY TO A TRANSFER OR CONTRIBUTION OF MONIES MADE
30 BY A CANDIDATE'S DESIGNATED CAMPAIGN COMMITTEE TO ANOTHER CAMPAIGN
31 COMMITTEE DESIGNATED BY THAT SAME CANDIDATE.

32 ~~G. H. Only campaign~~ POLITICAL committees that received ~~funds~~
33 MONIES from five hundred or more individuals in amounts of ten dollars or
34 more in the one year period ~~preceding the last closing reporting date~~
35 IMMEDIATELY BEFORE APPLICATION TO THE SECRETARY OF STATE FOR QUALIFICATION
36 AS A POLITICAL COMMITTEE PURSUANT TO THIS SECTION may make contributions
37 to candidates under subsection A, paragraph 2- 3 OF THIS SECTION and
38 subsection B, paragraph 2- 3 OF THIS SECTION. The secretary of state
39 shall obtain information necessary to make the determination that a
40 committee meets the requirements of this subsection and shall provide
41 written certification of the fact to the committee. A POLITICAL COMMITTEE
42 CERTIFICATION IS VALID FOR TWO YEARS. A ~~candidate~~ CANDIDATE'S CAMPAIGN
43 COMMITTEE shall not accept a contribution pursuant to this subsection
44 unless IT IS accompanied by a copy of the certification. All ~~campaign~~
45 POLITICAL committees that do not meet the requirements of this subsection
46 are subject to the individual campaign contribution limits of subsection
47 A, paragraph 1 OF THIS SECTION and subsection B, paragraph 1 OF THIS
48 SECTION.

1 H. I. The secretary of state shall, biennially, adjust to the
2 nearest ten dollars the amounts in ~~subsection~~ SUBSECTIONS A through E- F
3 OF THIS SECTION by the percentage change in the metropolitan Phoenix
4 consumer price index, ~~as defined in section 43-251,~~ and publish the new
5 amounts for distribution to election officials, candidates and campaign
6 committees. IN THIS SUBSECTION, "METROPOLITAN PHOENIX CONSUMER PRICE
7 INDEX" MEANS AN INDEX THAT IS BASED ON DATA PUBLISHED BY THE BUREAU OF
8 BUSINESS AND ECONOMIC RESEARCH, COLLEGE OF BUSINESS ADMINISTRATION,
9 ARIZONA STATE UNIVERSITY, OR ITS SUCCESSOR, AND THAT DEMONSTRATES CHANGES
10 IN PRICES IN THE METROPOLITAN PHOENIX AREA.

11 I. J. The following specific limitations and procedures apply:

12 1. The limits of subsections A through D AND E- F OF THIS SECTION
13 apply ~~cumulatively to the entire primary and general election campaign~~
14 EACH ELECTION for any office or offices which the candidate seeks. ~~, from~~
15 ~~the opening reporting date to the closing reporting date of the campaign,~~
16 ~~as defined in section 16-901. A candidate who has received prior~~
17 ~~contributions from an individual or a campaign committee during a campaign~~
18 ~~shall show in each report the cumulative total received from that source.~~

19 2. The limits of ~~subsection~~ SUBSECTIONS A, ~~paragraph 2,~~ and
20 ~~subsection B paragraph 2~~ OF THIS SECTION apply to the total contributions
21 from all separate segregated funds established, as provided in section
22 16-920, by a corporation, labor organization, trade association,
23 cooperative or corporation without capital stock.

24 3. A contribution by ~~a~~ AN UNEMANCIPATED minor child shall be
25 treated as a contribution by his CUSTODIAL PARENT OR parents for
26 determining compliance with subsection A, paragraph 1, subsection B,
27 paragraph 1 and subsection ~~D~~ E OF THIS SECTION.

28 4. A contribution BY AN INDIVIDUAL OR A SINGLE POLITICAL COMMITTEE
29 to two or more candidates IN CONNECTION WITH A JOINT FUND-RAISING EFFORT
30 shall be ~~apportioned equally between or among the candidates for~~
31 ~~determining compliance with subsections A, B and C~~ DIVIDED AMONG THE
32 CANDIDATES IN DIRECT PROPORTION TO EACH CANDIDATE CAMPAIGN COMMITTEE'S
33 SHARE OF THE EXPENSES FOR THE FUND-RAISING EFFORT.

34 5. A candidate shall sign and file with his ~~nominating petition~~
35 NOMINATION PAPER a statement that he has read ~~and understands~~ all
36 applicable laws relating to campaign financing and reporting.

37 6. An individual or ~~campaign~~ POLITICAL committee shall not ~~make a~~
38 ~~contribution to a candidate through another individual or campaign~~
39 ~~committee,~~ use economic influence to induce members of an organization to
40 make contributions to a candidate, collect contributions from members of
41 an organization for transmittal to a candidate, make payments to
42 candidates for public appearances or services which are ordinarily
43 uncompensated or use any similar device to circumvent ~~the intent~~ ANY OF
44 THE LIMITATIONS of this section.

45 J. ~~A knowing violation of any provision of this section is a class~~
46 ~~1 misdemeanor. An unknowing violation carries a civil penalty of up to~~
47 ~~three times the amount of the illegal contribution.~~

1 ~~K. On conviction of a knowing violation of any provision of this~~
2 ~~section, the court shall pronounce judgment that the candidate be~~
3 ~~immediately removed from office.~~

4 K. A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO A CIVIL PENALTY
5 IMPOSED AS PRESCRIBED IN SECTION 16-924 OF THREE TIMES THE AMOUNT OF MONEY
6 THAT HAS BEEN RECEIVED, EXPENDED OR PROMISED IN VIOLATION OF THIS SECTION
7 OR THREE TIMES THE VALUE IN MONEY FOR AN EQUIVALENT OF MONEY OR OTHER
8 THINGS OF VALUE THAT HAVE BEEN RECEIVED, EXPENDED OR PROMISED IN VIOLATION
9 OF THIS SECTION.

10 L. Any qualified elector may file a sworn complaint with the
11 attorney general or the county attorney of the county in which a violation
12 of this section is believed to have occurred, and the attorney general or
13 the county attorney shall investigate the complaint for possible criminal
14 or civil action.

15 M. If the attorney general or county attorney fails to institute an
16 action within forty-five working days after receiving a complaint under
17 subsection L OF THIS SECTION, then the individual filing the complaint may
18 bring a civil action in his own name and at his own expense, with the same
19 effect as if brought by the attorney general or county attorney. The
20 individual shall execute a bond payable to the defendant if the individual
21 fails to prosecute the action successfully. The court shall award to the
22 prevailing party costs and reasonable attorney fees.

23 ~~N. A county, city or town may adopt campaign contribution~~
24 ~~provisions that are stricter than those provided for in this section.~~

25 ~~O. In this section:~~

26 ~~1. "Candidate" means an individual who receives or gives consent~~
27 ~~for receipt of a contribution for his nomination for or election to any~~
28 ~~office in this state other than a federal office. Candidate includes a~~
29 ~~personal campaign committee designated or authorized by the individual to~~
30 ~~receive contributions or make expenditures on his behalf.~~

31 ~~2. "Contribution" means money or the fair market value of anything~~
32 ~~directly or indirectly given or loaned for the purpose of influencing an~~
33 ~~election of a candidate in this state except:~~

34 ~~(a) Uncompensated personal services performed by volunteer campaign~~
35 ~~workers.~~

36 ~~(b) Personal travel expenses incurred by an individual without~~
37 ~~direct or indirect reimbursement.~~

38 ~~(c) Food and beverages donated by an individual and not exceeding~~
39 ~~one hundred dollars in value during a calendar year.~~

40 ~~Contribution includes any expenditure made by an individual or campaign~~
41 ~~committee with the cooperation or consultation of a candidate, or in~~
42 ~~concert with or at the request or suggestion of a candidate.~~

43 ~~3. "Political party" means a nationally recognized organization~~
44 ~~which nominates a candidate whose name appears on a ballot as a candidate~~
45 ~~of the organization.~~

46 ~~4. "Statewide office" means the office of governor, secretary of~~
47 ~~state, state treasurer, attorney general, superintendent of public~~
48 ~~instruction, corporation commissioner or mine inspector.~~

1 P. N. If a provision of this section or its application to any
2 person or circumstance is held invalid, the invalidity does not affect
3 other provisions or applications of the section which can be given effect
4 without the invalid provision or application, and to this end the
5 provisions of this section are severable.

6 Sec. 5. Renumber

7 Section 16-906, Arizona Revised Statutes, is renumbered as section
8 16-912.

9 Sec. 6. Repeal

10 Sections 16-907, 16-908, 16-909 and 16-912, Arizona Revised
11 Statutes, are repealed.

12 Sec. 7. Title 16, chapter 6, article 1, Arizona Revised Statutes,
13 is amended by adding new sections 16-906 and 16-907, to read:

14 16-906. Loans; repayments; guarantors

15 A. A LOAN TO A POLITICAL COMMITTEE OR TO A CANDIDATE MADE FOR THE
16 PURPOSE OF INFLUENCING AN ELECTION THAT EXCEEDS THE LENDER'S CONTRIBUTION
17 LIMITATIONS PRESCRIBED IN SECTION 16-905 REMAINS UNLAWFUL WHETHER OR NOT
18 IT IS REPaid.

19 B. A LOAN TO A POLITICAL COMMITTEE OR TO A CANDIDATE MADE FOR THE
20 PURPOSE OF INFLUENCING AN ELECTION MADE WITHIN THE CONTRIBUTION
21 LIMITATIONS PRESCRIBED IN SECTION 16-905 REMAINS A CONTRIBUTION TO THE
22 EXTENT IT REMAINS UNPAID. A LOAN IS NO LONGER A CONTRIBUTION TO THE
23 EXTENT IT IS REPaid.

24 C. EXCEPT AS PROVIDED IN SUBSECTION D OF THIS SECTION, THE MAKING
25 OF A LOAN THAT IS MADE FOR THE PURPOSE OF INFLUENCING AN ELECTION RESULTS
26 IN A CONTRIBUTION BY EACH ENDORSER OR GUARANTOR. THE ENDORSER'S OR
27 GUARANTOR'S CONTRIBUTION IS THAT PORTION OF THE TOTAL AMOUNT OF THE LOAN
28 FOR WHICH HE AGREED IN WRITING TO BE LIABLE OR, IF NOT STATED IN WRITING,
29 THE CONTRIBUTION IS IN THE SAME PROPORTION TO THE UNPAID BALANCE THAT EACH
30 ENDORSER OR GUARANTOR BEARS TO THE TOTAL NUMBER OF ENDORSERS OR
31 GUARANTORS. ANY REDUCTION IN THE UNPAID BALANCE OF THE LOAN REDUCES
32 PROPORTIONATELY THE AMOUNT OF THE CONTRIBUTION OF EACH ENDORSER OR
33 GUARANTOR.

34 D. A LOAN OBTAINED BY A CANDIDATE ON WHICH THE CANDIDATE'S SPOUSE'S
35 SIGNATURE IS REQUIRED IF JOINTLY OWNED ASSETS ARE USED AS COLLATERAL OR
36 SECURITY IS NOT CONSIDERED A CONTRIBUTION FROM THE CANDIDATE'S SPOUSE.

37 16-907. Prohibited contributions; classification

38 A. ANY PERSON WHO MAKES A CONTRIBUTION IN THE NAME OF ANOTHER
39 PERSON OR WHO KNOWINGLY PERMITS HIS NAME TO BE USED TO EFFECT SUCH A
40 CONTRIBUTION AND ANY PERSON WHO KNOWINGLY ACCEPTS A CONTRIBUTION MADE BY
41 ONE PERSON IN THE NAME OF ANOTHER PERSON IS GUILTY OF A CLASS 6 FELONY.

42 B. EXCEPT FOR A CONTRIBUTION TO A CANDIDATE'S CAMPAIGN COMMITTEE,
43 AN INDIVIDUAL OR POLITICAL COMMITTEE SHALL NOT GIVE AND A POLITICAL PARTY
44 OR OTHER POLITICAL COMMITTEE SHALL NOT ACCEPT AN EARMARKED CONTRIBUTION.

45 C. FOR PURPOSES OF THIS ARTICLE, A CONTRIBUTION FROM PARTNERSHIP
46 FUNDS SHALL ONLY BE MADE IN THE NAME OF THE INDIVIDUAL PARTNERS WHO MAKE
47 THE CONTRIBUTION.

1 Sec. 8. Section 16-912, Arizona Revised Statutes, as renumbered by
2 this act, is amended to read:

3 16-912. Campaign literature and advertisement sponsors;
4 identification; civil penalty

5 A. ~~ALL~~ A POLITICAL COMMITTEE THAT MAKES AN EXPENDITURE FOR campaign
6 literature or advertisements that ~~are distributed for the purpose of~~
7 ~~influencing the result of any~~ EXPRESSLY ADVOCATE THE election involving OR
8 DEFEAT OF any candidate or THAT MAKE any solicitation of contributions to
9 any ~~campaign~~ POLITICAL committee shall include ON THE LITERATURE OR
10 ADVERTISEMENT the following disclosure:

11 1. If authorized or paid for by a candidate, a candidate's campaign
12 committee or an agent of either, the literature or advertisement shall
13 clearly state that it was paid for by the candidate or the candidate's
14 campaign committee.

15 2. If not authorized or paid for by a candidate, a candidate's
16 campaign committee or any agent of either, the literature or advertisement
17 shall clearly state:

18 (a) The name of the ~~campaign~~ POLITICAL committee that paid for the
19 literature or advertisement, the name of the chairman ~~or treasurer~~ of the
20 ~~campaign~~ POLITICAL committee and ~~an address and~~ A telephone number where
21 that individual can be contacted.

22 (b) THAT the literature or advertisement is not authorized by any
23 candidate or candidate's campaign committee.

24 B. IF THE EXPENDITURE FOR THE CAMPAIGN LITERATURE OR ADVERTISEMENTS
25 BY A POLITICAL COMMITTEE IS AN INDEPENDENT EXPENDITURE, THE POLITICAL
26 COMMITTEE, IN ADDITION TO THE DISCLOSURES REQUIRED BY SUBSECTION A OF THIS
27 SECTION, SHALL INCLUDE ON THE LITERATURE OR ADVERTISEMENT THE NAMES AND
28 TELEPHONE NUMBERS OF THE TWO POLITICAL COMMITTEES MAKING THE LARGEST
29 CONTRIBUTIONS TO THE POLITICAL COMMITTEE MAKING THE INDEPENDENT
30 EXPENDITURE. IF AN ACRONYM IS USED TO NAME ANY POLITICAL COMMITTEE
31 OUTLINED IN THIS SECTION, THE NAME OF ANY SPONSORING ORGANIZATION OF THE
32 POLITICAL COMMITTEE SHALL ALSO BE PRINTED OR SPOKEN. FOR PURPOSES OF
33 DETERMINING THE TWO CONTRIBUTORS TO BE DISCLOSED, THE CONTRIBUTIONS OF
34 EACH POLITICAL COMMITTEE TO THE POLITICAL COMMITTEE MAKING THE INDEPENDENT
35 EXPENDITURE DURING THE ONE YEAR PERIOD BEFORE THE ELECTION BEING AFFECTED
36 ARE AGGREGATED.

37 ~~B.~~ C. The provisions of subsection A of this section do not apply
38 to bumper stickers, pins, buttons, pens and similar small items on which
39 the statements required in subsection A of this section cannot be
40 conveniently printed or to signs paid for by a candidate with campaign
41 ~~funds~~ MONIES or by a candidate's campaign committee OR TO A SOLICITATION
42 OF CONTRIBUTIONS BY A SEPARATE SEGREGATED FUND FROM THOSE PERSONS IT MAY
43 SOLICIT PURSUANT TO SECTIONS 16-920 AND 16-921.

44 D. THE DISCLOSURES REQUIRED PURSUANT TO THIS SECTION SHALL BE
45 PRINTED CLEARLY AND LEGIBLY IN A CONSPICUOUS MANNER OR, IF THE
46 ADVERTISEMENT IS BROADCAST ON A TELECOMMUNICATIONS SYSTEM, THE DISCLOSURE
47 SHALL BE SPOKEN.

1 E. A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO A CIVIL PENALTY
2 OF THREE TIMES THE COST OF THE LITERATURE OR ADVERTISEMENT. THIS CIVIL
3 PENALTY SHALL BE IMPOSED AS PRESCRIBED IN SECTION 16-924.

4 Sec. 9. Repeal

5 Sections 16-913, 16-914 and 16-915, Arizona Revised Statutes, are
6 repealed.

7 Sec. 10. Title 16, chapter 6, article 1, Arizona Revised Statutes,
8 is amended by adding new sections 16-913, 16-914 and 16-915, to read:

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

11 A. EACH POLITICAL COMMITTEE SHALL FILE CAMPAIGN FINANCE REPORTS
12 SETTING FORTH THE COMMITTEE'S RECEIPTS AND DISBURSEMENTS ACCORDING TO THE
13 SCHEDULE PRESCRIBED IN SUBSECTIONS B AND C OF THIS SECTION.

14 B. IN ANY CALENDAR YEAR DURING WHICH THERE IS A REGULARLY SCHEDULED
15 ELECTION AT WHICH ANY CANDIDATES, MEASURES, QUESTIONS OR PROPOSITIONS
16 APPEAR OR MAY APPEAR ON THE BALLOT, THE POLITICAL COMMITTEE SHALL FILE
17 EACH OF THE FOLLOWING CAMPAIGN FINANCE REPORTS:

18 1. A REPORT COVERING THE PERIOD BEGINNING JANUARY 1 THROUGH MAY 31,
19 FILED NO LATER THAN JUNE 30.

20 2. A PRE-ELECTION REPORT, WHICH SHALL BE FILED NOT LESS THAN TWELVE
21 DAYS BEFORE OR MAILED BY CERTIFIED MAIL NOT LESS THAN FIFTEEN DAYS BEFORE
22 ANY ELECTION AND WHICH SHALL BE COMPLETE THROUGH THE TWENTIETH DAY BEFORE
23 THE ELECTION.

24 3. A POST-ELECTION REPORT, WHICH SHALL BE FILED NOT LESS THAN
25 THIRTY DAYS AFTER ANY ELECTION AND WHICH SHALL BE COMPLETE THROUGH THE
26 TWENTIETH DAY AFTER THE ELECTION.

27 C. IN ANY OTHER CALENDAR YEAR, THE POLITICAL COMMITTEE SHALL FILE A
28 REPORT COVERING THE PERIOD BEGINNING JANUARY 1 THROUGH DECEMBER 31, FILED
29 NO LATER THAN JANUARY 31 OF THE FOLLOWING CALENDAR YEAR.

30 D. IN THE EVENT THAT A POLITICAL COMMITTEE RECEIVES NO
31 CONTRIBUTIONS AND MAKES NO EXPENDITURES DURING A PERIOD IN WHICH IT IS
32 REQUIRED TO FILE A CAMPAIGN FINANCE REPORT, THE COMMITTEE TREASURER OR IF
33 THE TREASURER IS UNAVAILABLE THE CANDIDATE MAY, IN LIEU OF FILING A REPORT
34 REQUIRED BY SUBSECTION B OF THIS SECTION, SIGN AND FILE A NOTARIZED FORM
35 PRESCRIBED BY THE SECRETARY OF STATE INDICATING NO ACTIVITY DURING THE
36 SPECIFIC REPORTING PERIOD.

37 E. A JUDGE WHO HAS FILED A DECLARATION OF HIS DESIRE TO BE RETAINED
38 IN OFFICE IS EXEMPT FROM FILING ANY REPORT REQUIRED BY THIS SECTION IF THE
39 JUDGE, NOT LATER THAN TWELVE DAYS BEFORE THE GENERAL ELECTION, FILES A
40 STATEMENT SIGNED AND SWORN TO BY HIM CERTIFYING THAT HE HAS RECEIVED NO
41 CONTRIBUTIONS, HAS MADE NO EXPENDITURES AND HAS NO CAMPAIGN COMMITTEE AND
42 THAT HE DOES NOT INTEND TO RECEIVE CONTRIBUTIONS, MAKE EXPENDITURES OR
43 HAVE A CAMPAIGN COMMITTEE FOR THE PURPOSE OF INFLUENCING THE RESULT OF THE
44 VOTE ON THE QUESTION OF HIS RETENTION. WITH RESPECT TO SUPERIOR COURT
45 JUDGES, A STATEMENT FILED PURSUANT TO THIS SUBSECTION IS EFFECTIVE UNTIL
46 THE EARLIER OF TWELVE DAYS BEFORE THE THIRD GENERAL ELECTION FOLLOWING THE
47 FILING OF THIS STATEMENT OR THE JUDGE RECEIVES CONTRIBUTIONS, MAKES
48 EXPENDITURES OR AUTHORIZES A CAMPAIGN COMMITTEE. SUCH A STATEMENT FILED

1 BY A SUPREME COURT JUSTICE OR A COURT OF APPEALS JUDGE IS EFFECTIVE UNTIL
2 THE EARLIER OF TWELVE DAYS BEFORE THE FOURTH GENERAL ELECTION FOLLOWING
3 THE FILING OF THIS STATEMENT OR THE JUSTICE OR JUDGE RECEIVES
4 CONTRIBUTIONS, MAKES EXPENDITURES OR AUTHORIZES A CAMPAIGN COMMITTEE.

5 F. REPORTS IN CONNECTION WITH SPECIAL, RECALL OR RUNOFF ELECTIONS
6 SHALL CONFORM TO THE FILING DEADLINES SET FORTH IN SUBSECTION B OF THIS
7 SECTION.

8 G. EXCEPT AS PROVIDED IN SECTION 16-916, SUBSECTION B, A POLITICAL
9 COMMITTEE SHALL COMPLY WITH THE REQUIREMENTS OF THIS SECTION IN EACH
10 JURISDICTION IN THIS STATE IN WHICH THE COMMITTEE HAS FILED A STATEMENT OF
11 ORGANIZATION UNTIL THE COMMITTEE TERMINATES PURSUANT TO SECTION 16-914,
12 AND ITS STATEMENTS, DESIGNATIONS AND REPORTS SHALL BE FILED WITH EACH
13 OFFICER WITH WHOM IT HAS FILED A STATEMENT OF ORGANIZATION, AS
14 APPROPRIATE.

15 H. EACH REPORT REQUIRED TO BE FILED PURSUANT TO THIS SECTION SHALL
16 BE SIGNED BY THE COMMITTEE TREASURER OR THE CANDIDATE IF THE TREASURER IS
17 UNAVAILABLE AND SHALL CONTAIN THE CERTIFICATION OF THE SIGNOR UNDER
18 PENALTY OF PERJURY THAT THE REPORT IS TRUE AND COMPLETE.

19 I. A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO A CIVIL PENALTY
20 OF FIFTY DOLLARS FOR EACH DAY OF VIOLATION NOT TO EXCEED ONE THOUSAND
21 DOLLARS.

22 16-914. Termination statement

23 A. A POLITICAL COMMITTEE MAY TERMINATE ONLY WHEN THE COMMITTEE
24 CHAIRMAN AND TREASURER FILE A WRITTEN STATEMENT WITH THE OFFICER WITH WHOM
25 THE COMMITTEE'S STATEMENT OF ORGANIZATION IS FILED CERTIFYING UNDER
26 PENALTY OF PERJURY THAT IT WILL NO LONGER RECEIVE ANY CONTRIBUTIONS OR
27 MAKE ANY DISBURSEMENTS, THAT THE COMMITTEE HAS NO OUTSTANDING DEBTS OR
28 OBLIGATIONS AND THAT ANY SURPLUS MONIES HAVE BEEN DISPOSED OF PURSUANT TO
29 SECTION 16-915.01 TOGETHER WITH A STATEMENT OF THE MANNER OF DISPOSITION
30 OF THE SURPLUS, THE NAME AND ADDRESS OF EACH RECIPIENT OF SURPLUS MONIES
31 AND THE DATE AND AMOUNT OF EACH DISPOSITION OF SURPLUS MONIES.

32 B. AFTER THE FILING OF AN APPROPRIATE TERMINATION STATEMENT, A
33 POLITICAL COMMITTEE IS NOT REQUIRED TO FILE ANY SUBSEQUENT CAMPAIGN
34 FINANCE REPORTS AND SHALL HAVE NO FURTHER RECEIPTS OR DISBURSEMENTS
35 WITHOUT FILING A NEW STATEMENT OF ORGANIZATION.

36 16-915. Contents of campaign finance reports

37 A. EACH CAMPAIGN FINANCE REPORT REQUIRED BY SECTION 16-913 SHALL
38 SET FORTH ALL OF THE FOLLOWING:

39 1. THE AMOUNT OF CASH ON HAND AT THE BEGINNING OF THE REPORTING
40 PERIOD.

41 2. FOR THE REPORTING PERIOD AND THE ELECTION, THE TOTAL AMOUNT OF
42 ALL RECEIPTS AND AN ITEMIZED LIST OF ALL RECEIPTS IN THE FOLLOWING
43 CATEGORIES, TOGETHER WITH THE TOTAL OF ALL RECEIPTS IN EACH CATEGORY:

44 (a) CONTRIBUTIONS FROM INDIVIDUALS.

45 (b) CONTRIBUTIONS FROM POLITICAL COMMITTEES.

46 (c) FOR A CANDIDATE'S CAMPAIGN COMMITTEE, THE CANDIDATE'S
47 CONTRIBUTION OR PROMISE OF PERSONAL MONIES, INCLUDING LOANS GUARANTEED BY
48 THE CANDIDATE.

1 (d) ALL OTHER LOANS.
2 (e) REBATES, REFUNDS AND OTHER OFFSETS TO OPERATING EXPENDITURES.
3 (f) DIVIDENDS, INTEREST AND OTHER FORMS OF RECEIPTS.
4 (g) THE VALUE OF IN-KIND CONTRIBUTIONS.
5 3. THE IDENTIFICATION OF EACH:
6 (a) INDIVIDUAL WHO MAKES ANY CONTRIBUTION DURING THE PERIOD COVERED
7 BY THE REPORT WHOSE TOTAL CONTRIBUTION OR CONTRIBUTIONS FOR THAT ELECTION
8 HAVE AN AGGREGATE AMOUNT EXCEEDING TWENTY-FIVE DOLLARS TOGETHER WITH THE
9 DATE AND AMOUNT OF THE CONTRIBUTIONS, EXCEPT AS PROVIDED IN SUBSECTION E
10 OF THIS SECTION. CONTRIBUTIONS OF TWENTY-FIVE DOLLARS OR LESS MAY BE
11 AGGREGATED.
12 (b) POLITICAL COMMITTEE THAT MAKES A CONTRIBUTION DURING THE PERIOD
13 COVERED BY THE REPORT TOGETHER WITH THE DATE AND AMOUNT OF THE
14 CONTRIBUTION.
15 (c) PERSON WHO MAKES A LOAN DURING THE PERIOD COVERED BY THE
16 REPORT, TOGETHER WITH THE IDENTIFICATION OF ANY ENDORSER OR GUARANTOR OF
17 THE LOAN AND THE AMOUNT ENDORSED OR GUARANTEED BY EACH, AND THE DATE AND
18 AMOUNT OF THE LOAN.
19 (d) PERSON WHO PROVIDES ANY REBATE, REFUND OR OTHER OFFSET TO
20 OPERATING EXPENDITURES DURING THE PERIOD COVERED BY THE REPORT TOGETHER
21 WITH THE DATE AND AMOUNT OF THE RECEIPT.
22 (e) PERSON WHO PROVIDES A DIVIDEND, INTEREST OR OTHER RECEIPT
23 DURING THE PERIOD COVERED BY THE REPORT TOGETHER WITH THE DATE AND AMOUNT
24 OF THE RECEIPT.
25 4. FOR THE REPORTING PERIOD AND THE ELECTION, THE TOTAL AMOUNT OF
26 ALL DISBURSEMENTS AND AN ITEMIZED LIST OF ALL DISBURSEMENTS IN THE
27 FOLLOWING CATEGORIES TOGETHER WITH THE TOTAL OF ALL DISBURSEMENTS IN EACH
28 CATEGORY:
29 (a) EXPENDITURES, OTHER THAN A CONTRACT, PROMISE OR AGREEMENT TO
30 MAKE AN EXPENDITURE RESULTING IN AN EXTENSION OF CREDIT, MADE TO MEET
31 COMMITTEE OPERATING EXPENSES.
32 (b) TRANSFERS TO OTHER POLITICAL COMMITTEES.
33 (c) FOR A CANDIDATE'S CAMPAIGN COMMITTEE, THE REPAYMENT OF LOANS
34 MADE OR GUARANTEED BY THE CANDIDATE.
35 (d) REPAYMENT OF ALL OTHER LOANS.
36 (e) REFUNDS OF CONTRIBUTIONS RECEIVED AND OTHER OFFSETS TO
37 CONTRIBUTIONS.
38 (f) LOANS MADE BY THE REPORTING POLITICAL COMMITTEE.
39 (g) THE VALUE OF IN-KIND CONTRIBUTIONS RECEIVED.
40 (h) INDEPENDENT EXPENDITURES TOGETHER WITH THE INFORMATION REQUIRED
41 PURSUANT TO SUBSECTION F.
42 (i) ANY OTHER DISBURSEMENTS.
43 5. THE NAME AND ADDRESS OF EACH RECIPIENT OF AN EXPENDITURE MADE
44 DURING THE PERIOD COVERED BY THE REPORT AND, IN THE CASE OF A DISBURSEMENT
45 TO A POLITICAL COMMITTEE, THE IDENTIFICATION NUMBER ISSUED ON THE FILING
46 OF A STATEMENT OF ORGANIZATION AS PRESCRIBED BY SECTION 16-902.01,
47 TOGETHER WITH THE DATE, AMOUNT OF THE EXPENDITURE AND A CLEAR DESCRIPTION
48 OF THE ITEMS OR SERVICES PURCHASED.

1 6. AN ITEMIZED ACCOUNT OF THE CAMPAIGN DEBTS AND EXTENSIONS OF
2 CREDIT THAT ARE OWED BY THE CANDIDATE OR POLITICAL COMMITTEE AND THAT
3 REMAIN OUTSTANDING INCLUDING THE NAME AND ADDRESS OF THE OBLIGEE OR
4 CREDITOR, THE AMOUNT OWED, WHETHER THE AMOUNT IS CERTAIN OR ESTIMATED AND
5 ON WHAT BASIS, AND THE PURPOSE OF THE OBLIGATION. AN OBLIGATION THAT IS
6 ITEMIZED ON A CAMPAIGN FINANCE REPORT SHALL BE LISTED ON ALL SUBSEQUENT
7 FINANCE REPORTS UNTIL EXTINGUISHED.

8 7. THE TOTAL SUM OF ALL RECEIPTS, TOGETHER WITH THE TOTAL RECEIPTS
9 LESS OFFSETS, AND THE TOTAL SUM OF ALL DISBURSEMENTS, TOGETHER WITH THE
10 TOTAL DISBURSEMENTS LESS OFFSETS, FOR BOTH THE PERIOD COVERED BY THE
11 REPORT AND THE ELECTION.

12 B. THE AMOUNT OF AN IN-KIND CONTRIBUTION SHALL BE EQUAL TO THE
13 USUAL AND NORMAL VALUE ON THE DATE RECEIVED BY THE POLITICAL COMMITTEE AS
14 DETERMINED BY GENERALLY ACCEPTED ACCOUNTING PRINCIPLES.

15 C. CAMPAIGN FINANCE REPORTS SHALL BE CUMULATIVE FOR THE ELECTION TO
16 WHICH THEY RELATE, BUT IF THERE HAS BEEN NO CHANGE DURING THE PERIOD
17 COVERED BY A REPORT IN AN ITEM LISTED IN A PREVIOUS REPORT FOR THAT
18 ELECTION, ONLY THE AMOUNT NEED BE CARRIED FORWARD.

19 D. A CANDIDATE'S CAMPAIGN COMMITTEE OR A POLITICAL COMMITTEE THAT
20 MAKES CONTRIBUTIONS TO CANDIDATES AND THAT HAS RECEIVED PRIOR
21 CONTRIBUTIONS FROM AN INDIVIDUAL OR A POLITICAL COMMITTEE FOR AN ELECTION
22 SHALL SHOW IN EACH REPORT FOR THAT ELECTION THE CUMULATIVE TOTAL RECEIVED
23 FROM THAT SOURCE.

24 E. IN THE CASE OF A POLITICAL COMMITTEE THAT RECEIVES CONTRIBUTIONS
25 THROUGH A PAYROLL DEDUCTION PLAN, THAT COMMITTEE IS NOT REQUIRED TO
26 SEPARATELY ITEMIZE EACH ADDITIONAL CONTRIBUTION RECEIVED FROM THE
27 CONTRIBUTOR DURING THE REPORTING PERIOD. IN LIEU OF THE SEPARATE
28 ITEMIZATION REQUIRED BY SUBSECTION A, PARAGRAPH 2 OF THIS SECTION, THE
29 COMMITTEE MAY REPORT ALL OF THE FOLLOWING:

30 1. THE AGGREGATE AMOUNT OF CONTRIBUTIONS RECEIVED FROM THE
31 CONTRIBUTOR THROUGH THE PAYROLL DEDUCTION PLAN DURING THE REPORTING
32 PERIOD.

33 2. THE IDENTIFICATION OF THE INDIVIDUAL.

34 3. A STATEMENT OF THE AMOUNT DEDUCTED PER PAY PERIOD.

35 F. AN INDEPENDENT EXPENDITURE REPORT SHALL CONTAIN ALL OF THE
36 FOLLOWING:

37 1. THE NAME AND ADDRESS OF ANY PERSON TO WHOM AN INDEPENDENT
38 EXPENDITURE WAS MADE.

39 2. THE DATE AND AMOUNT OF THE INDEPENDENT EXPENDITURE.

40 3. THE PURPOSE OF THE INDEPENDENT EXPENDITURE INCLUDING A
41 DESCRIPTION OF WHAT WAS PURCHASED.

42 4. THE NAME OF EACH CANDIDATE WHOSE ELECTION OR DEFEAT WAS
43 ADVOCATED BY THE EXPENDITURE AND, FOR EACH SUCH CANDIDATE, THE OFFICE
44 SOUGHT BY THE CANDIDATE AND THE YEAR OF THE ELECTION.

45 5. THE NAMES, OCCUPATIONS, EMPLOYERS AND AMOUNT CONTRIBUTED BY EACH
46 OF THE THREE CONTRIBUTORS THAT CONTRIBUTED THE MOST MONEY WITHIN THE
47 PRECEDING SIX MONTHS PROVIDED THAT IF ANY OTHER CONTRIBUTOR CONTRIBUTED
48 THE SAME AMOUNT DURING THIS TIME PERIOD AS ANY OF THE TOP THREE

1 CONTRIBUTORS THE INFORMATION SHALL BE PROVIDED FOR THAT CONTRIBUTOR AS
2 WELL. IF ANY OF THESE CONTRIBUTORS IS A POLITICAL COMMITTEE, THE REPORT
3 SHALL INCLUDE THE NAMES, OCCUPATIONS AND EMPLOYERS OF THE COMMITTEE'S
4 CHAIRMAN AND TREASURER.

5 6. UNDER PENALTY OF PERJURY, A CERTIFICATION STATING WHETHER OR NOT
6 THE CLAIMED INDEPENDENT EXPENDITURE IS MADE IN COOPERATION, CONSULTATION
7 OR CONCERT WITH OR AT THE REQUEST OR SUGGESTION OF ANY CANDIDATE OR ANY
8 CAMPAIGN COMMITTEE OR AGENT OF THAT CANDIDATE.

9 Sec. 11. Section 16-915.01, Arizona Revised Statutes, is amended to
10 read:

11 16-915.01. Disposal of surplus monies

12 ~~A. A candidate or campaign committee which receives or makes any~~
13 ~~campaign contributions or expenditures subsequent to the closing date for~~
14 ~~the post election statements provided for under sections 16-907, 16-909,~~
15 ~~16-913 and 16-914, which would otherwise be reported pursuant to such~~
16 ~~sections, shall file a statement of contributions and expenditures on or~~
17 ~~before April 1 of each year until a disposition of all contributions and~~
18 ~~expenditures is made pursuant to subsection B of this section or no~~
19 ~~contributions or expenditures are made or received which have not been~~
20 ~~previously reported. The closing reporting date of the statement of~~
21 ~~collections and expenditures due on or before April 1 is December 31 of~~
22 ~~the year preceding the April 1 deadline.~~

23 ~~B. A. A candidate or campaign~~ POLITICAL committee shall dispose of
24 surplus funds MONIES ONLY as follows:

25 1. Retain surplus funds MONIES for use in a subsequent political
26 campaign ELECTION, WHICH INCLUDES A TRANSFER BY A CANDIDATE'S CAMPAIGN
27 COMMITTEE TO THAT CANDIDATE'S CAMPAIGN COMMITTEE DESIGNATED FOR A
28 SUBSEQUENT ELECTION.

29 2. Return surplus funds MONIES to the contributor to the extent
30 records are available permitting such return. ~~and donate any remaining~~
31 ~~funds to the county or state committee of the political party of which the~~
32 ~~candidate is a member.~~

33 3. ~~Donate the CONTRIBUTE surplus funds to a charitable organization~~
34 ~~or MONIES to the county or, state OR LOCAL committee of the A political~~
35 ~~party of which the candidate is a member.~~

36 4. DONATE THE SURPLUS MONIES TO A CHARITABLE ORGANIZATION THAT
37 QUALIFIES UNDER SECTION 501 (c)(3) OF THE UNITED STATES INTERNAL REVENUE
38 CODE.

39 5. IN THE CASE OF A POLITICAL COMMITTEE OTHER THAN A CANDIDATE'S
40 COMMITTEE, CONTRIBUTE SURPLUS MONIES TO A CANDIDATE'S CAMPAIGN COMMITTEE
41 IF THE CONTRIBUTION IS WITHIN THE LIMITATIONS OF SECTION 16-905.

42 ~~4. 6. In the case of a campaign committee, donate such surplus~~
43 ~~funds to a charitable organization or to a political candidate as a~~
44 ~~contribution for use in a political campaign or for the repayment of loans~~
45 ~~for political campaign expenses. From and after December 31, 1992, in the~~
46 ~~case of a candidate or candidate's committee, Donate such surplus funds~~
47 ~~MONIES to a campaign POLITICAL committee other than a candidate's CAMPAIGN~~
48 ~~committee.~~

1 ~~6.~~ 7. Dispose of the surplus funds MONIES in any other lawful
2 manner.

3 B. From and after December 31, 1992, surplus funds MONIES shall not
4 be used for or converted to the personal use of a candidate or any person
5 related to the candidate by blood or marriage. Nothing in this paragraph
6 SUBSECTION precludes the repayment of a loan made by a candidate to his
7 campaign.

8 ~~C. A statement that a candidate or a candidate's committee has
9 determined to dispose of surplus funds pursuant to subsection B of this
10 section may be appended to the post election statement of contributions
11 and expenditures or any subsequent follow up statement. The statement
12 shall include an exact account of all expenditures and to whom paid,
13 distributed or expended. No other statement need thereafter be filed
14 unless additional contributions or expenditures are received or made.~~

15 Sec. 12. Section 16-916, Arizona Revised Statutes, is amended to
16 read:

17 16-916. Filing statements of contributions and
18 expenditures; public inspection

19 A. EXCEPT AS PROVIDED IN SUBSECTION B OF THIS SECTION, the
20 statements ~~in this article~~, DESIGNATIONS AND REPORTS required to be filed
21 PURSUANT TO THIS ARTICLE shall be filed in the office of the secretary of
22 state for POLITICAL COMMITTEES SUPPORTING OR OPPOSING candidates for state
23 offices and members of the legislature, for justices of the supreme court,
24 for judges of the court of appeals and for a statewide initiative or
25 referendum or any measure or proposition appearing on a state general
26 election ballot, with the clerk of the board of supervisors for POLITICAL
27 COMMITTEES SUPPORTING OR OPPOSING candidates for county offices and,
28 SCHOOL DISTRICT GOVERNING BOARD MEMBERS OR BALLOT QUESTIONS, community
29 college district governing board members OR BALLOT QUESTIONS, ~~for~~ judges
30 of the superior court seeking retention, SPECIAL TAXING DISTRICTS and ~~for~~
31 a county initiative or referendum or any measure or proposition appearing
32 on a county election ballot, AND with the city or town clerk for
33 POLITICAL COMMITTEES SUPPORTING OR OPPOSING candidates for city or town
34 offices and for a city or town initiative or referendum or any measure or
35 proposition appearing on a city or town election ballot, ~~and with the~~
36 ~~county school superintendent for candidates for school district governing~~
37 ~~board members.~~

38 ~~B. The statements required to be filed under sections 16 907,
39 16 909, 16 913, 16 914 and 16 915.01 shall be filed and preserved by the
40 officer with whom filed and twenty four hours after filing are subject to
41 inspection and publication.~~

42 B. AN ORIGINAL AND ONE COPY OF THE REPORTS REQUIRED PURSUANT TO
43 SECTION 16-913 FOR THE OFFICE OF MEMBER OF THE LEGISLATURE SHALL BE FILED
44 WITH EITHER THE CLERK OF THE BOARD OF SUPERVISORS OF THE COUNTY OF THE
45 CANDIDATE'S RESIDENCE OR WITH THE SECRETARY OF STATE. IF THE CANDIDATE
46 FILES WITH THE CLERK OF THE BOARD OF SUPERVISORS, THE CLERK SHALL TRANSMIT
47 THE COPY TO THE SECRETARY OF STATE WITHIN FIVE DAYS, EXCLUDING SATURDAYS,
48 SUNDAYS AND OTHER LEGAL HOLIDAYS. IF THE CANDIDATE FILES WITH THE

1 SECRETARY OF STATE, THE SECRETARY OF STATE SHALL TRANSMIT THE COPY TO THE
2 CLERK OF THE BOARD OF SUPERVISORS OF THE COUNTY OF THE CANDIDATE'S
3 RESIDENCE WITHIN FIVE DAYS, EXCLUDING SATURDAYS, SUNDAYS AND OTHER LEGAL
4 HOLIDAYS.

5 C. EXCEPT AS PROVIDED IN SECTION 16-913, SUBSECTION B, PARAGRAPH 2,
6 FOR ALL STATEMENTS, DESIGNATIONS AND REPORTS THAT ARE FILED PURSUANT TO
7 THIS ARTICLE AND THAT ARE SENT TO THE FILING OFFICER BY CERTIFIED MAIL,
8 THE DATE OF THE POSTMARK SHALL BE DEEMED THE DATE OF FILING. FOR ALL
9 OTHER STATEMENTS, DESIGNATIONS AND REPORTS, THE DATE OF FILING IS THE DATE
10 OF ACTUAL RECEIPT BY THE OFFICER WITH WHOM THE DOCUMENT IS REQUIRED TO BE
11 FILED.

12 D. IF THE DATE FOR FILING ANY STATEMENT, DESIGNATION OR REPORT
13 REQUIRED BY THIS ARTICLE IS A SATURDAY, A SUNDAY OR ANOTHER LEGAL HOLIDAY,
14 THE FILING DEADLINE IS THE NEXT DAY THAT IS NOT A SATURDAY, A SUNDAY OR
15 ANOTHER LEGAL HOLIDAY.

16 Sec. 13. Repeal

17 Section 16-917, Arizona Revised Statutes, is repealed.

18 Sec. 14. Title 16, chapter 6, article 1, Arizona Revised Statutes,
19 is amended by adding a new section 16-917, to read:

20 16-917. Independent expenditures; twenty-four hour
21 notice; civil penalty

22 A. A POLITICAL COMMITTEE THAT MAKES INDEPENDENT EXPENDITURES FOR
23 LITERATURE OR AN ADVERTISEMENT RELATING TO ANY ONE CANDIDATE OR OFFICE
24 WITHIN TEN DAYS BEFORE THE DAY OF ANY ELECTION TO WHICH THE EXPENDITURES
25 RELATE, SHALL SEND BY CERTIFIED MAIL A COPY OF THE CAMPAIGN LITERATURE OR
26 ADVERTISEMENT TO EACH CANDIDATE NAMED OR OTHERWISE REFERRED TO IN THE
27 LITERATURE OR ADVERTISEMENT TWENTY-FOUR HOURS BEFORE DEPOSITING IT AT THE
28 POST OFFICE FOR MAILING, TWENTY-FOUR HOURS BEFORE SUBMITTING IT TO A
29 TELECOMMUNICATIONS SYSTEM FOR BROADCAST OR TWENTY-FOUR HOURS BEFORE
30 SUBMITTING IT TO A NEWSPAPER FOR PRINTING.

31 B. THE COPY OF THE LITERATURE OR ADVERTISEMENT SENT TO A CANDIDATE
32 PURSUANT TO SUBSECTION A OF THIS SECTION SHALL BE A REPRODUCTION THAT IS
33 CLEARLY READABLE, VIEWABLE OR AUDIBLE.

34 C. AN EXPENDITURE BY A POLITICAL COMMITTEE OR A PERSON THAT DOES
35 NOT MEET THE DEFINITION OF AN INDEPENDENT EXPENDITURE IS AN IN-KIND
36 CONTRIBUTION TO THE CANDIDATE AND A CORRESPONDING EXPENDITURE BY THE
37 CANDIDATE UNLESS OTHERWISE EXEMPTED.

38 D. A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO A CIVIL PENALTY
39 OF THREE TIMES THE COST OF THE LITERATURE OR ADVERTISEMENT THAT WAS
40 DISTRIBUTED IN VIOLATION OF THIS SECTION. THIS CIVIL PENALTY SHALL BE
41 IMPOSED AS PRESCRIBED IN SECTION 16-924.

42 Sec. 15. Section 16-919, Arizona Revised Statutes, is amended to
43 read:

44 16-919. Prohibition of contributions by corporations or
45 labor organizations; exemption; classification;
46 definitions

47 A. It is unlawful for a corporation OR A LIMITED LIABILITY COMPANY
48 ~~organized or doing business in the state~~ to make any contribution of money

1 or anything of value for the purpose of influencing an election. THIS
2 SUBSECTION DOES NOT APPLY TO POLITICAL COMMITTEES THAT ARE INCORPORATED
3 PURSUANT TO TITLE 10, CHAPTER 5 AND POLITICAL COMMITTEES THAT ARE
4 ORGANIZED AS LIMITED LIABILITY COMPANIES.

5 B. It is unlawful for a labor organization ~~organized or doing~~
6 ~~business in the state~~ to make any contribution of money or anything of
7 value for the purpose of influencing an election.

8 C. A corporation or labor organization which violates this section
9 is guilty of a class 2 misdemeanor.

10 D. The person through whom the violation is effected is guilty of a
11 class 6 felony.

12 E. NOTWITHSTANDING SUBSECTION A OF THIS SECTION, A POLITICAL
13 COMMITTEE THAT IS INCORPORATED ONLY FOR THE PURPOSES OF LIABILITY
14 LIMITATION MAY MAKE CONTRIBUTIONS FOR THE PURPOSE OF INFLUENCING AN
15 ELECTION. NOTWITHSTANDING THE CORPORATE STATUS OF A POLITICAL COMMITTEE,
16 THE CHAIRMAN AND TREASURER OF AN INCORPORATED POLITICAL COMMITTEE REMAIN
17 PERSONALLY RESPONSIBLE FOR CARRYING OUT THEIR RESPECTIVE DUTIES UNDER THIS
18 ARTICLE.

19 F. FOR THE PURPOSES OF THIS SECTION:

20 ~~H. 1. For purposes of this section,~~ "Election" means any election
21 to any political office, any election to any political convention or
22 caucus, or any primary election held for the purpose of selecting any
23 candidate, political committee or other person for any political office,
24 convention or caucus.

25 ~~G. 2. For the purposes of this section,~~ "Employee" shall include
26 any employee, shall not be limited to the employees of a particular
27 employer, and shall include any individual whose work has ceased as a
28 consequence of, or in connection with, any current labor dispute or
29 because of any unfair labor practice.

30 ~~F. 3. For the purposes of this section,~~ "Employer" includes any
31 person acting as an agent of an employer, directly or indirectly.

32 ~~E. 4. For the purposes of this section,~~ "Labor organization" means
33 any organization of any kind or any agency or employee representation
34 committee or plan in which employees participate and which exists for the
35 purpose in whole or in part of dealing with employers concerning
36 grievances, labor disputes, wages, rates of pay, hours of employment or
37 conditions of work.

38 Sec. 16. Section 16-921, Arizona Revised Statutes, is amended to
39 read:

40 16-921. Unlawful contributions by corporations and labor
41 organizations from a fund; procedures;
42 definition

43 A. It is unlawful under any fund established by a corporation or
44 labor organization pursuant to section 16-920, subsection A, paragraph 3:

45 1. For such a fund to make a contribution or expenditure by
46 utilizing money or anything of value secured by physical force, job
47 discrimination, financial reprisals or the threat of force, job
48 discrimination or financial reprisal or by dues, fees or other monies

1 required as a condition of membership in a labor organization or as a
2 condition of employment or by monies obtained in any commercial
3 transaction.

4 2. For any person soliciting an employee for a contribution to such
5 a fund to fail to inform such employee of the political purposes of such
6 fund at the time of such solicitation.

7 3. For any person soliciting an employee for a contribution to such
8 a fund to fail to inform such employee, at the time of such solicitation,
9 of his right to refuse to so contribute without any reprisal.

10 B. Except as provided in subsections C and D of this section it is
11 unlawful for a corporation, or a separate segregated fund established by a
12 corporation, to solicit contributions to such a fund from any person other
13 than its stockholders and their families and its executive or
14 administrative personnel and their families and for a labor organization,
15 or a separate segregated fund established by a labor organization, to
16 solicit contributions to such a fund from any person other than its
17 members and their families.

18 C. A corporation or a separate segregated fund established by such
19 corporation may make no more than two written solicitations for
20 contributions during the calendar year from any employee who is not a
21 stockholder or executive or administrative personnel of such corporation
22 or the families of such persons. A solicitation under this subsection may
23 be made only by mail addressed to employees who are not stockholders or
24 executive or administrative personnel at their residence. ~~and shall be so~~
25 ~~designed that the corporation or separate segregated fund conducting such~~
26 ~~solicitation cannot determine who makes a contribution of twenty five~~
27 ~~dollars or less as a result of such solicitation and who does not make~~
28 ~~such a contribution.~~

29 D. A labor organization or a separate segregated fund established
30 by such labor organization may make no more than two written solicitations
31 for contributions during the calendar year from any stockholder, executive
32 or administrative personnel or employee of a corporation who is not a
33 union member, or the families of such persons, if such labor organization
34 represents members working for such corporation. A solicitation under
35 this subsection may be made only by mail addressed to such stockholders,
36 executive or administrative personnel or employees who are not union
37 members at their residences. ~~and shall be so designed that the labor~~
38 ~~organization or separate segregated fund conducting such solicitation~~
39 ~~cannot determine who makes a contribution of twenty five dollars or less~~
40 ~~as a result of such solicitation and who does not make such a~~
41 ~~contribution.~~

42 E. This section shall not prevent a membership organization,
43 cooperative or corporation without capital stock, or a separate segregated
44 fund established by a membership organization, cooperative or corporation
45 without capital stock, from soliciting contributions to such a fund from
46 members of such organization, cooperative or corporation without capital
47 stock.

1 F. This section shall not prevent a trade association, or a
2 separate segregated fund established by a trade association, from
3 soliciting contributions from the stockholders and executive or
4 administrative personnel of the member corporations of such trade
5 association and the families of such stockholders or personnel.

6 G. Notwithstanding any provision of law to the contrary, any method
7 of soliciting voluntary contributions or of facilitating the making of
8 voluntary contributions to a separate segregated fund established by a
9 corporation, permitted by law to corporations with regard to stockholders
10 and executive or administrative personnel, shall also be permitted to
11 labor organizations with regard to their members.

12 H. Any corporation, including its subsidiaries, branches, divisions
13 and affiliates, that utilizes a method of soliciting voluntary
14 contributions or facilitating the making of voluntary contributions shall
15 make available such method, on written request and at a cost sufficient
16 only to reimburse the corporation for the expenses incurred thereby, to a
17 labor organization representing any members working for such corporation,
18 its subsidiaries, branches, divisions and affiliates.

19 I. For purposes of this section, the term "executive or
20 administrative personnel" means individuals WHO ARE employed by a
21 corporation AND who are paid on a salary, rather than hourly, basis and
22 who have policymaking, managerial, professional or supervisory
23 responsibilities.

24 Sec. 17. Section 16-924, Arizona Revised Statutes, is amended to
25 read:

26 16-924. Civil penalties; attorney general; county, city
27 or town attorney

28 A. ~~Any violation of this article is a class 2 misdemeanor~~ Unless
29 another classification PENALTY is specifically prescribed in this article,
30 IF THE SECRETARY OF STATE HAS REASONABLE CAUSE TO BELIEVE THAT A PERSON IS
31 VIOLATING ANY PROVISION OF THIS ARTICLE, THE SECRETARY OF STATE SHALL
32 NOTIFY THE ATTORNEY GENERAL FOR A VIOLATION REGARDING A STATEWIDE OFFICE
33 OR THE LEGISLATURE, NOTIFY THE COUNTY ATTORNEY FOR THAT COUNTY FOR A
34 VIOLATION REGARDING A COUNTY OFFICE OR NOTIFY THE CITY OR TOWN ATTORNEY
35 FOR A VIOLATION REGARDING A CITY OR TOWN OFFICE. THE ATTORNEY GENERAL,
36 COUNTY ATTORNEY OR CITY OR TOWN ATTORNEY, AS APPROPRIATE, MAY SERVE ON THE
37 PERSON AN ORDER REQUIRING COMPLIANCE WITH THAT PROVISION. THE ORDER SHALL
38 STATE WITH REASONABLE PARTICULARITY THE NATURE OF THE VIOLATION AND SHALL
39 REQUIRE COMPLIANCE WITHIN TWENTY DAYS FROM THE DATE OF ISSUANCE OF THE
40 ORDER. THE ALLEGED VIOLATOR HAS TWENTY DAYS FROM THE DATE OF ISSUANCE OF
41 THE ORDER TO REQUEST A HEARING PURSUANT TO TITLE 41, CHAPTER 6.

42 B. IF A PERSON FAILS TO TAKE CORRECTIVE ACTION WITHIN THE TIME
43 SPECIFIED IN THE COMPLIANCE ORDER ISSUED PURSUANT TO SUBSECTION A, THE
44 ATTORNEY GENERAL, COUNTY ATTORNEY OR CITY OR TOWN ATTORNEY, AS
45 APPROPRIATE, SHALL ISSUE AN ORDER ASSESSING A CIVIL PENALTY OF NOT MORE
46 THAN ONE THOUSAND DOLLARS. THE PERSON ALLEGED TO HAVE VIOLATED THE
47 COMPLIANCE ORDER HAS THIRTY DAYS FROM THE DATE OF ISSUANCE OF THE ORDER

1 ASSESSING THE CIVIL PENALTY TO REQUEST A HEARING PURSUANT TO TITLE 41,
2 CHAPTER 6.

3 C. ANY PARTY AGGRIEVED BY AN ORDER OR DECISION OF THE ATTORNEY
4 GENERAL, COUNTY ATTORNEY OR CITY OR TOWN ATTORNEY, AS APPROPRIATE, MAY
5 APPEAL TO THE SUPERIOR COURT AS PROVIDED IN TITLE 12, CHAPTER 7,
6 ARTICLE 6.

7 D. FOR PURPOSES OF THIS SECTION, FAILURE TO COMPLY WITH A
8 COMPLIANCE ORDER ISSUED BY THE ATTORNEY GENERAL, COUNTY ATTORNEY OR CITY
9 OR TOWN ATTORNEY, AS APPROPRIATE, AS PRESCRIBED IN SUBSECTION A IS DEEMED
10 AN INTENTIONAL ACT.

11 Sec. 18. Section 38-544, Arizona Revised Statutes, is amended to
12 read:

13 38-544. Violation; classification

14 A. Any public officer, local public officer or candidate who
15 knowingly fails to file a financial disclosure statement required pursuant
16 to section 38-542, 38-543 or 38-545 or, who knowingly files an incomplete
17 financial disclosure statement or who knowingly files a false financial
18 disclosure statement is guilty of a class 1 misdemeanor.

19 B. ANY PUBLIC OFFICER, LOCAL PUBLIC OFFICER OR CANDIDATE WHO
20 VIOLATES THIS CHAPTER IS SUBJECT TO A CIVIL PENALTY OF FIFTY DOLLARS FOR
21 EACH DAY OF NONCOMPLIANCE BUT NOT MORE THAN FIVE HUNDRED DOLLARS THAT MAY
22 BE IMPOSED AS PRESCRIBED IN SECTION 16-924.

23 Sec. 19. Delayed effective date

24 This act is effective from and after January 1, 1994.

APPROVED BY THE GOVERNOR APRIL 22, 1993.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 23, 1993.

State of Arizona
Senate
Forty-first Legislature
First Regular Session
1993

FILED
ARIZONA
SECRETARY OF STATE

CHAPTER 136

SENATE BILL 1134

AN ACT

AMENDING SECTIONS 16-221, 16-222 AND 16-223, ARIZONA REVISED STATUTES;
AMENDING TITLE 16, CHAPTER 2, ARTICLE 3, ARIZONA REVISED STATUTES, BY
ADDING SECTION 16-230; RELATING TO ELECTIONS AND ELECTORS.

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 16-221, Arizona Revised Statutes, is amended to
3 read:
4 16-221. Special election to fill vacancy in Congress
5 Special elections to fill a vacancy in the office of ~~a member of the~~
6 ~~legislature, or a representative or senator in Congress,~~ shall be held
7 only on the proclamation of the governor and for that purpose only.
8 Sec. 2. Section 16-222, Arizona Revised Statutes, is amended to
9 read:
10 16-222. Vacancy in the office of United States senator or
11 representative
12 A. When a vacancy occurs in the office of United States senator or
13 representative in Congress by reason of death or resignation, or from any
14 other cause, the vacancy shall be filled at the next general election. At
15 such election the person elected shall fill the unexpired term of the
16 vacated office.
17 B. FOR A VACANCY IN THE OFFICE OF REPRESENTATIVE IN CONGRESS, if
18 the next general election is not to be held within six months from the
19 date of the occurrence of the vacancy, the governor shall call a special
20 primary election and a special general election to fill the vacancy. The
21 special primary election shall be held no less than seventy-five nor more
22 than one hundred five days after the occurrence of the vacancy, and the
23 special general election shall be held not less than thirty-five nor more
24 than forty-five days after the special primary election.
25 C. FOR A VACANCY IN THE OFFICE OF UNITED STATES SENATOR, THE
26 GOVERNOR SHALL APPOINT A PERSON TO FILL THE VACANCY. THAT APPOINTEE SHALL
27 BE OF THE SAME POLITICAL PARTY AS THE PERSON VACATING THE OFFICE AND SHALL

1 SERVE UNTIL THE PERSON ELECTED AT THE NEXT GENERAL ELECTION IS QUALIFIED
2 AND ASSUMES OFFICE.

3 Sec. 3. Section 16-223, Arizona Revised Statutes, is amended to
4 read:

5 16-223. Issuance of proclamation for special election by
6 governor; publication by boards of supervisors

7 A. Within ten days after a vacancy occurs in the office of ~~United~~
8 ~~States senator or~~ representative in Congress, if a special primary and
9 special general election ~~is~~ ARE required by section 16-222, the governor
10 shall issue a proclamation containing a statement of the time of the
11 special primary election and the special general election and the offices
12 to be filled.

13 B. The governor shall transmit a copy of the election proclamation
14 to the clerk of each board of supervisors of the several counties.

15 C. The board of supervisors shall be notified by the clerk of
16 receipt of the election proclamation, and within five days after its
17 receipt the board shall meet and publish a copy of the election
18 proclamation in an official newspaper of the county at least five days
19 before the special primary election and at least five days before the
20 special general election.

21 Sec. 4. Title 16, chapter 2, article 3, Arizona Revised Statutes,
22 is amended by adding section 16-230, to read:

23 16-230. Vacancy in certain state or county offices;
24 election

25 A. NOTWITHSTANDING ANY OTHER STATUTE AND EXCEPT AS PRESCRIBED BY
26 SUBSECTION B, FOR STATE AND COUNTY OFFICES THAT PROVIDE FOR A FOUR-YEAR
27 TERM OF OFFICE, THE FOLLOWING APPLIES IF THERE IS A VACANCY IN OFFICE DUE
28 TO DEATH, DISABILITY, RESIGNATION OR ANY OTHER CAUSE:

29 1. IF A STATE OFFICE BECOMES VACANT, THE GOVERNOR SHALL APPOINT A
30 PERSON OF THE SAME POLITICAL PARTY AS THE PERSON VACATING THE OFFICE TO
31 FILL THE PORTION OF THE TERM UNTIL THE NEXT REGULAR GENERAL ELECTION. IF
32 THE VACANCY OCCURS WITHIN THE FIRST TWO YEARS OF THE TERM, AT THE NEXT
33 REGULAR GENERAL ELECTION, THE PERSON ELECTED SHALL FILL THE REMAINDER OF
34 THE UNEXPIRED TERM OF THE VACANT OFFICE.

35 2. IF A COUNTY OFFICE BECOMES VACANT, THE BOARD OF SUPERVISORS
36 SHALL APPOINT A PERSON OF THE SAME POLITICAL PARTY AS THE PERSON VACATING
37 THE OFFICE TO FILL THE PORTION OF THE TERM UNTIL THE NEXT REGULAR GENERAL
38 ELECTION. IF THE VACANCY OCCURS WITHIN THE FIRST TWO YEARS OF THE TERM,
39 AT THE NEXT REGULAR GENERAL ELECTION, THE PERSON ELECTED SHALL FILL THE
40 REMAINDER OF THE UNEXPIRED TERM OF THE VACANT OFFICE.

41 B. THIS SECTION DOES NOT APPLY TO THE OFFICE OF GOVERNOR.

APPROVED BY THE GOVERNOR APRIL 20, 1993.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 21, 1993.