

REFERENCE TITLE: election law amendments

State of Arizona
House of Representatives
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HB 2258

Introduced by
Representatives Jarrett, Voss, Pearce, Cooley: Senators Martin, Mitchell,
Richardson, Smith

AN ACT

AMENDING SECTIONS 16-166, 16-225, 16-311, 16-312, 16-315, 16-461, 16-542,
16-551, 16-552, 19-101 AND 48-262, ARIZONA REVISED STATUTES; RELATING TO
ELECTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 16-166, Arizona Revised Statutes, is amended to
3 read:

4 16-166. Verification of registration

5 A. Except for the mailing of sample ballots, a county recorder who
6 mails an item to any elector shall send the mailing by nonforwardable first
7 class mail marked ~~"address correction requested"~~ WITH THE STATEMENT REQUIRED
8 BY THE POSTMASTER TO RECEIVE AN ADDRESS CORRECTION NOTIFICATION. If the item
9 is returned undelivered, the county recorder shall send a follow-up notice to
10 that elector within three weeks of receipt of the returned notice. The
11 county recorder shall send the follow-up notice to the address that appears
12 on the general county register or to the forwarding address provided by the
13 United States postal service. The follow-up notice shall include a
14 registration form and the information prescribed by section 16-131,
15 subsection C and shall state that if the elector does not complete and return
16 a new registration form with current information to the county recorder
17 within thirty-five days, the name of the elector will be removed from the
18 general register and transferred to the inactive voter list.

19 B. If the elector provides the county recorder with a new registration
20 form, the county recorder shall change the general register to reflect the
21 changes indicated on the new registration. If the elector indicates a new
22 residence address outside that county, the county recorder shall forward the
23 voter registration form to the county recorder of the county in which the
24 elector's address is located. If the elector provides a new residence address
25 that is located outside this state, the county recorder shall cancel the
26 elector's registration.

27 C. The county recorder shall maintain on the inactive voter list the
28 names of electors who have been removed from the general register pursuant to
29 subsection A or E of this section for a period of four years or through the
30 date of the second general election for federal office following the date of
31 the notice from the county recorder that is sent pursuant to subsection E of
32 this section.

33 D. On notice that a government agency has changed the name of any
34 street, route number, post office box number or other address designation,
35 the county recorder shall revise the registration records and shall send a
36 new verification of registration notice to the electors whose records were
37 changed.

38 E. The county recorder on or before May 1 of each year preceding a
39 state primary and general election or more frequently as the recorder deems
40 necessary may use the change of address information supplied by the postal
41 service through its licensees to identify registrants whose addresses may
42 have changed. If it appears from information provided by the postal service
43 that a registrant has moved to a different residence address in the same
44 county, the county recorder shall change the registration records to reflect
45 the new address and shall send the registrant a notice of the change by

1 forwardable mail and a postage prepaid preaddressed return form by which the
 2 registrant may verify or correct the registration information. If the
 3 registrant fails to return the form postmarked not later than twenty-nine
 4 days before the next election, the elector shall be removed from the general
 5 register and transferred to the inactive voter list. If the notice sent by
 6 the recorder is not returned, the registrant may be required to provide
 7 affirmation or confirmation of the registrant's address in order to vote. If
 8 the registrant does not vote in an election during the period after the date
 9 of the notice from the recorder through the date of the second general
 10 election for federal office following the date of that notice, the
 11 registrant's name shall be removed from the list of inactive voters. If the
 12 registrant has changed residence to a new county, the county recorder shall
 13 provide information on how the registrant can continue to be eligible to
 14 vote.

15 Sec. 2. Section 16-225, Arizona Revised Statutes, is amended to read:

16 16-225. Special district election dates

17 A. ~~A~~ Special ~~district~~ DISTRICTS as described in title 48, chapters 5,
 18 6, 8, 10 and 13 through 16 shall not hold any election except on a date
 19 prescribed by section 16-204.

20 B. The board of supervisors of the county in which the special
 21 district or greater ~~part thereof~~ PORTION OF THE ASSESSED VALUATION OF THE
 22 PROPERTY IN THE DISTRICT is located shall call the election for the formation
 23 of special districts in accordance with subsection A of this section.

24 C. The governing body of a special district shall call all other
 25 elections for the district in accordance with subsection A of this section
 26 and shall notify the board of supervisors AND THE OFFICER IN CHARGE OF
 27 ELECTIONS of the county in which the special district or greater ~~part of~~
 28 PORTION OF THE ASSESSED VALUATION OF THE PROPERTY IN the district is located
 29 of the purpose of the election.

30 D. On NOTIFICATION OF THE OFFICER IN CHARGE OF ELECTIONS AND approval
 31 of the county board of supervisors, the governing body of a special district
 32 may authorize any special district election that is not held on a date
 33 prescribed by section 16-204 to be conducted by mail pursuant to chapter 4,
 34 article 8.1 of this title.

35 Sec. 3. Section 16-311, Arizona Revised Statutes, is amended to read:

36 16-311. Nomination papers; filing; definitions

37 A. Any person desiring to become a candidate at a primary election for
 38 a political party and to have the person's name printed on the official
 39 ballot shall be a qualified elector of such party and shall, not less than
 40 ninety nor more than one hundred twenty days before the primary election,
 41 sign and cause to be filed a nomination paper giving the person's ACTUAL
 42 ADDRESS OR DESCRIPTION OF place of residence and post office address, naming
 43 the party of which the person desires to become a candidate, stating the
 44 office and district or precinct, if any, for which the person offers the
 45 person's candidacy, stating the exact manner in which the person desires to

1 have the person's name printed on the official ballot pursuant to subsection
 2 G, and giving the date of the primary election and, if nominated, the date of
 3 the general election at which the person desires to become a candidate. A
 4 candidate for public office shall be a qualified elector at the time of
 5 filing and shall reside in the county, district or precinct which the person
 6 proposes to represent.

7 B. Any person desiring to become a candidate at any nonpartisan
 8 election and to have the person's name printed on the official ballot shall
 9 be at the time of filing a qualified elector of such county, city, town or
 10 district and, not less than ninety nor more than one hundred twenty days
 11 before the election, shall sign and cause to be filed a nomination paper
 12 giving the person's place of residence and post office address, stating the
 13 office and county, city, town or district and ward or precinct, if any, for
 14 which the person offers the person's candidacy, stating the exact manner in
 15 which the person desires to have the person's name printed on the official
 16 ballot pursuant to subsection G and giving the date of the election. A
 17 candidate for office shall reside at the time of filing in the county, city,
 18 town, district, ward or precinct which the person proposes to represent.

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

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

30 E. The nomination paper of a candidate for the office of United States
 31 senator or representative in Congress, for the office of presidential elector
 32 or for a state office, including a member of the legislature, or for any
 33 other office for which the electors of the entire state or a subdivision of
 34 the state greater than a county are entitled to vote, shall be filed with the
 35 secretary of state no later than 5:00 p.m. on the last date for filing.

36 F. The nomination paper of a candidate for superior court judge or for
 37 a county, district and precinct office for which the electors of a county or
 38 a subdivision of a county other than an incorporated city or town are
 39 entitled to vote shall be filed with the county elections officer no later
 40 than 5:00 p.m. on the last date for filing as prescribed by subsection
 41 A. The nomination paper of a candidate for a city or town office shall be
 42 filed with the city or town clerk no later than 5:00 p.m. on the last date
 43 for filing. The nomination paper of a candidate for school district office
 44 shall be filed with the county school superintendent no later than 5:00 p.m.
 45 on the last date for filing.

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

13 H. A person who does not file a timely nomination paper that complies
14 with this section is not eligible to have the person's name printed on the
15 official ballot for that office. The filing officer shall not accept the
16 nomination paper of a candidate for state or local office unless it is
17 accompanied by all of the following:

18 1. The nomination petition required by this title.
19 2. A political committee statement of organization or the five hundred
20 dollar threshold exemption statement.

21 3. The financial disclosure statement as prescribed for candidates for
22 that office.

23 I. As used in this title:

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

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

32 Sec. 4. Section 16-312, Arizona Revised Statutes, is amended to read:

33 16-312. Filing of nomination papers for write-in candidates

34 A. Any person desiring to become a write-in candidate for an elective
35 office in any election shall file a nomination paper, signed by the
36 candidate, giving the person's **ACTUAL ADDRESS OR DESCRIPTION OF** place of
37 residence and post office address, age, length of residence in the state and
38 date of birth.

39 B. A write-in candidate shall file the nomination paper no later than
40 5:00 p.m. on the fourteenth day prior to the election. The write-in filing
41 procedure shall be in the same manner as prescribed in section 16-311. Any
42 person who does not file a timely nomination paper shall not be counted in
43 the tally of ballots. The filing officer shall not accept the nomination
44 paper of a candidate for state or local office unless it is accompanied by
45 both of the following:

1 1. A political committee statement of organization or the five hundred
2 dollar threshold exemption statement.

3 2. The financial disclosure statement as prescribed for candidates for
4 that office.

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

16 D. Except as provided in section 16-343, subsection E, a candidate may
17 not file pursuant to this section if ~~either~~ ANY of the following applies:

18 1. FOR A CANDIDATE IN THE GENERAL ELECTION, the candidate ran in the
19 immediately preceding primary election and failed to be nominated to the
20 office sought in the current election.

21 2. FOR A CANDIDATE IN THE GENERAL ELECTION, the candidate filed a
22 nomination petition for the immediately preceding primary election for the
23 office sought and failed to provide a sufficient number of valid petition
24 signatures as prescribed by section 16-322.

25 3. FOR A CANDIDATE IN THE PRIMARY ELECTION, THE CANDIDATE FILED A
26 NOMINATION PETITION FOR THE CURRENT PRIMARY ELECTION FOR THE OFFICE SOUGHT
27 AND FAILED TO PROVIDE A SUFFICIENT NUMBER OF VALID PETITION SIGNATURES AS
28 PRESCRIBED BY SECTION 16-322.

29 E. A person who files a nomination paper pursuant to this section for
30 the office of president of the United States shall designate in writing to
31 the secretary of state at the time of filing the name of the candidate's
32 vice-presidential running mate, the names of presidential electors who will
33 represent that candidate and a statement signed by the vice-presidential
34 running mate and designated presidential electors that indicates their
35 consent to be designated. A nomination paper for each presidential elector
36 designated shall be filed with the candidate's nomination paper. The number
37 of presidential electors shall equal the number of United States senators and
38 representatives in Congress from this state.

39 Sec. 5. Section 16-315, Arizona Revised Statutes, is amended to read:
40 16-315. Form of petitions

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

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

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

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

6 4. The signature portion of the petition shall be divided into columns
7 headed by the titles: signature; printed name; ACTUAL ADDRESS OR DESCRIPTION
8 OF PLACE OF residence ~~or mailing address or, if no street address, a~~
9 ~~description of residence location~~, city, town or post office; and date of
10 signing.

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

13 B. The following shall appear on the petition:
14 Instructions for Circulators

15 1. All petitions shall be signed by circulator.

16 2. Circulator must be qualified to register to vote in this state.

17 3. Circulator's name shall be typed or printed under such person's
18 signature.

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

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

23 Sec. 6. Section 16-461, Arizona Revised Statutes, is amended to read:
24 16-461. Sample primary election ballots; submission to party
25 chairmen for examination; preparation, printing and
26 distribution of ballot

27 A. At least forty-five days before a primary election, the officer in
28 charge of that election shall:
29 1. Prepare a proof of a sample ballot.
30 2. Submit the sample ballot proof of each party to the county chairman
31 or in city or town primaries to the city or town chairman.
32 3. Mail a sample ballot proof to each candidate for whom a nomination
33 paper and petitions have been filed.

34 B. Within five days after receipt of the sample ballot, the county
35 chairman of each political party shall suggest to the election officer any
36 change he considers should be made in his party ballot, and if upon
37 examination the election officer finds an error or omission in the ballot he
38 shall correct it. The election officer shall cause the sample ballots to be
39 printed and distributed as required by law, shall maintain a copy of each
40 sample ballot in his office and shall post a notice indicating that sample
41 ballots are available on request in his office. The official sample ballot
42 shall be printed on colored paper. FOR VOTERS WHO ARE NOT REGISTERED WITH A
43 PARTY THAT IS ENTITLED TO CONTINUED REPRESENTATION ON THE BALLOT PURSUANT TO
44 SECTION 16-804, THE ELECTION OFFICER MAY PRINT AND DISTRIBUTE THE REQUIRED
45 SAMPLE BALLOTS IN AN ALTERNATIVE FORMAT, INCLUDING A REDUCED SIZE FORMAT.

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

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

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

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

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

25 Sec. 7. Section 16-542, Arizona Revised Statutes, is amended to read:
26 16-542. Request for ballot

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

1 B. Notwithstanding subsection A of this section, a request for an
 2 official early ballot from an absent uniformed services voter or overseas
 3 voter as defined in the uniformed and overseas citizens absentee voting act
 4 of 1986 (P.L. 99-410; 42 United States Code section 1973) that is received by
 5 the county recorder or other officer in charge of elections more than ninety
 6 days next preceding the Saturday before the election is valid.

7 C. The recorder or other officer in charge of elections shall mail
 8 postage prepaid to the address provided by the requesting elector, which
 9 address shall be the elector's residence address or the location where the
 10 elector is temporarily residing while absent from the precinct, the early
 11 ballot and the envelope for its return within five days after receipt of the
 12 official early ballots from the officer charged by law with the duty of
 13 preparing ballots pursuant to section 16-545. Only the elector may be in
 14 possession of that elector's unvoted early ballot. If the request is made by
 15 the elector within thirty days next preceding the Saturday before the
 16 election, such mailing must be made within forty-eight hours after receipt of
 17 the request. Saturdays, Sundays and other legal holidays are excluded from
 18 the computation of the forty-eight hour period prescribed by this
 19 subsection. If the request is made by an absent uniformed services voter or
 20 an overseas voter more than ninety days next preceding the Saturday before
 21 the election, the mailing shall be made within twenty-four hours after the
 22 early ballots are delivered pursuant to section 16-545, subsection B,
 23 excluding Sundays.

24 D. In order to receive an early ballot by mail, an elector's request
 25 that an early ballot be mailed to the elector's residence or temporary
 26 address must be received by the county recorder or other officer in charge of
 27 elections no later than 5:00 p.m. on the eleventh day preceding the
 28 election. An elector who appears personally no later than 5:00 p.m. on the
 29 Friday preceding the election at an on-site early voting location that is
 30 established by the county recorder or other officer in charge of elections
 31 shall be given a ballot and permitted to vote at the on-site location.

32 E. The county recorder or other officer in charge of early balloting
 33 shall provide an alphabetized list of all voters in the precinct who have
 34 requested and have been sent an early ballot to the election board of the
 35 precinct in which the voter is registered not later than the day prior to the
 36 election.

37 F. As a result of an emergency occurring between 5:00 p.m. on the
 38 second Friday preceding the election and 5:00 p.m. on the Monday preceding
 39 the election, qualified electors may request to vote early in the manner
 40 prescribed by the county recorder of their respective county. For purposes
 41 of this subsection, "emergency" means any unforeseen circumstances which
 42 would prevent the elector from voting at the polls.

43 G. A candidate or political committee may distribute early ballot
 44 request forms to voters. If the early ballot request forms include a printed
 45 address for return to an addressee other than a political subdivision, the

1 addressee shall be the candidate or political committee that paid for the
 2 printing and distribution of the request forms. All early ballot request
 3 forms that are received by a candidate or political committee shall be
 4 transmitted ~~as soon as practicable~~ WITHIN FIVE DAYS to the political
 5 subdivision that will conduct the election, EXCEPT THAT A CANDIDATE OR
 6 POLITICAL COMMITTEE THAT RECEIVES AN EARLY BALLOT REQUEST WITHIN THE THIRTY
 7 DAYS IMMEDIATELY BEFORE THE SATURDAY BEFORE THE ELECTION SHALL TRANSMIT THAT
 8 EARLY BALLOT REQUEST TO THE POLITICAL SUBDIVISION WITHIN FORTY-EIGHT HOURS
 9 AFTER RECEIPT OF THE EARLY BALLOT REQUEST. SATURDAYS, SUNDAYS AND OTHER
 10 LEGAL HOLIDAYS ARE NOT INCLUDED IN THE COMPUTATION OF THE FORTY-EIGHT HOURS.

11 Sec. 8. Section 16-551, Arizona Revised Statutes, is amended to read:

12 16-551. Early election board

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

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

24 C. All early ballots received by the county recorder or other officer
 25 in charge of elections before 7:00 p.m. on election day and the
 26 original affidavit of the voter shall be delivered to the early election
 27 boards for processing as provided in the rules of the secretary of
 28 state. The office of the county recorder or other officer in charge of
 29 elections shall remain open until 7:00 p.m. on election day for the purpose
 30 of receiving early ballots. In no event shall partial or complete tallies of
 31 the early election board be released or divulged before ALL PRECINCTS HAVE
 32 REPORTED OR one hour following AFTER the closing of the polls on election
 33 day, WHICHEVER OCCURS FIRST.

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

40 Sec. 9. Section 16-552, Arizona Revised Statutes, is amended to read:

41 16-552. Early ballots; processing; challenges

42 A. In a jurisdiction that uses punch card ballots, the early election
 43 board, immediately upon receipt of the early ballots, shall, as provided by
 44 this section, cast separately for each precinct the early ballots which have
 45 been received. In a jurisdiction that uses optical scan ballots, the officer

1 in charge of elections may use the procedure prescribed by this section or
2 may request approval from the secretary of state for a different method for
3 processing early ballots. The request shall be made in writing at least
4 ninety days before the election for which the procedure is intended to be
5 used. AFTER THE ELECTION OFFICIAL HAS CONFIRMED WITH THE SECRETARY OF STATE
6 THAT ALL ELECTION EQUIPMENT PASSES THE LOGIC AND ACCURACY TEST, THE ELECTION
7 OFFICIAL MAY BEGIN TO COUNT EARLY BALLOTS. NO EARLY BALLOT RESULTS MAY BE
8 RELEASED EXCEPT AS PRESCRIBED BY SECTION 16-551.

9 B. The early election board shall check the voter's affidavit on the
10 envelope containing the early ballot. If it is found to be sufficient, the
11 vote shall be allowed. If the affidavit is insufficient, the vote shall not
12 be allowed.

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

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

34 E. Within twenty-four hours of receipt of a challenge, the early
35 election board or other officer in charge of early ballot processing shall
36 mail, by first class mail, a notice of the challenge including a copy of the
37 written challenge, and also including the time and place at which the voter
38 may appear to defend the challenge, to the voter at the mailing address shown
39 on the request for AN early ballot or, if none was provided, to the mailing
40 address shown on the registration rolls. Notice shall also be mailed to the
41 challenger at the address listed on the written challenge and provided to the
42 county chairman of each political party represented on the ballot. The board
43 shall meet to determine the challenge at the time specified by the notice
44 but, in any event, not earlier than ninety-six hours after the notice is
45 mailed, or forty-eight hours if the notifying party chooses to deliver the

1 notice by overnight or hand delivery, and not later than 5:00 p.m. on the
2 Monday following the election. The board shall provide the voter with an
3 informal opportunity to make, or to submit, brief statements regarding the
4 challenge. The board may decline to permit comments, either in person or in
5 writing, by anyone other than the voter, the challenger and the party
6 representatives. The burden of proof is on the challenger to show why the
7 voter should not be permitted to vote. The fact that the voter fails to
8 appear shall not be deemed to be an admission of the validity of the
9 challenge. The early election board or other officer in charge of early
10 ballot processing is not required to provide the notices described in this
11 subsection if the written challenge fails to set forth at least one of the
12 grounds listed in section 16-591 as a basis for the challenge. In that
13 event, the challenge will be summarily rejected at the meeting of the board.
14 Except for election contests pursuant to section 16-672, the board's decision
15 is final and may not be appealed.

16 F. If the vote is allowed, the board shall open the envelope
17 containing the ballot in such a manner that the affidavit thereon is not
18 destroyed, take out the ballot without unfolding it or permitting it to be
19 opened or examined and show by the records of the election that the elector
20 has voted.

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

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

37 Sec. 10. Section 19-101, Arizona Revised Statutes, is amended to read:
38 19-101. Referendum petition; circulators; violation;
39 classification

40 A. The following shall be the form for referring to the people by
41 referendum petition a measure or item, section or part of a measure enacted
42 by the legislature, or by the legislative body of an incorporated city, town
43 or county:

Referendum Description

(Insert a description of no more than one hundred words of the principal provisions of the measure sought to be referred.)

Notice: This is only a description of the measure sought to be referred prepared by the sponsor of the measure. It may not include every provision contained in the measure. Before signing, make sure the title and text of the measure are attached. You have the right to read or examine the title and text before signing.

Petition for Referendum

To the secretary of state: (or to the corresponding officer for or on local county, city, or town measures)

We, the undersigned citizens and qualified electors of the state of Arizona, respectfully order that the senate (or house) bill No. ____ (or other local county, city, or town measure) entitled (title of act or ordinance, and if the petition is against less than the whole act or ordinance then set forth here the item, section, or part, of any measure on which the referendum is used), passed by the _____ session of the legislature of the state of Arizona, at the general (or special, as the case may be) session of said legislature, (or by county, city or town legislative body) shall be referred to a vote of the qualified electors of the state, (county, city or town) for their approval or rejection at the next regular general election (or city or town election) and each for himself says:

I have personally signed this petition with my first and last names. I have not signed any other petition for the same measure. I am a qualified elector of the state of Arizona, county of (or city or town and county of, as the case may be) _____.

"Warning

It is a class 1 misdemeanor for any person to knowingly sign an initiative or referendum petition with a name other than his own, except in a circumstance where he signs for a person, in the presence of and at the specific request of such person, who is incapable of signing his own name because of physical infirmity, or to knowingly sign his name more than once for the same measure, or to knowingly sign such petition when he is not a qualified elector."

1	Signature	Name	Residence	Arizona	City or	Date
2		(first and	ACTUAL	post office	town	signed
3		last name	address	address	(if any)	
4		printed)	(street &	& zip		
5			no. and if	code		
6			no street			
7			address,			
8			describe			
9			residence			
10			location)			

(Fifteen lines for signatures which shall be numbered)

The validity of signatures on this sheet must be sworn to by the circulator before a notary public on the form appearing on the back of the sheet.

Number _____

B. Each petition sheet shall have printed in capital letters in no less than twelve point bold-faced type in the upper right-hand corner of the face of the petition sheet the following:

"_____ paid circulator" "_____ volunteer".

C. A circulator of a referendum petition shall state whether he is a paid circulator or volunteer by checking the appropriate line on the petition form before circulating the petition for signatures.

D. Signatures obtained on referendum petitions in violation of subsection C of this section are void and shall not be counted in determining the legal sufficiency of the petition. The presence of signatures that are invalidated under this subsection on a petition does not invalidate other signatures on the petition that were obtained as prescribed by this section.

Sec. 11. Section 48-262, Arizona Revised Statutes, is amended to read:

48-262. District boundary changes; procedures; notice; hearing; determinations; petitions; definitions

A. Except as prescribed by subsection H of this section, a fire district, community park maintenance district or sanitary district shall change its boundaries by the following procedures:

1. Any person desiring to propose any change to the boundaries of a district shall prepare and submit a boundary change impact statement to the governing body of the district. The boundary change impact statement shall contain at least the following information:

(a) A description of the boundaries of the area to be included within the proposed change and a detailed, accurate map of the area.

(b) An estimate of the assessed valuation within the boundaries of the proposed change.

(c) An estimate of the change in the tax rate of the district if the proposed change is made.

(d) An estimate of the change in the property tax liability, as a result of the proposed change, of a typical resident of a portion of the

1 district, not in the area of the proposed change, before and after the
2 proposed change and of a typical resident of the area of the proposed change.

3 (e) A list and explanation of benefits that will result from the
4 proposed change to the residents of the area and of the remainder of the
5 district.

6 (f) A list and explanation of the injuries that will result from the
7 proposed change to residents of the area and of the remainder of the
8 district.

9 2. On receipt of the boundary change impact statement, the governing
10 body shall set a day, not fewer than twenty nor more than thirty days from
11 that date, for a hearing on the boundary change impact statement. The board
12 of supervisors may at any time prior to making a determination pursuant to
13 paragraph 5 of this subsection require that the impact statement be amended
14 to include any information that the board of supervisors deems to be relevant
15 and necessary.

16 3. Upon receipt of the boundary change impact statement, the clerk of
17 the governing body shall mail, by first class mail, written notice of the
18 statement, its purpose and notice of the day, hour and place of the hearing
19 on the proposed change to each owner of taxable property and each qualified
20 elector within the boundaries of the proposed change. The clerk of the
21 governing body shall post the notice in at least three conspicuous public
22 places in the area of the proposed change and also publish twice in a daily
23 newspaper of general circulation in the area of the proposed change, at least
24 ten days before the hearing, or if no daily newspaper of general circulation
25 exists in the area of the proposed change, then at least twice at any time
26 before the date of the hearing, a notice setting forth the purpose of the
27 impact statement, the description of the boundaries of the proposed change
28 and the day, hour and place of the hearing.

29 4. Upon receipt of the boundary change impact statement the clerk
30 shall also mail notice, as provided in paragraph 3 of this subsection, to the
31 chairman of the board of supervisors of the county in which the district is
32 located. The chairman of the board of supervisors shall order a review of
33 the proposed change and may submit written comments to the governing body of
34 the district within ten days of receipt of the notice.

35 5. At the hearing called pursuant to paragraph 2 of this subsection,
36 the governing body shall consider the comments of the board of supervisors,
37 hear those who appear for and against the proposed change and determine
38 whether the proposed change will promote the public health, comfort,
39 convenience, necessity or welfare. If the governing body determines that the
40 public health, comfort, convenience, necessity or welfare will be promoted,
41 it shall approve the impact statement and authorize the persons proposing the
42 change to circulate petitions as provided in this subsection. The order of
43 the governing body shall be final, but if the request to circulate petitions
44 is denied, a subsequent request for a similar change may be refiled with the
45 governing body after six months from the date of such denial.

1 6. A person aggrieved by a decision of the governing body under this
2 section may appeal to the board of supervisors of the county in which the
3 district, or a majority of the district, is located, and a person aggrieved
4 by a decision of the board of supervisors may appeal to the superior court in
5 the county in the manner prescribed by title 12, chapter 7, article 6 and by
6 posting a bond equal to the probable costs conditioned that the appellant
7 will prosecute his appeal and will pay all costs that accrue in the court if
8 a judgment is rendered affirming the decision of the board of supervisors.
9 The court shall require the district governing body to pay all costs that
10 accrue in the court, including reasonable attorney fees, and the bond shall
11 be returned to the appellant, if a judgment is rendered in favor of the
12 appellant.

13 7. After receiving the approval of the governing body as provided in
14 paragraph 5 of this subsection and provided no appeal filed pursuant to
15 paragraph 6 of this subsection remains unresolved, the person proposing the
16 change may circulate and present petitions to the governing body of the
17 district.

18 8. The petitions presented pursuant to paragraph 7 of this subsection
19 shall:

20 (a) At all times, contain a description of the boundaries of the area
21 to be included within the proposed change and a detailed, accurate map of the
22 area included within the proposed change. No alteration of the described
23 area shall be made after receiving the approval of the governing body as
24 provided in paragraph 5 of this subsection.

25 (b) Be signed by more than one-half of the property owners within the
26 boundaries of the proposed change.

27 (c) Be signed by persons owning collectively more than one-half of the
28 assessed valuation of the property within the boundaries of the proposed
29 change.

30 (d) Be signed by more than one-half of the qualified electors within
31 the boundaries of the proposed change.

32 9. On receipt of the petitions, the governing body shall set a day,
33 not fewer than ten nor more than thirty days from that date, for a hearing on
34 the request.

35 10. Prior to the hearing called pursuant to paragraph 9 of this
36 subsection, the board of supervisors shall determine the validity of the
37 petitions presented.

38 11. At the hearing called pursuant to paragraph 9 of this subsection,
39 the governing body shall, if the petitions are valid, order the change to the
40 boundaries. The governing body shall enter its order setting forth its
41 determination in the minutes of the meeting, not later than ten days from the
42 day of the hearing, and a copy of the order shall be **SENT TO THE OFFICER IN**
43 **CHARGE OF ELECTIONS AND A COPY SHALL BE** recorded in the county recorder's
44 office. The order of the governing body shall be final, and the proposed
45 change shall be made to the district boundaries thirty days after the

1 governing body votes. An appeal of the order to change the boundaries to the
2 board of supervisors pursuant to paragraph 6 of this subsection must be filed
3 with the board of supervisors during such thirty day period.

4 B. For the purpose of determining the validity of the petitions
5 presented pursuant to subsection A, paragraph 7 of this section:

6 1. Qualified electors shall be those persons qualified to vote
7 pursuant to title 16.

8 2. For the purposes of fulfilling the requirements of subsection A,
9 paragraph 8, subdivisions (b) and (c) of this section, property held in joint
10 tenancy shall be treated as if it had only one property owner, so that the
11 signature of only one of the owners of property held in joint tenancy is
12 required on the boundary change petition.

13 3. The value of property shall be determined as follows:

14 (a) In the case of property assessed by the county assessor, values
15 shall be the same as those shown on the last assessment roll of the county
16 containing such property.

17 (b) In the case of property valued by the department of revenue, the
18 values shall be those determined by the department in the manner provided by
19 law, for municipal assessment purposes. The county assessor and the
20 department of revenue, respectively, shall furnish to the governing body,
21 within twenty days after such a request, a statement in writing showing the
22 owner, the address of each owner and the appraisal or assessment value of
23 properties contained within the area of a proposed change as described in
24 subsection A of this section.

25 C. If the change in the boundaries proposed pursuant to subsection A
26 of this section would result in a withdrawal of territory from an existing
27 district, the petitions shall be approved by the governing body only if the
28 proposed withdrawal would not result in a noncontiguous portion of the
29 district that is less than one square mile in size.

30 D. If the impact statement described in subsection A of this section
31 relates to the withdrawal of property from a district, in addition to the
32 other requirements of subsection A of this section, the governing body shall
33 also determine:

34 1. If the district has any existing outstanding bonds or other
35 evidences of indebtedness.

36 2. If those bonds were authorized by an election and issued during the
37 time the property to be withdrawn was lawfully included within the district.

38 E. If the conditions of subsection D of this section are met:

39 1. The property withdrawn from the district shall remain subject to
40 taxes, special assessments or fees levied or collected to meet the contracts
41 and covenants of the bonds. The board of supervisors shall provide for the
42 levy and collection of such taxes, special assessments or fees.

43 2. The governing body shall:

1 (a) Annually determine the amount of special property taxes, special
2 assessments or fees that must be levied and collected from property withdrawn
3 from the district and the mechanism by which such amount is to be collected.

4 (b) Notify the board of supervisors on or before the third Monday in
5 July of the amount determined in subdivision (a) of this paragraph.

6 3. Property withdrawn from an existing district shall not be subject
7 to any further taxes, special assessments or fees arising from the
8 indebtedness of such district except as provided in this subsection.

9 F. If the statement described in subsection A, paragraph 1 of this
10 section requests the annexation of property located within an incorporated
11 city or town, in addition to the other requirements of subsection A of this
12 section, the governing body shall approve the district boundary change impact
13 statement and authorize the circulation of petitions only if the governing
14 body of the city or town has by ordinance or resolution endorsed such
15 annexation and such annexation is authorized pursuant to this title.

16 G. Except as provided in subsection C of this section and section
17 48-2002, no change in the boundaries of a district pursuant to this section
18 shall result in a district which contains area that is not contiguous.

19 H. Notwithstanding subsection A of this section, any property owner
20 whose land is within a county that contains a sanitary district or fire
21 district and whose land is adjacent to the boundaries of the sanitary
22 district or fire district may request in writing that the governing body of
23 the district amend the district boundaries to include that property owner's
24 land. If the governing body determines that the inclusion of that property
25 will benefit the district and the property owner, the boundary change may be
26 made by order of the governing body and is final on the recording of the
27 governing body's order that includes a description of the property that is
28 added to the district. A petition and impact statement are not required for
29 an amendment to a sanitary district's or fire district's boundaries made
30 pursuant to this subsection.

31 I. For purposes of this section:

32 1. "Assessed valuation" does not include the assessed valuation of
33 property that is owned by a county.

34 2. "Property owner" does not include a county.