

COMMITTEE ON JUDICIARY
SENATE AMENDMENTS TO S.B. 1091
(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

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

4 16-168. Precinct registers; date of preparation; contents;
5 copies; reports; statewide database; violation;
6 classification

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

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

18 C. For the purposes of transmitting voter registration information as
19 prescribed by this subsection, electronic media in counties with a population
20 over five hundred thousand persons in the last decennial census shall be the
21 principal media. A county or state chairman who is eligible to receive
22 copies of precinct lists as prescribed by this subsection may request that
23 the recorder provide a paper copy of the precinct lists. The county
24 recorder, in addition to preparing the official precinct lists, shall provide
25 a means for mechanically or electronically reproducing the precinct lists and
26 unless otherwise agreed shall deliver within eight days after the close of
27 registration for the primary and general elections, without charge, on the
28 same day one electronic media copy of each precinct list within the county to
29 the county chairman and one electronic media copy to the state chairman of
30 each party that has at least four candidates other than presidential electors
31 appearing on the ballot in that county at the current election. ~~The county~~
32 ~~recorder shall also deliver, on request and without charge, one electronic~~
33 ~~media copy of the precinct list to the Arizona legislative council.~~ The
34 county recorder of a county with a population of five hundred thousand or
35 fewer persons, on the same day precinct lists are delivered to county
36 chairmen, shall deliver one electronic media copy of each precinct list
37 within the county to the state chairman of each party that has at least four
38 candidates other than presidential electors appearing on the ballot in this
39 state at the current election. The copies of the precinct lists shall be
40 electronic media and shall include for each elector the following
41 information:

- 1 1. Name in full and appropriate title.
- 2 2. Party preference.
- 3 3. Date of registration.
- 4 4. Residence address.
- 5 5. Mailing address, if different from residence address.
- 6 6. Zip code.
- 7 7. Telephone number if given.
- 8 8. Birth year.
- 9 9. Occupation if given.
- 10 10. Voting history for all elections in the prior four years and any
11 other information regarding registered voters that the county recorder or
12 city or town clerk maintains electronically and that is public information.
- 13 D. The names on the precinct lists shall be in alphabetical order and
14 the precinct lists in their entirety, unless otherwise agreed, shall be
15 delivered to each county chairman and each state chairman within ten business
16 days of the close of each date for counting registered voters prescribed by
17 subsection G of this section other than the primary and general election
18 registered voter counts in the same format and media as prescribed by
19 subsection C of this section. During the thirty-three days immediately
20 preceding an election and on request from a county or state chairman, the
21 county recorder shall provide a daily list of persons who have requested an
22 early ballot and shall provide a weekly listing of persons who have returned
23 their early ballots. The recorder shall provide the daily and weekly
24 information through the third day preceding the election.
- 25 E. Precinct registers and other lists and information derived from
26 registration forms may be used only for purposes relating to a political or
27 political party activity, a political campaign or an election, for revising
28 election district boundaries or for any other purpose specifically authorized
29 by law and may not be used for a commercial purpose as defined in section
30 39-121.03. The sale of registers, lists and information derived from
31 registration forms to a candidate or a registered political committee for a
32 use specifically authorized by this subsection does not constitute use for a
33 commercial purpose. The county recorder, on a request for an authorized use
34 and within thirty days from receipt of the request, shall prepare additional
35 copies of an official precinct list and furnish them to any person requesting
36 them on payment of a fee equal to five cents for each name appearing on the
37 register for a printed list and one cent for each name for an electronic data
38 medium, plus the cost of the blank computer disk or computer software if
39 furnished by the recorder, for each copy so furnished.
- 40 F. Any person in possession of a precinct register or list, in whole
41 or part, or any reproduction of a precinct register or list, shall not permit
42 the register or list to be used, bought, sold or otherwise transferred for
43 any purpose except for uses otherwise authorized by this section. A person
44 in possession of information derived from voter registration forms or
45 precinct registers shall not distribute, post or otherwise provide access to
46 any portion of that information through the internet except as authorized by
47 subsection I of this section. Nothing in this section shall preclude public
48 inspection of voter registration records at the office of the county recorder

1 for the purposes prescribed by this section, except that the month and day of
2 birth date, the social security number or any portion thereof, the driver
3 license number or nonoperating identification license number, the Indian
4 census number, the father's name or mother's maiden name, the state or
5 country of birth and the records containing a voter's signature shall not be
6 accessible or reproduced by any person other than the voter, by an authorized
7 government official in the scope of the official's duties, for signature
8 verification on petitions and candidate filings, for election purposes and
9 for news gathering purposes by a person engaged in newspaper, radio,
10 television or reportorial work, or connected with or employed by a newspaper,
11 radio or television station or pursuant to a court order. A person who
12 violates this subsection or subsection E of this section is guilty of a class
13 6 felony.

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

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

19 (a) January 1.

20 (b) March 1.

21 (c) June 1.

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

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

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

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

30 (a) January 1.

31 (b) April 1.

32 (c) July 1.

33 (d) October 1.

34 H. The county recorder shall report the totals to the secretary of
35 state as soon as is practicable following each of the dates prescribed in
36 subsection G of this section. The report shall include completed
37 registration forms returned in accordance with section 16-134, subsection B.
38 The county recorder shall also provide the report in a uniform electronic
39 computer media format that shall be agreed upon between the secretary of
40 state and all county recorders. The secretary of state shall then prepare a
41 summary report for the state and shall maintain that report as a permanent
42 record.

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

1 J. The secretary of state shall develop and administer a statewide
2 database of voter registration information that contains the name and
3 registration information of every registered voter in this state. THE
4 STATEWIDE DATABASE IS A MATTER OF STATEWIDE CONCERN AND IS NOT SUBJECT TO
5 MODIFICATION OR FURTHER REGULATION BY A POLITICAL SUBDIVISION. The database
6 shall include an identifier that is unique for each individual voter. The
7 database shall provide for access by voter registration officials and shall
8 allow expedited entry of voter registration information after it is received
9 by county recorders. As a part of the statewide voter registration database,
10 county recorders shall provide for the electronic transmittal of that
11 information to the secretary of state on a ~~daily~~ REAL TIME basis. The
12 secretary of state shall provide for maintenance of the database, including
13 provisions regarding removal of ineligible voters that are consistent with
14 the national voter registration act of 1993 (P.L. 103-31; 107 Stat. 77; 42
15 United States Code section 394) and the help America vote act of 2002
16 (P.L. 107-252; 116 Stat. 1666; 42 United States Code sections 15301 through
17 15545), provisions regarding removal of duplicate registrations and
18 provisions to ensure that eligible voters are not removed in error. FOR THE
19 PURPOSE OF MAINTAINING COMPLIANCE WITH THE HELP AMERICA VOTE ACT OF 2002,
20 EACH COUNTY VOTER REGISTRATION SYSTEM IS SUBJECT TO APPROVAL BY THE SECRETARY
21 OF STATE FOR COMPATIBILITY WITH THE STATEWIDE VOTER REGISTRATION DATABASE
22 SYSTEM.

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

27 L. Beginning January 1, 2008, recognized political parties shall
28 request precinct lists and access to information as provided in subsections E
29 and F of this section during the time periods prescribed in subsection C or D
30 of this section and the county recorder shall receive and respond to those
31 requests. If the county recorder does not provide the requested materials
32 within the applicable time prescribed for the county recorder pursuant to
33 subsection C or D of this section, a recognized political party may request
34 that the secretary of state provide precinct lists and access to information
35 as provided in subsections E and F of this section for federal, state and
36 county elections. The secretary of state shall not provide access to
37 precinct lists and information for recognized political parties unless the
38 county recorder has failed or refused to provide the lists and materials as
39 prescribed by this section. The secretary of state may charge the county
40 recorder a fee determined by rule for each name or record produced.

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

1 The county recorder shall provide the municipal voter registration and
2 precinct lists within the time prescribed in subsection C or D of this
3 section.

4 Sec. 2. Section 16-321, Arizona Revised Statutes, is amended to read:
5 16-321. Signing and certification of nomination petition

6 A. Each signer of a nomination petition shall sign only one petition
7 for the same office unless more than one candidate is to be elected to such
8 office, and in that case not more than the number of nomination petitions
9 equal to the number of candidates to be elected to the office. A signature
10 shall not be counted on a nomination petition unless the signature is ~~upon~~ ON
11 a sheet bearing the form prescribed by section 16-314.

12 B. For the purposes of petitions filed pursuant to sections 16-312,
13 16-313, 16-314 and 16-341, each signer of a nomination petition shall be a
14 voter who at the time of signing is a registered voter in the electoral
15 district of the office the candidate is seeking.

16 C. If an elector signs more nomination petitions than permitted by
17 subsection A of this section, the earlier signatures of the elector are
18 deemed valid, as determined by the date of the signature as shown on the
19 petitions. If the signatures by the elector are dated on the same day, all
20 signatures by that elector on that day are deemed invalid. Any signature by
21 that elector on a nomination petition on or after the date of the last
22 otherwise valid signature is deemed invalid and shall not be counted.

23 D. EXCEPT AS PRESCRIBED IN SECTION 16-341 FOR CIRCULATORS OF PETITIONS
24 FOR CERTAIN CANDIDATES FOR THE OFFICE OF PRESIDENTIAL ELECTOR, the person
25 before whom the signatures were written on the signature sheet shall be
26 qualified to register to vote in this state pursuant to section 16-101 and
27 shall verify that each of the names on the petition was signed in his
28 presence on the date indicated, and that in his belief each signer was a
29 qualified elector who resides at the address given as the signer's residence
30 on the date indicated and, if for a partisan election, that each signer is a
31 member of the party from which the candidate is seeking nomination, or the
32 signer is a member of a political party that is not entitled to continued
33 representation on the ballot pursuant to section 16-804 or the signer is
34 registered as independent or no party preferred. The way the name appears on
35 the petition shall be the name used in determining the validity of the name
36 for any legal purpose pursuant to the election laws of this state. Signature
37 and handwriting comparisons may be made.

38 Sec. 3. Section 16-322, Arizona Revised Statutes, is amended to read:
39 16-322. Number of signatures required on nomination petitions

40 A. Nomination petitions shall be signed:

41 1. If for a candidate for the office of United States senator or for a
42 state office, excepting members of the legislature and superior court judges,
43 by a number of qualified electors who are qualified to vote for the candidate
44 whose nomination petition they are signing equal to at least one-half of one
45 per cent of the voter registration of the party of the candidate in at least
46 three counties in the state, but not less than one-half of one per cent nor
47 more than ten per cent of the total voter registration of ~~his~~ THE CANDIDATE'S
48 party in the state.

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

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

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

24 5. If for a candidate for a community college district, by a number of
25 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. If for a candidate for county precinct committeeman, by a number of
30 qualified electors who are qualified to vote for the candidate whose
31 nomination petition they are signing equal to at least two per cent but not
32 more than ten per cent of the party voter registration in the precinct or ten
33 signatures, whichever is less.

34 7. If for a candidate for justice of the peace or constable, by a
35 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 but
37 not more than ten per cent of the party voter registration in the precinct.

38 8. If for a candidate for mayor or other office nominated by a city at
39 large, by a number of qualified electors who are qualified to vote for the
40 candidate whose nomination petition they are signing equal to at least five
41 per cent and not more than ten per cent of the designated party vote in the
42 city, EXCEPT THAT A CITY THAT CHOOSES TO HOLD NONPARTISAN ELECTIONS MAY BY
43 ORDINANCE PROVIDE THAT THE MINIMUM NUMBER OF SIGNATURES REQUIRED FOR THE
44 CANDIDATE BE ONE THOUSAND SIGNATURES OR FIVE PER CENT OF THE VOTE IN THE
45 CITY, WHICHEVER IS LESS, BUT NOT MORE THAN TEN PER CENT OF THE VOTE IN THE
46 CITY.

47 9. If for an office nominated by ward, precinct or other district of a
48 city, by a number of qualified electors who are qualified to vote for the

1 candidate whose nomination petition they are signing equal to at least five
2 per cent and not more than ten per cent of the designated party vote in the
3 ward, precinct or other district.

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

8 11. If for a candidate for a governing board of a school district, by a
9 number of qualified electors who are qualified to vote for the candidate
10 whose nomination petition they are signing equal to at least one-half of one
11 per cent of the total voter registration in the school district if the
12 governing board members are elected at large or one per cent of the total
13 voter registration in the single member district if governing board members
14 or joint technological education district board members are elected from
15 single member districts. Notwithstanding the total voter registration in the
16 school district or single member district, the maximum number of signatures
17 required by this paragraph is four hundred.

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

23 B. The basis of percentage in each instance referred to in subsection
24 A of this section, except in cities, towns and school districts, shall be the
25 number of voters registered in the designated party of the candidate as
26 reported pursuant to section 16-168, subsection G on March 1 of the year in
27 which the general election is held. In cities, the basis of percentage shall
28 be the vote of the party for mayor at the last preceding election at which a
29 mayor was elected. In towns, the basis of percentage shall be the highest
30 vote cast for an elected official of the town at the last preceding election
31 at which an official of the town was elected. In school districts, the basis
32 of percentage shall be the total number of voters registered in the school
33 district or single member district, whichever applies. The total number of
34 voters registered for school districts shall be calculated using the periodic
35 reports prepared by the county recorder pursuant to section 16-168,
36 subsection G. The count that is reported on March 1 of the year in which the
37 general election is held shall be the basis for the calculation of total
38 voter registration for school districts.

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

46 D. If new boundaries for congressional districts, legislative
47 districts, supervisorial districts, justice precincts or election precincts
48 are established and effective subsequent to March 1 of the year of a general

1 election and prior to the date for filing of nomination petitions, the basis
2 for determining the required number of nomination petition signatures is the
3 number of registered voters in the designated party of the candidate in the
4 elective office, district or precinct on the day the new districts or
5 precincts are effective.

6 Sec. 4. Section 16-341, Arizona Revised Statutes, is amended to read:
7 16-341. Nomination petition; method and time of filing; form;
8 qualifications and number of petitioners required

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

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

19 C. A nomination petition stating the name of the office to be filled,
20 the name and residence of the candidate and other information required by
21 this section shall be filed ~~at the same time and~~ with the same officer with
22 whom primary nomination papers and petitions are required to be filed as
23 prescribed in section 16-311. **EXCEPT FOR CANDIDATES FOR THE OFFICE OF**
24 **PRESIDENTIAL ELECTOR FILED PURSUANT TO THIS SECTION, THE PETITION SHALL BE**
25 **FILED AT THE SAME TIME AS PRIMARY NOMINATION PAPERS AND PETITIONS ARE**
26 **REQUIRED TO BE FILED AS PRESCRIBED BY SECTION 16-311.** The petition shall be
27 signed only by voters who have not signed the nomination petitions of a
28 candidate for the office to be voted for at that primary election.

29 D. The nomination petition shall be in substantially the following
30 form:

31 "The undersigned, qualified electors of _____ county,
32 state of Arizona, do hereby nominate _____, who resides at
33 _____ in the county of _____, as a candidate for the
34 office of _____ at the general (or special, as the case may
35 be) election to be held on the _____ day of _____,
36 _____.

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

44 E. The nomination petition shall conform as nearly as possible to the
45 provisions relating to nomination petitions of candidates to be voted for at
46 primary elections and shall be signed by at least the number of persons who
47 are registered to vote determined by calculating three per cent of the
48 persons who are registered to vote of the state, county, subdivision or

1 district for which the candidate is nominated who are not members of a
2 political party that is qualified to be represented by an official party
3 ballot at the next ensuing primary election and accorded representation on
4 the general election ballot.

5 F. The percentage of persons who are registered to vote necessary to
6 sign the nomination petition shall be determined by the total number of
7 registered voters from other than political parties that are qualified to be
8 represented by an official party ballot at the next ensuing primary election
9 and accorded representation on the general election ballot in the state,
10 county, subdivision or district on March 1 of the year in which the general
11 election is held. Notwithstanding the method prescribed by subsection E of
12 this section and this subsection for calculating the minimum number of
13 signatures necessary, any person who is registered to vote in the state,
14 county, subdivision or district for which the candidate is nominated is
15 eligible to sign the nomination petition without regard to the signer's party
16 affiliation.

17 G. For the purposes of this section, a nomination petition for the
18 office of presidential elector **MAY BE CIRCULATED BY A PERSON WHO IS NOT A**
19 **RESIDENT OF THIS STATE BUT WHO IS OTHERWISE ELIGIBLE TO REGISTER TO VOTE IN**
20 **THIS STATE. THE NOMINATION PETITION** shall include a group of names of
21 candidates equal to the number of United States senators and representatives
22 in Congress from this state instead of separate nomination petitions for each
23 candidate for the office of presidential elector. A valid signature on a
24 petition containing a group of presidential electors candidates is counted as
25 a signature for the nomination of each of the candidates. The presidential
26 candidate whom the candidates for presidential elector will represent shall
27 designate in writing to the secretary of state the names of the candidates
28 who will represent the presidential candidate before any signatures for the
29 candidate can be accepted for filing. **A NOMINATION PETITION FOR THE OFFICE**
30 **OF PRESIDENTIAL ELECTOR SHALL BE FILED NOT LESS THAN SIXTY NOR MORE THAN**
31 **NINETY DAYS BEFORE THE GENERAL ELECTION. THE PETITION SHALL BE SIGNED ONLY**
32 **BY QUALIFIED ELECTORS WHO HAVE NOT SIGNED THE NOMINATION PETITIONS OF A**
33 **CANDIDATE FOR THE OFFICE OF PRESIDENTIAL ELECTOR TO BE VOTED FOR AT THAT**
34 **ELECTION.**

35 H. **THE SECRETARY OF STATE SHALL REQUIRE IN THE INSTRUCTIONS AND**
36 **PROCEDURES MANUAL ISSUED PURSUANT TO SECTION 16-452 THAT PERSONS WHO**
37 **CIRCULATE NOMINATION PETITIONS PURSUANT TO THIS SECTION FOR THE OFFICE OF**
38 **PRESIDENTIAL ELECTOR AND WHO ARE NOT RESIDENTS OF THIS STATE BUT WHO ARE**
39 **OTHERWISE ELIGIBLE TO REGISTER TO VOTE IN THIS STATE SHALL REGISTER AS**
40 **CIRCULATORS WITH THE OFFICE OF THE SECRETARY OF STATE BEFORE CIRCULATING**
41 **PETITIONS. THE SECRETARY OF STATE SHALL PROVIDE FOR A METHOD OF RECEIVING**
42 **SERVICE OF PROCESS FOR THOSE PETITION CIRCULATORS WHO ARE REGISTERED.**

43 ~~H.~~ I. A person who files a nomination paper pursuant to this section
44 for the office of president of the United States shall designate in writing
45 to the secretary of state at the time of filing the name of the candidate's
46 vice-presidential running mate, the names of the presidential electors who
47 will represent that candidate and a statement that is signed by the
48 vice-presidential running mate and the designated presidential electors and

1 that indicates their consent to be designated. A nomination paper for each
2 presidential elector designated shall be filed with the candidate's
3 nomination paper. The number of presidential electors shall equal the number
4 of United States senators and representatives in Congress from this state.

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

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

15 Sec. 5. Section 16-602, Arizona Revised Statutes, is amended to read:

16 16-602. Removal of ballots from ballot boxes; designated margin;
17 hand counts; vote count verification committee

18 A. The ballots cast in the election shall first be removed from the
19 ballot box and counted without being opened, except as may be necessary to
20 ascertain that the number of ballots cast corresponds with the number of
21 names on the poll lists. For any primary or general election in which the
22 votes are cast on an electronic voting machine or tabulator, the election
23 judge shall compare the number of votes cast as indicated on the machine or
24 tabulator with the number of votes cast as indicated on the poll list and the
25 number of provisional ballots cast and that information shall be noted in a
26 written report prepared and submitted to the officer in charge of elections
27 along with other tally reports.

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

39 ~~F.~~ B. For each countywide primary, general and presidential
40 preference election, the county officer in charge of the election shall
41 conduct a hand count at the central counting center in the following order:

- 42 1. At least two per cent of the precincts in that county, or two
43 precincts, whichever is greater, shall be selected at random from a pool
44 consisting of every precinct in that county. The county political party
45 chairman for each political party that is entitled to continued
46 representation on the state ballot or the chairman's designee shall conduct
47 the selection of the precincts to be hand counted. The precincts shall be
48 selected by lot without the use of a computer, and the order of selection by

1 the county political party chairmen shall also be by lot. The selection of
2 the precincts shall not begin until all ballots voted in the precinct polling
3 places have been delivered to the central counting center. The unofficial
4 vote totals from all precincts shall be made public before selecting the
5 precincts to be hand counted. Only the ballots cast in the polling places
6 and ballots from direct recording electronic machines shall be included in
7 the hand counts conducted pursuant to this section. Provisional ballots,
8 conditional provisional ballots and write-in votes shall not be included in
9 the hand counts and the early ballots shall be grouped separately by the
10 officer in charge of elections for purposes of a separate manual audit
11 pursuant to subsection ~~G~~ F of this section.

12 2. The races to be counted on the ballots from the precincts that were
13 selected pursuant to paragraph 1 of this subsection for each primary and
14 general election shall include up to five contested races. After the county
15 recorder or other officer in charge of elections separates the primary
16 ballots by political party, the races to be counted shall be determined by
17 selecting by lot without the use of a computer from those ballots as follows:

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

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

21 (c) One contested race for federal office, either United States senate
22 or United States house of representatives. If the United States house of
23 representatives race is selected, the names of the candidates may vary among
24 the sampled precincts.

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

28 (e) If there are fewer than four contested races resulting from the
29 selections made pursuant to subdivisions (a) through (d) and if there are
30 additional contested federal, statewide or legislative races or ballot
31 measures, additional contested races shall be selected by lot not using a
32 computer until four races have been selected or until no additional contested
33 federal, statewide or legislative races or ballot measures are available for
34 selection.

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

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

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

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

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

1 7. The county chairman of each political party shall designate and
2 provide the number of election board members as designated by the county
3 officer in charge of elections who shall perform the hand count under the
4 supervision of the county officer in charge of elections. For each precinct
5 that is to be audited, the county chairmen shall designate at least two board
6 workers who are registered members of any or no political party to assist
7 with the audit. Any qualified elector from this state may be a board worker
8 without regard to party designation. The county election officer shall
9 provide for compensation for those board workers, not to include travel, meal
10 or lodging expenses. If there are less than two persons for each audited
11 precinct available to participate on behalf of each recognized political
12 party, the recorder or officer in charge of elections, with the approval of
13 at least two county party chairpersons in the county in which the shortfall
14 occurs, shall substitute additional individual electors who are provided by
15 any political party from anywhere in the state without regard to party
16 designation to conduct the hand count. A county party chairman shall approve
17 only those substitute electors who are provided by the county chairman's
18 political party. The political parties shall provide to the recorder or
19 officer in charge of elections in writing the names of those persons
20 intending to participate in the hand count at the audited precincts not later
21 than 5:00 p.m. on the Tuesday preceding the election. If the total number of
22 board workers provided by all parties is less than four times the number of
23 precincts to be audited, the recorder or officer in charge of elections shall
24 notify the parties of the shortage by 9:00 a.m. on the Wednesday preceding
25 the election. The hand count shall not proceed unless the political parties
26 provide the recorder or officer in charge of elections, in writing, a
27 sufficient number of persons by 5:00 p.m. on the Thursday preceding the
28 election and a sufficient number of persons, pursuant to this paragraph,
29 arrive to perform the hand count. The recorder or officer in charge of
30 elections may prohibit persons from participating in the hand count if they
31 are taking actions to disrupt the count or are unable to perform the duties
32 as assigned. For the hand count to proceed, no more than seventy-five per
33 cent of the persons performing the hand count shall be from the same
34 political party.

35 8. If a political party is not represented by a designated chairperson
36 within a county, the state chairperson for that political party, or a person
37 designated by the state chairperson, may perform the actions required by the
38 county chairperson as specified in this section.

39 ~~D.~~ C. If the randomly selected races result in a difference in any
40 race that is less than the designated margin when compared to the electronic
41 tabulation of those same ballots, the results of the electronic tabulation
42 constitute the official count for that race. If the randomly selected races
43 result in a difference in any race that is equal to or greater than the
44 designated margin when compared to the electronic tabulation of those same
45 ballots, a second hand count of those same ballots and races shall be
46 performed. If the second hand count results in a difference in any race that
47 is less than the designated margin when compared to the electronic tabulation
48 for those same ballots, the electronic tabulation constitutes the official

1 count for that race. If the second hand count results in a difference in any
2 race that is equal to or greater than the designated margin when compared to
3 the electronic tabulation for those same ballots, the hand count shall be
4 expanded to include a total of twice the original number of randomly selected
5 precincts. Those additional precincts shall be selected by lot without the
6 use of a computer.

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

19 ~~F.~~ E. If a final hand count is performed for an entire jurisdiction
20 for a race, the final hand count shall be repeated for that race until a hand
21 count for that race for the entire jurisdiction results in a count that is
22 identical to one other hand count for that race for the entire jurisdiction
23 and that hand count constitutes the official count for that race.

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

1 in a difference for that race that is equal to or greater than the designated
2 margin when compared to any of the earlier manual counts for that race, the
3 manual counts shall be repeated for that race until a manual count results in
4 a difference in that race that is less than the designated margin. If at any
5 point in the manual audit of early ballots the difference between any manual
6 count of early ballots is less than the designated margin when compared to
7 the electronic tabulation of those ballots, the electronic tabulation shall
8 be included in the canvass and no further manual audit of the early ballots
9 shall be conducted.

10 ~~H.~~ G. During any hand count of early ballots, the county officer in
11 charge of elections and election board workers shall attempt to determine the
12 intent of the voter in casting the ballot.

13 ~~I.~~ H. Notwithstanding any other law, the county officer in charge of
14 elections shall retain custody of the ballots for purposes of performing any
15 required hand counts and the officer shall provide for security for those
16 ballots.

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

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

34 ~~L.~~ K. The vote count verification committee is established in the
35 office of the secretary of state and all of the following apply:

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

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

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

46 4. The vote count verification committee shall meet and establish one
47 or more designated margins to be used in reviewing the hand counting of votes
48 as required pursuant to this section. The committee shall review and

1 consider revising the designated margins every two years for use in the
2 applicable elections. The committee shall provide the designated margins to
3 the secretary of state at least ten days before the primary election and at
4 least ten days before the general election, and the secretary of state shall
5 make that information publicly available on the secretary of state's web
6 site.

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

12 Sec. 6. Section 16-663, Arizona Revised Statutes, is amended to read:

13 16-663. Recount of votes; method

14 A. The superior court to which the facts requiring a recount are
15 certified shall forthwith make and enter an order requiring a recount of the
16 votes cast for such office, measure or proposal. The recount shall be
17 conducted in accordance with the laws pertaining to contests of elections.

18 B. When the court orders a recount of votes which were cast and
19 tabulated on electronic voting equipment, such recount shall be pursuant to
20 section 16-664. On completion of the recount, and for legislative, statewide
21 and federal candidate races only, the county chairmen of the political
22 parties entitled to continued representation on the ballot or the chairman's
23 designee shall select at random without the use of a computer five per cent
24 of the precincts for the recounted race for a hand count, and if the results
25 of that hand count when compared to the electronic tabulation of that same
26 race are less than the designated margins calculated pursuant to section
27 16-602, the recount is complete and the electronic tabulation is the official
28 result. If the hand count results in a difference that is equal to or
29 greater than the designated margin for that race, the procedure established
30 in section 16-602, subsections ~~D, E, F~~ C, D, E and ~~G~~ F applies.

31 Sec. 7. Section 16-905, Arizona Revised Statutes, is amended to read:

32 16-905. Contribution limitations; civil penalty; complaint

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

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

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

40 3. For an election for a legislative office, four hundred eighty-eight
41 dollars from a single political committee, excluding a political party, not
42 certified under subsection ~~F~~ G of this section to make contributions at the
43 higher limits prescribed by paragraph 5 of this subsection and subsection B,
44 paragraph 3 of this section.

45 4. For an election other than for a legislative office, three hundred
46 ninety dollars from a single political committee, excluding a political
47 party, not certified under subsection ~~F~~ G of this section to make

1 contributions at the higher limits prescribed by subsection B, paragraph 3 of
2 this section.

3 5. Two thousand dollars from a single political committee, excluding a
4 political party, certified pursuant to subsection ~~F~~ G of this section.

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

8 1. One thousand ten dollars from an individual.

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

13 3. Five thousand ten dollars from a single political committee
14 excluding political parties certified pursuant to subsection ~~F~~ G of this
15 section.

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

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

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

22 3. For a statewide office, one hundred thousand one hundred ten
23 dollars.

24 D. A nominee of a political party shall not accept contributions from
25 all political parties or political organizations combined totaling more than
26 ten thousand twenty dollars for an election for an office other than a
27 statewide office, and one hundred thousand one hundred ten dollars for an
28 election for a statewide office.

29 E. An individual shall not make contributions totaling more than five
30 thousand six hundred ten dollars in a calendar year to state and local
31 candidates, political committees contributing to state or local candidates,
32 and political committees advocating the election or defeat of state or local
33 candidates. Contributions to political parties are exempt from the
34 limitations of this subsection.

35 ~~F. The use of a candidate's personal monies is not subject to the~~
36 ~~limitations of this section but affects the application of these limitations~~
37 ~~to the candidate's opponents as follows:~~

38 ~~1. For a candidate for an office other than a statewide office:~~

39 ~~(a) If a candidate contributes or promises amounts of more than~~
40 ~~fifteen thousand six hundred seventy dollars of those personal monies, the~~
41 ~~candidate, within twenty four hours, excluding Saturdays, Sundays and other~~
42 ~~legal holidays, shall give written notice by certified mail of the amount~~
43 ~~contributed or promised as of the date of the notice to all other candidates~~
44 ~~and the candidates' campaign committees for the same office at the address on~~
45 ~~file with the filing officer and to the filing officer. Other candidates for~~
46 ~~the same office and contributors to those candidates are not subject to the~~
47 ~~limitations of subsections A, C and E of this section after receiving the~~

1 ~~notice until these candidates receive contributions totaling the amount of~~
2 ~~personal monies contributed or promised by the candidate giving this notice.~~

3 ~~(b) For each additional accumulation of contributions or promises of~~
4 ~~that candidate's personal monies that totals at least seven thousand eight~~
5 ~~hundred fifty dollars, the candidate, within twenty-four hours, excluding~~
6 ~~Saturdays, Sundays and other legal holidays, shall give written notice by~~
7 ~~certified mail of the amount contributed or promised as of the date of the~~
8 ~~notice. The notice shall be given as prescribed in subdivision (a) of this~~
9 ~~paragraph. Other candidates for the same office and contributors to those~~
10 ~~candidates are not subject to the limitations of subsections A, C and E of~~
11 ~~this section after receiving the notice until these candidates receive~~
12 ~~contributions totaling the amount of personal monies contributed or promised~~
13 ~~by the candidate giving this notice.~~

14 ~~2. For a candidate for a statewide office:~~

15 ~~(a) If a candidate contributes or promises amounts of more than~~
16 ~~thirty one thousand three hundred thirty dollars of those personal monies,~~
17 ~~the candidate, within twenty four hours, excluding Saturdays, Sundays and~~
18 ~~other legal holidays, shall give written notice by certified mail of the~~
19 ~~amount contributed or promised as of the date of the notice to all other~~
20 ~~candidates and the candidates' campaign committees for the same office at the~~
21 ~~address on file with the filing officer and to the secretary of state. Other~~
22 ~~candidates for the same office and contributors to those candidates are not~~
23 ~~subject to the limitations of subsections B, C and E of this section after~~
24 ~~receiving the notice until these candidates receive contributions totaling~~
25 ~~the amount of personal monies contributed or promised by the candidate giving~~
26 ~~this notice.~~

27 ~~(b) For each additional accumulation of contributions or promises of~~
28 ~~that candidate's personal monies that totals at least fifteen thousand six~~
29 ~~hundred seventy dollars, the candidate, within twenty-four hours, excluding~~
30 ~~Saturdays, Sundays and other legal holidays, shall give written notice of the~~
31 ~~amount contributed or promised as of the date of the notice. The notice~~
32 ~~shall be given as prescribed in subdivision (a) of this paragraph. Other~~
33 ~~candidates for the same office and contributors to those candidates are not~~
34 ~~subject to the limitations of subsections B, C and E of this section after~~
35 ~~receiving the notice until these candidates receive contributions totaling~~
36 ~~the amount of personal monies contributed or promised by the candidate giving~~
37 ~~this notice.~~

38 ~~3. If any notice prescribed by this subsection is not timely given the~~
39 ~~other candidates are not subject to the limitations of subsections A, B and C~~
40 ~~of this section for an additional five hundred ninety dollars for each day~~
41 ~~the notice was delinquent.~~

42 ~~4. Notwithstanding any other provision of this subsection, the amount~~
43 ~~of contributions that a candidate may receive and that is not subject to the~~
44 ~~limitations of subsections A, B and C of this section shall not be greater~~
45 ~~than the largest amount of personal contributions, plus any additional~~
46 ~~amounts due to delinquent notices, made by any other single candidate for the~~
47 ~~same office.~~

1 ~~G. The use of personal monies by an individual who designates an~~
2 ~~exploratory committee is not subject to the limitations of this section but~~
3 ~~is subject to the following:~~

4 ~~1. If an individual who has designated a committee for other than~~
5 ~~statewide office contributes or promises to the committee an amount of~~
6 ~~personal monies that is more than fifteen thousand six hundred seventy~~
7 ~~dollars, the individual, within twenty-four hours excluding Saturdays,~~
8 ~~Sundays and other legal holidays, shall give written notice by certified mail~~
9 ~~of the amount contributed or promised as of the date of the notice to the~~
10 ~~filing officer.~~

11 ~~2. For each additional accumulation of contributions or promises of~~
12 ~~the designating individual's personal monies that totals at least seven~~
13 ~~thousand nine hundred thirty dollars, the individual, within twenty four~~
14 ~~hours, excluding Saturdays, Sundays and other legal holidays, shall give~~
15 ~~written notice by certified mail of the amount contributed or promised as of~~
16 ~~the date of the notice to the filing officer.~~

17 ~~3. If an individual who has designated a committee for statewide~~
18 ~~office contributes or promises to the committee an amount of personal monies~~
19 ~~that is more than thirty one thousand three hundred thirty dollars, the~~
20 ~~individual, within twenty four hours, excluding Saturdays, Sundays and other~~
21 ~~legal holidays, shall give written notice by certified mail of the amount~~
22 ~~contributed or promised as of the date of the notice to the filing officer.~~

23 ~~4. For each additional accumulation of contributions or promises of~~
24 ~~the designating individual's personal monies that totals at least fifteen~~
25 ~~thousand nine hundred fifty dollars, the individual, within twenty-four~~
26 ~~hours, excluding Saturdays, Sundays and other legal holidays, shall give~~
27 ~~written notice by certified mail of the amount contributed or promised as of~~
28 ~~the date of the notice to the filing officer.~~

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

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

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

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

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

44 I. G. Only political committees that received monies from five
45 hundred or more individuals in amounts of ten dollars or more in the one year
46 period immediately before application to the secretary of state for
47 qualification as a political committee pursuant to this section may make
48 contributions to candidates under subsection A, paragraph 5 of this section

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

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

19 ~~I.~~ I. The following specific limitations and procedures apply:

20 1. The limits of subsections A through ~~D, F and G~~ E of this section
21 apply to each election for any office or offices which the candidate seeks.

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

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

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

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

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

43 ~~J.~~ J. A person who violates this section is subject to a civil
44 penalty imposed as prescribed in section 16-924 of three times the amount of
45 money that has been received, expended or promised in violation of this
46 section or three times the value in money for an equivalent of money or other
47 things of value that have been received, expended or promised in violation of
48 this section.

1 ~~M.~~ K. Any qualified elector may file a sworn complaint with the
2 attorney general or the county attorney of the county in which a violation of
3 this section is believed to have occurred, and the attorney general or the
4 county attorney shall investigate the complaint for possible action.

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

14 ~~O.~~ M. If a provision of this section or its application to any person
15 or circumstance is held invalid, the invalidity does not affect other
16 provisions or applications of the section which can be given effect without
17 the invalid provision or application, and to this end the provisions of this
18 section are severable.

19 ~~P. If any notice prescribed by subsection F or G of this section is
20 not given in a timely manner, the designating individual, in the case of an
21 exploratory committee, or the candidate, in the case of a candidate's
22 campaign committee, is subject to a civil penalty of three times the amount
23 of personal monies that were contributed, expended or promised in violation.
24 The civil penalty shall be imposed as prescribed by section 16-924.~~

25 Sec. 8. Subject to the requirements of article IV, part 1, section 1,
26 Constitution of Arizona, section 16-941, Arizona Revised Statutes, is amended
27 to read:

28 16-941. Limits on spending and contributions for political
29 campaigns

30 A. Notwithstanding any law to the contrary, a participating candidate:

31 1. Shall not accept any contributions, other than a limited number of
32 five-dollar qualifying contributions as specified in section 16-946 and early
33 contributions as specified in section 16-945, except in the emergency
34 situation specified in section 16-954, subsection F.

35 2. Shall not make expenditures of more than a total of five hundred
36 dollars of the candidate's personal monies for a candidate for the
37 legislature or more than one thousand dollars for a candidate for statewide
38 office.

39 3. Shall not make expenditures in the primary election period in
40 excess of the adjusted primary election spending limit.

41 4. Shall not make expenditures in the general election period in
42 excess of the adjusted general election spending limit.

43 5. Shall comply with section 16-948 regarding campaign accounts and
44 section 16-953 regarding returning unused monies to the citizens clean
45 elections fund described in this article.

46 B. Notwithstanding any law to the contrary, a nonparticipating
47 candidate:

1 1. Shall not accept contributions in excess of an amount that is
2 twenty per cent less than the limits specified in section 16-905, subsections
3 A through ~~G~~ E, as adjusted by the secretary of state pursuant to section
4 16-905, subsection ~~J~~ H. Any violation of this paragraph shall be subject to
5 the civil penalties and procedures set forth in section 16-905, subsections
6 ~~L~~ J through ~~P~~ M and section 16-924.

7 2. Shall comply with section 16-958 regarding reporting, including
8 filing reports with the secretary of state indicating whenever
9 (a) expenditures other than independent expenditures on behalf of the
10 candidate, from the beginning of the election cycle to any date up to primary
11 election day, exceed seventy per cent of the original primary election
12 spending limit applicable to a participating candidate seeking the same
13 office, or (b) contributions to a candidate, from the beginning of the
14 election cycle to any date during the general election period, less
15 expenditures made from the beginning of the election cycle through primary
16 election day, exceed seventy per cent of the original general election
17 spending limit applicable to a participating candidate seeking the same
18 office. A nonparticipating candidate is exempt from this paragraph if there
19 is no participating candidate running against that nonparticipating
20 candidate.

21 C. Notwithstanding any law to the contrary, a candidate, whether
22 participating or nonparticipating:

23 1. If specified in a written agreement signed by the candidate and one
24 or more opposing candidates and filed with the citizens clean elections
25 commission, shall not make any expenditure in the primary or general election
26 period exceeding an agreed-upon amount lower than spending limits otherwise
27 applicable by statute.

28 2. Shall continue to be bound by all other applicable election and
29 campaign finance statutes and rules, with the exception of those provisions
30 in express or clear conflict with this article.

31 D. Notwithstanding any law to the contrary, any person who makes
32 independent expenditures related to a particular office cumulatively
33 exceeding five hundred dollars in an election cycle, with the exception of
34 any expenditure listed in section 16-920 and any independent expenditure by
35 an organization arising from a communication directly to the organization's
36 members, shareholders, employees, affiliated persons and subscribers, shall
37 file reports with the secretary of state in accordance with section 16-958 so
38 indicating, identifying the office and the candidate or group of candidates
39 whose election or defeat is being advocated and stating whether the person is
40 advocating election or advocating defeat.

41 Sec. 9. Subject to the requirements of article IV, part 1, section 1,
42 Constitution of Arizona, section 16-959, Arizona Revised Statutes, is amended
43 to read:

44 16-959. Inflationary and other adjustments of dollar values

45 A. Every two years, the secretary of state shall modify the dollar
46 values specified in the following parts of this article, in the manner
47 specified by section 16-905, subsection ~~J~~ H, to account for inflation:
48 section 16-941, subsection A, paragraph 2 or subsection D; section 16-942,

1 subsection B; section 16-945, subsection A, paragraphs 1 and 2; section
2 16-948, subsection C; section 16-954, subsection B; section 16-955,
3 subsection G; and section 16-961, subsections G and H. In addition, the
4 secretary of state shall make a similar inflation adjustment by modifying the
5 dollar values in section 16-949, subsection A and section 16-954, subsection
6 A to the nearest dollar. In addition, every two years, the secretary of
7 state shall change the dollar values in section 16-961, subsections G and H
8 in proportion to the change in the number of Arizona resident personal income
9 tax returns filed during the previous calendar year.

10 B. Based on the results of the elections in the year 2002 or any
11 quadrennial election thereafter, and within six months after such election,
12 the commission may adopt rules in a public meeting reallocating funds
13 available to all candidates between the primary and general elections by
14 selecting a fraction for primary election spending limits that is between one
15 third and one half of the spending limits for the election as a whole. For
16 each office, the primary election spending limit shall be modified to be the
17 sum of the primary and general spending limits times the selected fraction,
18 and the general election spending limit shall be modified to be the same sum
19 times one less the selected fraction.

20 Sec. 10. Section 19-111, Arizona Revised Statutes, is amended to read:

21 19-111. Number for petition

22 A. A person or organization intending to propose a law or
23 constitutional amendment by initiative petition or to file a referendum
24 petition against a measure, item, section or part of a measure, before
25 causing the petition to be printed and circulated, shall file with the
26 secretary of state an application, on a form to be provided by the secretary
27 of state, setting forth his name or, if an organization, its name and the
28 names and titles of its officers, address, his intention to circulate and
29 file a petition, a description of no more than one hundred words of the
30 principal provisions of the proposed law, constitutional amendment or measure
31 and the text of the proposed law, constitutional amendment or measure to be
32 initiated or referred in no less than eight point type, and applying for
33 issuance of an official serial number. At the same time as the person or
34 organization files its application, the person or organization shall file
35 with the secretary of state its statement of organization or its signed
36 exemption statement as prescribed by section 16-902.01. The secretary of
37 state shall not accept an application for initiative or referendum without an
38 accompanying statement of organization or signed exemption statement as
39 prescribed by this subsection.

40 B. On receipt of the application, the secretary of state shall assign
41 an official serial number to the petition, which number shall appear in the
42 lower right-hand corner of each side of each copy thereof, and issue that
43 number to the applicant. Numbers shall be assigned to petitions by the
44 secretary of state in numerical sequence, and a record shall be maintained in
45 his office of each application received and of the numbers assigned and
46 issued to the applicant.

47 C. The secretary of state shall ~~print in pamphlet form and shall~~
48 ~~furnish~~ MAKE AVAILABLE to each applicant, ~~at the time the application is~~

1 ~~submitted,~~ BY ELECTRONIC MEANS a copy of the text of this article governing
2 the initiative and referendum and all rules adopted by the secretary of state
3 pursuant to this title. In addition, the secretary of state shall ~~at this~~
4 ~~time furnish the applicant with~~ PROVIDE THE APPLICANT BY ELECTRONIC MEANS THE
5 ABILITY TO FILE a statement of organization ~~form~~ OR FIVE HUNDRED DOLLAR
6 THRESHOLD EXEMPTION STATEMENT and a notice stating: "This statement must be
7 filed before valid signatures can be collected." The secretary of state
8 shall ~~furnish a sufficient supply of these pamphlets~~ MAKE AVAILABLE BY
9 ELECTRONIC MEANS A COPY OF THE TEXT OF THIS ARTICLE GOVERNING THE INITIATIVE
10 AND REFERENDUM AND ALL RULES ADOPTED BY THE SECRETARY OF STATE PURSUANT TO
11 THIS TITLE to the county, city and town clerks who shall similarly furnish
12 ~~the pamphlet~~ A COPY to each applicant BY ELECTRONIC MEANS. IF A MEMBER OF
13 THE PUBLIC SO REQUESTS, THE SECRETARY OF STATE AND THE COUNTY, CITY AND TOWN
14 CLERKS SHALL PROVIDE A COPY IN PAMPHLET FORM.

15 D. The eight point type required by subsection A of this section shall
16 not apply to maps, charts or other graphics.

17 Sec. 11. Section 19-112, Arizona Revised Statutes, is amended to read:
18 19-112. Signatures and verification; attachment

19 A. Every qualified elector signing a petition shall do so in the
20 presence of the person who is circulating the petition and who is to execute
21 the affidavit of verification. At the time of signing, the qualified elector
22 shall sign his first and last names in the spaces provided and the elector so
23 signing ~~or the person circulating the petition~~ shall print his first and last
24 names and write, in the appropriate spaces following the signature, the
25 signer's residence address, giving street and number, and if he has no street
26 address, a description of his residence location. The elector so signing ~~or~~
27 ~~the person circulating the petition~~ shall write, in the appropriate spaces
28 following the elector's address, the date on which the elector signed the
29 petition.

30 B. The signature sheets shall be attached at all times during
31 circulation to a full and correct copy of the title and text of the measure
32 or constitutional amendment proposed or referred by the petition. The title
33 and text shall be in at least eight point type and shall include both the
34 original and the amended text. The text shall indicate material deleted, if
35 any, by printing the material with a line drawn through the center of the
36 letters of the material and shall indicate material added or new material by
37 printing the letters of the material in capital letters.

38 C. The person before whom the signatures and addresses were written on
39 the signature sheet shall, on the affidavit form pursuant to this section,
40 subscribe and swear before a notary public that each of the names on the
41 sheet was signed and the name and address were printed in the presence of the
42 elector and the circulator on the date indicated, and that in his belief each
43 signer was a qualified elector of a certain county of the state, or, in the
44 case of a city, town or county measure, of the city, town or county affected
45 by the measure on the date indicated, and that at all times during
46 circulation of the signature sheet a copy of the title and text was attached
47 to the signature sheet. All signatures of petitioners on a signature sheet
48 shall be those of qualified electors who are registered to vote in the same

1 county. However, if signatures from more than one county appear on the same
2 signature sheet, only the valid signatures from the same county which are
3 most numerous on the signature sheet shall be counted. Signature and
4 handwriting comparisons may be made.

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

7 Affidavit of Circulator

8 State of Arizona)
9) ss.:

10 County of _____)

11 (Where notarized)

12 I, (print name), a person who is qualified to register to
13 vote in the county of _____, in the state of Arizona at all
14 times during my circulation of this petition sheet, and under the
15 penalty of a class 1 misdemeanor, depose and say that each
16 individual signed this sheet of the foregoing petition in my
17 presence on the date indicated and I believe that each signer's
18 name and residence address or post office address are correctly
19 stated and that each signer is a qualified elector of the state
20 of Arizona (or in the case of a city, town or county measure, of
21 the city, town or county affected by the measure proposed to be
22 initiated or referred to the people) and that at all times during
23 circulation of this signature sheet a copy of the title and text
24 was attached to the signature sheet.

25 (Signature of affiant) _____
26 (Residence address, street
27 and number of affiant, or
28 if no street address, a
29 description of residence
30 location) _____
31 _____

32 Subscribed and sworn to before me on _____.
33 (date)

34 _____
35 Notary Public
36 _____, Arizona.

37 My commission expires on _____.
38 (date)

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

41 Sec. 12. Title 19, chapter 1, article 2, Arizona Revised Statutes, is
42 amended by adding section 19-119.01, to read:

43 19-119.01. Petition signature fraud; classification; prohibited
44 persons

45 A. FOR THE PURPOSES OF THIS TITLE, A PERSON COMMITS PETITION SIGNATURE
46 FRAUD IF THE PERSON DOES EITHER OF THE FOLLOWING WITH THE INTENT TO DEFRAUD:

1 1. INTENTIONALLY SUBMITS PETITION SIGNATURE SHEETS WITH THE KNOWLEDGE
2 THAT THE PERSON WHOSE NAME APPEARS ON THE SIGNATURE SHEET DID NOT ACTUALLY
3 SIGN THE PETITION.

4 2. USES ANY FRAUDULENT MEANS, METHOD, TRICK, DEVICE OR ARTIFICE TO
5 OBTAIN SIGNATURES ON A PETITION.

6 B. A PERSON WHO VIOLATES SUBSECTION A IS GUILTY OF A CLASS 1
7 MISDEMEANOR, EXCEPT THAT A PERSON WHO ENGAGES OR PARTICIPATES IN A PATTERN OF
8 PETITION SIGNATURE FRAUD IS GUILTY OF A CLASS 4 FELONY AND SHALL BE
9 PROHIBITED FROM PARTICIPATING FOR FIVE YEARS IN ANY ELECTION, INITIATIVE,
10 REFERENDUM OR RECALL CAMPAIGN. FOR THE PURPOSES OF THIS SUBSECTION, "PATTERN
11 OF PETITION SIGNATURE FRAUD" MEANS THAT THE PERSON EMPLOYS OR SUBCONTRACTS
12 WITH PERSONS TO OBTAIN SIGNATURES AND AT LEAST FIVE OF THE EMPLOYEES OR
13 SUBCONTRACTOR'S EMPLOYEES HAVE BEEN CONVICTED OF A VIOLATION OF THIS SECTION
14 FOR ONE OR MORE ELECTIONS OR RECALL CAMPAIGNS IN AN ELECTION CYCLE.

15 C. THE SECRETARY OF STATE SHALL MAINTAIN A LIST OF PERSONS WHO HAVE
16 BEEN CONVICTED OF PARTICIPATING IN A PATTERN OF PETITION SIGNATURE FRAUD IN
17 VIOLATION OF THIS SECTION AND WHO ARE BARRED FROM PARTICIPATING IN ANY
18 ELECTION, INITIATIVE, REFERENDUM OR RECALL CAMPAIGN FOR FIVE YEARS FROM THE
19 DATE OF CONVICTION. THE LIST SHALL BE PUBLISHED ON THE SECRETARY OF STATE'S
20 WEBSITE. THE SECRETARY OF STATE SHALL REMOVE A PERSON FROM THE LIST ON
21 EXPIRATION OF THE FIVE-YEAR PROHIBITION. IF A MEMBER OF THE PUBLIC REQUESTS
22 A COPY OF THE LIST, THE SECRETARY SHALL PROVIDE IT.

23 Sec. 13. Section 19-121.03, Arizona Revised Statutes, is amended to
24 read:

25 19-121.03. Judicial review of actions by county recorder; venue

26 A. If the county recorder fails or refuses to comply with the
27 provisions of section 19-121.02, any citizen may apply, within ~~ten~~ FIVE
28 calendar days after such failure or refusal, to the superior court for a writ
29 of mandamus. If the court finds that the county recorder has not complied
30 with the provisions of section 19-121.02, the court shall issue an order for
31 the county recorder to comply.

32 B. Any citizen may challenge in the superior court the certification
33 made by a county recorder pursuant to section 19-121.02 within ~~ten~~ FIVE
34 calendar days of the receipt thereof by the secretary of state. The action
35 shall be advanced on the calendar and heard as a trial de novo and decided by
36 the court as soon as possible. Either party may appeal to the supreme court
37 within ~~ten~~ FIVE calendar days after judgment.

38 C. An action commenced under this section shall be brought in the
39 county of such recorder, except that any such action involving more than one
40 recorder shall be brought in Maricopa county.

41 Sec. 14. Section 19-122, Arizona Revised Statutes, is amended to read:

42 19-122. Refusal of secretary of state to file petition or
43 transmit facsimiles of signature sheets or affidavits
44 of circulators; writ of mandamus; venue

45 A. If the secretary of state refuses to accept and file a petition for
46 the initiative or referendum, or proposal for a constitutional amendment
47 which has been presented within the time prescribed, or if he refuses to
48 transmit the facsimiles of a signature sheet or sheets or affidavits of

1 circulators to the county recorders for certification under section
2 19-121.01, he shall provide the person who submitted the petition, proposal,
3 signature sheet or affidavit with a written statement of the reason for the
4 refusal. Within ~~ten~~ FIVE calendar days after the refusal any citizen may
5 apply to the superior court for a writ of mandamus to compel the secretary of
6 state to file the petition or proposal or transmit the facsimiles, or the
7 citizen may file a complaint with the county attorney or attorney general.
8 The county attorney or attorney general may apply, within ~~ten~~ FIVE calendar
9 days after the complaint is made, to the superior court for a writ of
10 mandamus to compel the secretary of state to file the petition or proposal or
11 transmit the facsimiles. The action shall be advanced on the calendar and
12 heard and decided by the court as soon as possible. Either party may appeal
13 to the supreme court within ~~ten~~ FIVE calendar days after judgment. If the
14 court finds that the petition is legally sufficient, the secretary of state
15 shall then file it, with a certified copy of the judgment attached as of the
16 date on which it was originally offered for filing in his office.

17 B. The most current version of the general county register at the time
18 of filing a court action challenging an initiative or referendum petition
19 shall constitute the official record to be used to determine on a prima facie
20 basis by the challenger that the signer of a petition was not registered to
21 vote at the address given on the date of signing the petition. If the
22 address of the signer given on the date of signing the petition is different
23 from that on the most current version of the general county register, the
24 county recorder shall examine the version of the general county register
25 which was current on the date the signer signed the petition to determine the
26 validity of the signature. This subsection does not preclude introducing
27 into evidence a certified copy of the affidavit or registration of any signer
28 dated prior to the signing of the petition if the affidavit is in the
29 possession of the county recorder but has not yet been filed in the general
30 county register.

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

38 D. The superior court in Maricopa county shall have jurisdiction of
39 actions relating to measures and amendments to be submitted to the electors
40 of the state at large. With respect to actions relating to local and special
41 measures, the superior court in the county, or in one of the counties, in
42 which the measures are to be voted upon shall have jurisdiction.

43 Sec. 15. Section 19-142, Arizona Revised Statutes, is amended to read:
44 19-142. Referendum petitions against municipal actions;
45 emergency measures; zoning actions

46 A. The whole number of votes cast at the ~~city~~ CITYWIDE or ~~town~~
47 TOWNWIDE election at which a mayor or councilmen were chosen last preceding
48 the submission of the application for a referendum petition against an

1 ordinance, franchise or resolution shall be the basis on which the number of
2 electors of the city or town required to file a referendum petition shall be
3 computed. FOR THE PURPOSES OF THIS SECTION, A CITYWIDE OR TOWNWIDE ELECTION
4 IS AN ELECTION AT WHICH ALL OF THE QUALIFIED ELECTORS OF A CITY OR TOWN ARE
5 ELIGIBLE TO VOTE FOR A MAYOR OR MEMBERS OF THE CITY OR TOWN COUNCIL. The
6 petition shall be filed with the city or town clerk within thirty days after
7 passage of the ordinance, resolution or franchise.

8 B. A city or town ordinance, resolution or franchise shall not become
9 operative until thirty days after its passage by the council and approval by
10 the mayor, unless it is passed over the mayor's veto, and then it shall not
11 become operative until thirty days after final approval and until
12 certification by the clerk of the city or town of the minutes of the meeting
13 at which the action was taken, except emergency measures necessary for the
14 immediate preservation of the peace, health or safety of the city or town.
15 An emergency measure shall not become immediately operative unless it states
16 in a separate section the reason why it is necessary that it should become
17 immediately operative, and unless it is approved by the affirmative vote of
18 three-fourths of all the members elected to the city or town council, taken
19 by ayes and noes, and also approved by the mayor.

20 C. At the time a person or organization intending to file a referendum
21 petition against an ordinance or resolution applies for the issuance of an
22 official number pursuant to section 19-111, the city or town clerk shall
23 provide such person or organization with a full and correct copy of the
24 ordinance or resolution in the form as finally adopted. If the copy of the
25 ordinance or resolution proposed as a referendum is not available to such
26 person or organization at the time of making application for an official
27 number or on the same business day as the application is submitted, the
28 thirty-day period prescribed in subsection A of this section begins on the
29 day that the ordinance or resolution is available from the city or town
30 clerk, and the ordinance or resolution shall not become operative until
31 thirty days after the ordinance or resolution is available.

32 D. Notwithstanding subsection C of this section, a person or
33 organization may file a referendum petition against the rezoning of a parcel
34 of property on the approval by the city or town council of the ordinance that
35 adopts the rezoning or on the approval of that portion of the minutes of the
36 city or town council that includes the council's approval of the rezoning,
37 whichever occurs first. The thirty day period prescribed in subsection A of
38 this section begins on the day that the rezoning ordinance or approved
39 minutes or portion of the approved minutes are available from the city or
40 town clerk and the ordinance is not operative until thirty days after the
41 ordinance or minutes are available.

42 Sec. 16. Section 38-542, Arizona Revised Statutes, is amended to read:
43 38-542. Duty to file financial disclosure statement; contents;
44 exceptions

45 A. In addition to other statements and reports required by law, every
46 public officer, as a matter of public record, shall file with the secretary
47 of state on a form prescribed by the secretary of state a verified financial

1 disclosure statement covering the preceding calendar year ~~ending December 31.~~

2 The statement shall disclose:

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

5 2. The name and address of each employer and of each other source of
6 compensation other than gifts amounting to more than one thousand dollars
7 received during the preceding calendar year by the public officer and members
8 of his household in their own names, or by any other person for the use or
9 benefit of the public officer or members of his household, a description of
10 the services for which the compensation was received and the nature of the
11 employer's business. This paragraph shall not be construed to require the
12 disclosure of individual items of compensation that constituted a portion of
13 the gross income of the business from which the public officer or members of
14 his household derived compensation.

15 3. For a controlled business, a description of the goods or services
16 provided by the business, and if any single source of compensation to the
17 business during the preceding calendar year amounts to more than ten thousand
18 dollars and is more than twenty-five per cent of the gross income of the
19 business, the disclosure shall also include a description of the goods or
20 services provided to the source of compensation. For a dependent business
21 the statement shall disclose a description of the goods or services provided
22 by the business and a description of the goods or services provided to the
23 source of compensation from which the dependent business derived the amount
24 of gross income described in section 38-541, paragraph 4. If the source of
25 compensation for a controlled or dependent business is a business, the
26 statement shall disclose a description of the business activities engaged in
27 by the source of compensation.

28 4. The names and addresses of all businesses and trusts in which the
29 public officer or members of his household, or any other person for the use
30 or benefit of the public officer or members of his household, had an
31 ownership or beneficial interest of over one thousand dollars at any time
32 during the preceding calendar year, and the names and addresses of all
33 businesses and trusts in which the public officer or any member of his
34 household held any office or had a fiduciary relationship at any time during
35 the preceding calendar year, together with the amount or value of the
36 interest and a description of the interest, office or relationship.

37 5. All Arizona real property interests and real property improvements,
38 including specific location and approximate size, in which the public
39 officer, any member of his household or a controlled or dependent business
40 held legal title or a beneficial interest at any time during the preceding
41 calendar year, and the value of any such interest, except that this paragraph
42 does not apply to a real property interest and improvements thereon used as
43 the primary personal residence or for the personal recreational use of the
44 public officer. If a public officer, any member of his household or a
45 controlled or dependent business acquired or divested any such interest
46 during the preceding calendar year, he shall also disclose that the
47 transaction was made and the date it occurred. If the controlled or
48 dependent business is in the business of dealing in real property interests

1 or improvements, disclosure need not include individual parcels or
2 transactions as long as the aggregate value of all parcels of such property
3 is reported.

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

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

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

1 9. A list of all business licenses issued to, held by or in which the
2 public officer or any member of his household had an interest at any time
3 during the preceding calendar year, including the name in which the license
4 was issued, the type of business and its location.

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

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

- 16 1. Category 1, one thousand dollars to twenty-five thousand dollars.
17 2. Category 2, more than twenty-five thousand dollars to one hundred
18 thousand dollars.
19 3. Category 3, more than one hundred thousand dollars.

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

22 D. The statement required to be filed pursuant to subsection A OF THIS
23 SECTION shall be filed by all persons who qualified as public officers at any
24 time during the preceding calendar year on or before January 31 of each year
25 with the exceptions that:

26 1. A public officer appointed to fill a vacancy ~~shall~~, within sixty
27 days following his taking of such office, SHALL file a financial disclosure
28 statement covering as his annual period the twelve month period ending with
29 the last full month prior to the date of his taking office.

30 2. A PUBLIC OFFICER WHO COMPLETES HIS TERM OF OFFICE IN THE MONTH OF
31 JANUARY IS EXEMPT FROM FILING A FINANCIAL DISCLOSURE STATEMENT FOR THE
32 CALENDAR YEAR IN WHICH THE TERM OF OFFICE IS COMPLETED, EXCEPT IF THE PUBLIC
33 OFFICER SERVES A SUBSEQUENT TERM OF OFFICE IN THAT CALENDAR YEAR.

34 3. A PUBLIC OFFICER WHO IS ELECTED IN THE CALENDAR YEAR BEFORE THE
35 PUBLIC OFFICER TAKES OFFICE IS EXEMPT FROM FILING A FINANCIAL DISCLOSURE
36 STATEMENT FOR THE CALENDAR YEAR IN WHICH HE IS ELECTED, EXCEPT IF THE PUBLIC
37 OFFICER WAS SERVING IN SOME OTHER PUBLIC OFFICE IN THE CALENDAR YEAR OF HIS
38 ELECTION.

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

44 Sec. 17. Section 41-121, Arizona Revised Statutes, is amended to read:
45 41-121. Duties

46 A. The secretary of state shall:

1 1. Receive bills and resolutions from the legislature, and perform
2 such other duties as devolve upon the secretary of state by resolution of the
3 two houses or either of them.

4 2. Keep a register of and attest the official acts of the governor.

5 3. Act as custodian of the great seal of this state.

6 4. Affix the great seal, with the secretary of state's attestation, to
7 public instruments to which the official signature of the governor is
8 attached.

9 5. File in the secretary of state's office receipts for all books
10 distributed by the secretary of state and direct the county recorder of each
11 county to do the same.

12 6. Certify to the governor the names of those persons who have
13 received at any election the highest number of votes for any office, the
14 incumbent of which is commissioned by the governor.

15 7. Publish slip laws of each act of the legislature promptly upon
16 passage and approval of such act, make such acts available to interested
17 persons for a reasonable fee to compensate for the cost of printing and
18 provide each house of the legislature and the legislative council with a
19 certified copy of each bill or resolution, showing the chapter or resolution
20 number of each, as each is filed in the secretary of state's office.

21 8. Keep a fee book of fees and compensation of whatever kind and
22 nature earned, collected or charged by the secretary of state, with the date,
23 the name of the payer and the nature of the service in each case. The fee
24 book shall be verified annually by the secretary of state's affidavit entered
25 in the fee book.

26 9. Perform other duties imposed on the secretary of state by law.

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

32 11. Transfer all noncurrent or inactive books, records, deeds and other
33 papers otherwise required to be filed with or retained by the secretary of
34 state to the custody of the Arizona state library, archives and public
35 records.

36 12. Make available to the public, without charge, title 33, chapter 11
37 on the secretary of state's web site.

38 13. Accept, and approve for use, electronic and digital signatures that
39 comply with section 41-132, for documents filed with and by all state
40 agencies, boards and commissions. In consultation with the government
41 information technology agency, the department of administration and the state
42 treasurer, the secretary of state shall adopt rules pursuant to chapter 6 of
43 this title establishing policies and procedures for the use of electronic and
44 digital signatures by all state agencies, boards and commissions for
45 documents filed with and by all state agencies, boards and commissions.

46 14. Meet at least annually with personnel from the federal voting
47 assistance office of the United States department of defense and with county
48 recorders and other county election officials in this state to coordinate the

1 delivery and return of registrations, ballot requests, voted ballots and
2 other election materials to and from absent uniformed and overseas citizens.

3 B. THE SECRETARY OF STATE MAY REFUSE TO PERFORM A SERVICE OR REFUSE A
4 FILING BASED ON A REASONABLE BELIEF THAT THE SERVICE OR FILING IS BEING
5 REQUESTED FOR AN UNLAWFUL, ILLEGITIMATE, FALSE OR FRAUDULENT PURPOSE OR IS
6 BEING REQUESTED OR SUBMITTED IN BAD FAITH OR FOR THE PURPOSE OF HARASSING OR
7 DEFRAUDING A PERSON OR ENTITY.

8 Sec. 18. Requirements for enactment; three-fourths vote

9 Pursuant to article IV, part 1, section 1, Constitution of Arizona,
10 sections 16-941 and 16-959, Arizona Revised Statutes, as amended by this act,
11 are effective only on the affirmative vote of at least three-fourths of the
12 members of each house of the legislature."

13 Amend title to conform

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