

State of Arizona  
House of Representatives  
Forty-fifth Legislature  
First Regular Session  
2001

# HOUSE BILL 2258

AN ACT

AMENDING SECTIONS 16-166, 16-225, 16-311, 16-312, 16-315, 16-461, 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 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 16-551, Arizona Revised Statutes, is amended to read:  
26 16-551. Early election board

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

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

38 C. All early ballots received by the county recorder or other officer  
39 in charge of elections before 7:00 p.m. on election day and the  
40 original affidavit of the voter shall be delivered to the early election  
41 boards for processing as provided in the rules of the secretary of  
42 state. The office of the county recorder or other officer in charge of  
43 elections shall remain open until 7:00 p.m. on election day for the purpose  
44 of receiving early ballots. In no event shall partial or complete tallies of  
45 the early election board be released or divulged before **ALL PRECINCTS HAVE**

1 REPORTED OR one hour following AFTER the closing of the polls on election  
2 day, WHICHEVER OCCURS FIRST.

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

9 Sec. 8. Section 16-552, Arizona Revised Statutes, is amended to read:  
10 16-552. Early ballots; processing; challenges

11 A. In a jurisdiction that uses punch card ballots, the early election  
12 board, immediately upon receipt of the early ballots, shall, as provided by  
13 this section, cast separately for each precinct the early ballots which have  
14 been received. In a jurisdiction that uses optical scan ballots, the officer  
15 in charge of elections may use the procedure prescribed by this section or  
16 may request approval from the secretary of state for a different method for  
17 processing early ballots. The request shall be made in writing at least  
18 ninety days before the election for which the procedure is intended to be  
19 used. AFTER THE ELECTION OFFICIAL HAS CONFIRMED WITH THE SECRETARY OF STATE  
20 THAT ALL ELECTION EQUIPMENT PASSES THE LOGIC AND ACCURACY TEST, THE ELECTION  
21 OFFICIAL MAY BEGIN TO COUNT EARLY BALLOTS. NO EARLY BALLOT RESULTS MAY BE  
22 RELEASED EXCEPT AS PRESCRIBED BY SECTION 16-551.

23 B. The early election board shall check the voter's affidavit on the  
24 envelope containing the early ballot. If it is found to be sufficient, the  
25 vote shall be allowed. If the affidavit is insufficient, the vote shall not  
26 be allowed.

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

35 D. An early ballot may be challenged on any grounds set forth in  
36 section 16-591. All challenges shall be made in writing with a brief  
37 statement of the grounds prior to the early ballot being placed in the ballot  
38 box. A record of all challenges and resulting proceedings shall be kept in  
39 substantially the same manner as provided in section 16-594. If an early  
40 ballot is challenged, it shall be set aside and retained in the possession of  
41 the early election board or other officer in charge of early ballot  
42 processing until a time that the early election board sets for determination  
43 of the challenge, subject to the procedure in subsection E of this section,  
44 at which time the early election board shall hear the grounds for the  
45 challenge and shall decide what disposition shall be made of the early ballot

1 by majority vote. If the early ballot is not allowed, it shall be handled  
2 pursuant to subsection G of this section.

3 E. Within twenty-four hours of receipt of a challenge, the early  
4 election board or other officer in charge of early ballot processing shall  
5 mail, by first class mail, a notice of the challenge including a copy of the  
6 written challenge, and also including the time and place at which the voter  
7 may appear to defend the challenge, to the voter at the mailing address shown  
8 on the request for AN early ballot or, if none was provided, to the mailing  
9 address shown on the registration rolls. Notice shall also be mailed to the  
10 challenger at the address listed on the written challenge and provided to the  
11 county chairman of each political party represented on the ballot. The board  
12 shall meet to determine the challenge at the time specified by the notice  
13 but, in any event, not earlier than ninety-six hours after the notice is  
14 mailed, or forty-eight hours if the notifying party chooses to deliver the  
15 notice by overnight or hand delivery, and not later than 5:00 p.m. on the  
16 Monday following the election. The board shall provide the voter with an  
17 informal opportunity to make, or to submit, brief statements regarding the  
18 challenge. The board may decline to permit comments, either in person or in  
19 writing, by anyone other than the voter, the challenger and the party  
20 representatives. The burden of proof is on the challenger to show why the  
21 voter should not be permitted to vote. The fact that the voter fails to  
22 appear shall not be deemed to be an admission of the validity of the  
23 challenge. The early election board or other officer in charge of early  
24 ballot processing is not required to provide the notices described in this  
25 subsection if the written challenge fails to set forth at least one of the  
26 grounds listed in section 16-591 as a basis for the challenge. In that  
27 event, the challenge will be summarily rejected at the meeting of the board.  
28 Except for election contests pursuant to section 16-672, the board's decision  
29 is final and may not be appealed.

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

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

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

7 Sec. 9. Section 19-101, Arizona Revised Statutes, is amended to read:  
8 19-101. Referendum petition; circulators; violation;  
9 classification

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

14 Referendum Description

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

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

22 Petition for Referendum

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

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

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

43 "Warning

44 It is a class 1 misdemeanor for any person to knowingly  
45 sign an initiative or referendum petition with a name other than

1 his own, except in a circumstance where he signs for a person,  
2 in the presence of and at the specific request of such person,  
3 who is incapable of signing his own name because of physical  
4 infirmity, or to knowingly sign his name more than once for the  
5 same measure, or to knowingly sign such petition when he is not  
6 a qualified elector."

|    |           |            |                      |             |          |        |
|----|-----------|------------|----------------------|-------------|----------|--------|
| 7  | Signature | Name       | <del>Residence</del> | Arizona     | City or  | Date   |
| 8  |           | (first and | <del>ACTUAL</del>    | post office | town     | signed |
| 9  |           | last name  | address              | address     | (if any) |        |
| 10 |           | printed)   | (street &            | & zip       |          |        |
| 11 |           |            | no. and if           | code        |          |        |
| 12 |           |            | no street            |             |          |        |
| 13 |           |            | address,             |             |          |        |
| 14 |           |            | describe             |             |          |        |
| 15 |           |            | residence            |             |          |        |
| 16 |           |            | location)            |             |          |        |

17 (Fifteen lines for signatures which shall be numbered)

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

21 Number \_\_\_\_\_

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

25 "\_\_\_\_\_ paid circulator" "\_\_\_\_\_ volunteer".

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

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

34 Sec. 10. Section 48-262, Arizona Revised Statutes, is amended to read:

35 48-262. District boundary changes; procedures; notice; hearing;  
36 determinations; petitions; definitions

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

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

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

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

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

5 (d) An estimate of the change in the property tax liability, as a  
6 result of the proposed change, of a typical resident of a portion of the  
7 district, not in the area of the proposed change, before and after the  
8 proposed change and of a typical resident of the area of the proposed change.

9 (e) A list and explanation of benefits that will result from the  
10 proposed change to the residents of the area and of the remainder of the  
11 district.

12 (f) A list and explanation of the injuries that will result from the  
13 proposed change to residents of the area and of the remainder of the  
14 district.

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

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

35 4. Upon receipt of the boundary change impact statement the clerk  
36 shall also mail notice, as provided in paragraph 3 of this subsection, to the  
37 chairman of the board of supervisors of the county in which the district is  
38 located. The chairman of the board of supervisors shall order a review of  
39 the proposed change and may submit written comments to the governing body of  
40 the district within ten days of receipt of the notice.

41 5. At the hearing called pursuant to paragraph 2 of this subsection,  
42 the governing body shall consider the comments of the board of supervisors,  
43 hear those who appear for and against the proposed change and determine  
44 whether the proposed change will promote the public health, comfort,  
45 convenience, necessity or welfare. If the governing body determines that the

1 public health, comfort, convenience, necessity or welfare will be promoted,  
2 it shall approve the impact statement and authorize the persons proposing the  
3 change to circulate petitions as provided in this subsection. The order of  
4 the governing body shall be final, but if the request to circulate petitions  
5 is denied, a subsequent request for a similar change may be refiled with the  
6 governing body after six months from the date of such denial.

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

19 7. After receiving the approval of the governing body as provided in  
20 paragraph 5 of this subsection and provided no appeal filed pursuant to  
21 paragraph 6 of this subsection remains unresolved, the person proposing the  
22 change may circulate and present petitions to the governing body of the  
23 district.

24 8. The petitions presented pursuant to paragraph 7 of this subsection  
25 shall:

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

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

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

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

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

41 10. Prior to the hearing called pursuant to paragraph 9 of this  
42 subsection, the board of supervisors shall determine the validity of the  
43 petitions presented.

44 11. At the hearing called pursuant to paragraph 9 of this subsection,  
45 the governing body shall, if the petitions are valid, order the change to the

1 boundaries. The governing body shall enter its order setting forth its  
2 determination in the minutes of the meeting, not later than ten days from the  
3 day of the hearing, and a copy of the order shall be **SENT TO THE OFFICER IN**  
4 **CHARGE OF ELECTIONS AND A COPY SHALL BE** recorded in the county recorder's  
5 office. The order of the governing body shall be final, and the proposed  
6 change shall be made to the district boundaries thirty days after the  
7 governing body votes. An appeal of the order to change the boundaries to the  
8 board of supervisors pursuant to paragraph 6 of this subsection must be filed  
9 with the board of supervisors during such thirty day period.

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

12 1. Qualified electors shall be those persons qualified to vote  
13 pursuant to title 16.

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

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

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

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

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

36 D. If the impact statement described in subsection A of this section  
37 relates to the withdrawal of property from a district, in addition to the  
38 other requirements of subsection A of this section, the governing body shall  
39 also determine:

40 1. If the district has any existing outstanding bonds or other  
41 evidences of indebtedness.

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

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

- 1           1. The property withdrawn from the district shall remain subject to  
2 taxes, special assessments or fees levied or collected to meet the contracts  
3 and covenants of the bonds. The board of supervisors shall provide for the  
4 levy and collection of such taxes, special assessments or fees.
- 5           2. The governing body shall:
- 6           (a) Annually determine the amount of special property taxes, special  
7 assessments or fees that must be levied and collected from property withdrawn  
8 from the district and the mechanism by which such amount is to be collected.
- 9           (b) Notify the board of supervisors on or before the third Monday in  
10 July of the amount determined in subdivision (a) of this paragraph.
- 11          3. Property withdrawn from an existing district shall not be subject  
12 to any further taxes, special assessments or fees arising from the  
13 indebtedness of such district except as provided in this subsection.
- 14          F. If the statement described in subsection A, paragraph 1 of this  
15 section requests the annexation of property located within an incorporated  
16 city or town, in addition to the other requirements of subsection A of this  
17 section, the governing body shall approve the district boundary change impact  
18 statement and authorize the circulation of petitions only if the governing  
19 body of the city or town has by ordinance or resolution endorsed such  
20 annexation and such annexation is authorized pursuant to this title.
- 21          G. Except as provided in subsection C of this section and section  
22 48-2002, no change in the boundaries of a district pursuant to this section  
23 shall result in a district which contains area that is not contiguous.
- 24          H. Notwithstanding subsection A of this section, any property owner  
25 whose land is within a county that contains a sanitary district or fire  
26 district and whose land is adjacent to the boundaries of the sanitary  
27 district or fire district may request in writing that the governing body of  
28 the district amend the district boundaries to include that property owner's  
29 land. If the governing body determines that the inclusion of that property  
30 will benefit the district and the property owner, the boundary change may be  
31 made by order of the governing body and is final on the recording of the  
32 governing body's order that includes a description of the property that is  
33 added to the district. A petition and impact statement are not required for  
34 an amendment to a sanitary district's or fire district's boundaries made  
35 pursuant to this subsection.
- 36          I. For purposes of this section:
- 37           1. "Assessed valuation" does not include the assessed valuation of  
38 property that is owned by a county.
- 39           2. "Property owner" does not include a county.