

State of Arizona
Senate
Forty-seventh Legislature
Second Regular Session
2006

SENATE BILL 1395

AN ACT

AMENDING SECTIONS 16-135, 16-204, 16-321, 16-449, 16-642, 16-648, 16-902.01
AND 16-916, ARIZONA REVISED STATUTES; RELATING TO ELECTIONS AND ELECTORS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 16-135, Arizona Revised Statutes, is amended to
3 read:

4 16-135. Change of residence from one address to another

5 A. An elector who is correcting the residence address shown on the
6 elector's voter registration record shall reregister with the new residence
7 address or correct the voter registration record as prescribed by this
8 section.

9 B. An elector who moves from the address at which he is registered to
10 another address within the same county and who fails to notify the county
11 recorder of the change of address before the date of an election shall be
12 permitted to correct the voter registration records at the appropriate
13 polling place for the voter's new address. The voter shall present a form of
14 identification that includes the voter's given name and surname and the
15 voter's complete residence address that is located within the precinct for
16 the voter's new residence address. The voter shall affirm in writing the new
17 residence address and shall be permitted to vote a provisional ballot.

18 C. When an elector completes voting a provisional ballot, the election
19 official shall place the ballot in an envelope for provisional ballots and
20 shall deposit the envelope in the ballot box designated for provisional
21 ballots.

22 D. Within ~~ten~~ FIFTEEN calendar days after a general election that
23 includes an election for a federal office and within five business days after
24 any other election, a provisional ballot shall be compared to the signature
25 roster for the precinct in which the voter was listed and if the voter's
26 signature does not appear on the signature roster for that election and if
27 there is no record of that voter having voted early for that election, the
28 provisional ballot shall be counted. If the signature roster or early ballot
29 information indicates that the person did vote in that election, the
30 provisional ballot for that person shall remain unopened and shall not be
31 counted.

32 E. An elector may also correct the residence address on the elector's
33 voter registration record by requesting the address change on a written
34 request for an early ballot that is submitted pursuant to section 16-542 and
35 that contains all of the following:

- 36 1. A request to change the voter registration record.
- 37 2. The elector's new residence address.
- 38 3. An affirmation that the information is true and correct.
- 39 4. The elector's signature.

40 Sec. 2. Section 16-204, Arizona Revised Statutes, is amended to read:

41 16-204. Declaration of statewide concern; consolidated election
42 dates

43 A. While the legislature recognizes that the method of conducting
44 elections by political subdivisions including charter counties and cities may
45 be a matter of local concern, the legislature finds and determines that for

1 the purposes of increasing voter participation and for decreasing the costs
2 to the taxpayers it is a matter of statewide concern that all elections in
3 this state be conducted on a limited number of days and, therefore, the
4 legislature finds and declares that the holding of all elections on certain
5 specific consolidated days is a matter of statewide concern.

6 B. Notwithstanding any other law or any charter or ordinance of any
7 county, city or town to the contrary, an election held for or on behalf of a
8 county, city or town, a school district, a community college district or
9 special districts organized pursuant to title 48, chapters 5, 6, 8, 10, 13
10 through 16 and 33 may only be held on the following dates:

11 1. FOR ELECTIONS OTHER THAN ELECTIONS FOR CANDIDATES IN A CITY OR TOWN
12 WITH A POPULATION OF ONE HUNDRED SEVENTY-FIVE THOUSAND OR MORE PERSONS:

13 ~~1.~~ (a) The second Tuesday in March.

14 ~~2.~~ (b) The third Tuesday in May.

15 ~~3.~~ (c) The eighth Tuesday before the first Tuesday after the first
16 Monday in November.

17 ~~4.~~ (d) The first Tuesday after the first Monday in November.

18 2. FOR ELECTIONS FOR CANDIDATES IN A CITY OR TOWN WITH A POPULATION OF
19 ONE HUNDRED SEVENTY-FIVE THOUSAND OR MORE PERSONS:

20 (a) THE EIGHTH TUESDAY BEFORE THE FIRST TUESDAY AFTER THE FIRST MONDAY
21 IN NOVEMBER.

22 (b) THE FIRST TUESDAY AFTER THE FIRST MONDAY IN NOVEMBER.

23 C. This section does not apply to an election regarding a county or
24 city charter committee or county or city charter proposal that is conducted
25 pursuant to article XIII, section 2 or 3 or article XII, section 5,
26 Constitution of Arizona.

27 Sec. 3. Section 16-321, Arizona Revised Statutes, is amended to read:

28 16-321. Signing and certification of nomination petition

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

35 B. For the purposes of petitions filed pursuant to sections 16-312,
36 16-313, 16-314 and 16-341, each signer of a nomination petition shall be a
37 voter who at the time of signing is a registered voter in the electoral
38 district of the office the candidate is seeking.

39 C. If an elector signs more nomination petitions than permitted by
40 subsection A of this section, the earlier signatures of the elector are
41 deemed valid, as determined by the date of the signature as shown on the
42 petitions. If the signatures by the elector are dated on the same day, all
43 signatures by that elector on that day are deemed invalid. Any signature by
44 that elector on a nomination petition on or after the date of the last
45 otherwise valid signature is deemed invalid and shall not be counted.

1 D. The person before whom the signatures were written on the signature
2 sheet shall be qualified to register to vote in this state pursuant to
3 section 16-101 and shall verify that each of the names on the petition was
4 signed in his presence on the date indicated, and that in his belief each
5 signer was a qualified elector who resides at the address given as the
6 signer's residence on the date indicated and, if for a partisan election,
7 that each signer is a member of the party the nomination of which the
8 candidate whose name appears on the nomination petition is seeking, **OR IS A**
9 **PERSON WHO IS REGISTERED AS NO PARTY PREFERENCE OR INDEPENDENT AS THE PARTY**
10 **PREFERENCE OR WHO IS REGISTERED WITH A POLITICAL PARTY THAT IS NOT QUALIFIED**
11 **FOR REPRESENTATION ON THE BALLOT.** The way the name appears on the petition
12 shall be the name used in determining the validity of the name for any legal
13 purpose pursuant to the election laws of this state. Signature and
14 handwriting comparisons may be made.

15 Sec. 4. Section 16-449, Arizona Revised Statutes, is amended to read:

16 **16-449. Required test of equipment and programs; notice;**
17 **procedures manual**

18 A. Within the period of time ~~before the election day~~ prescribed by the
19 secretary of state in the instructions and procedures manual adopted pursuant
20 to section 16-452 **AND BEFORE VOTING EQUIPMENT IS USED FOR EARLY VOTING AND**
21 **FOR ELECTION DAY VOTING,** the board of supervisors or other election officer
22 in charge, ~~or for an election involving state or federal candidates, the~~
23 ~~secretary of state,~~ shall have the ~~automatic~~ **VOTING AND** tabulating equipment
24 and programs tested **FOR LOGIC AND ACCURACY** to ascertain that the equipment
25 and programs will correctly count the votes cast for all offices and on all
26 measures. **FOR AN ELECTION INVOLVING STATE OR FEDERAL CANDIDATES OR MEASURES**
27 **AND WITHIN THAT SAME PERIOD OF TIME, THE SECRETARY OF STATE SHALL ALSO TEST**
28 **VOTING AND TABULATING EQUIPMENT AND PROGRAMS FOR LOGIC AND ACCURACY TO VERIFY**
29 **ONLY THOSE VOTES CAST FOR STATE AND FEDERAL CANDIDATES AND MEASURES. THE**
30 **SECRETARY OF STATE SHALL PRESCRIBE IN THE INSTRUCTIONS AND PROCEDURES MANUAL**
31 **ADOPTED PURSUANT TO SECTION 16-452 THE DATE FOR THE LOGIC AND ACCURACY TESTS**
32 **FOR THE VOTING EQUIPMENT USED FOR EARLY VOTING REQUIRED BY THIS SECTION WHICH**
33 **SHALL OCCUR NOT MORE THAN SEVEN DAYS BEFORE THE VOTING EQUIPMENT IS USED FOR**
34 **EARLY VOTING.** Public notice of the time and place of the test shall be given
35 at least forty-eight hours prior thereto by publication once in one or more
36 daily or weekly newspapers published in the town, city or village using such
37 equipment, if a newspaper is published therein, otherwise in a newspaper of
38 general circulation therein. The test shall be observed by at least two
39 election inspectors, who shall not be of the same political party, and shall
40 be open to representatives of the political parties, candidates, the press
41 and the public. The ~~test~~ **EQUIPMENT** shall be ~~conducted~~ **TESTED** by processing a
42 preaudited **NUMBER OF VALID VOTES OR** group of ballots so ~~punched or~~ marked as
43 to record a predetermined number of valid votes for each candidate and on
44 each measure and shall include for each office one or more ballots which have
45 votes in excess of the number allowed by law in order to test the ability of

1 the ~~automatic tabulating~~ equipment and programs to reject such votes. If any
2 error is detected, the cause therefor shall be ascertained and corrected and
3 an errorless count shall be made before the automatic tabulating equipment
4 and programs are approved. A copy of a revised program shall be filed with
5 the secretary of state within forty-eight hours after the revision is made.
6 If the error was created by automatic tabulating equipment malfunction, a
7 report shall be filed with the secretary of state within forty-eight hours
8 after the correction is made, stating the cause and the corrective action
9 taken. The ~~test shall be repeated~~ BOARD OF SUPERVISORS OR OTHER OFFICER IN
10 CHARGE OF ELECTIONS SHALL REPEAT THE TEST immediately ~~before the start of~~
11 AFTER the official count of the ballots in the same manner as set forth above
12 TO ASCERTAIN THAT THE EQUIPMENT AND PROGRAMS CORRECTLY COUNTED THE VOTES CAST
13 FOR THE OFFICES AND MEASURES. After the completion of the count, the
14 programs used and the ballots shall be sealed, retained and disposed of as
15 provided for paper ballots.

16 B. ~~Electronic ballot tabulating systems shall be tested for logic and~~
17 ~~accuracy within seven days before their use for early balloting pursuant to~~
18 ~~the instructions and procedures manual for electronic voting systems that is~~
19 ~~adopted by the secretary of state as prescribed by section 16-452.~~ The
20 instructions and procedures manual shall include procedures for the handling
21 of ballots, the electronic scanning of ballots and any other matters
22 necessary to ensure the maximum degree of correctness, impartiality and
23 uniformity in the administration of an electronic ~~ballot tabulating~~ VOTING
24 system.

25 Sec. 5. Section 16-642, Arizona Revised Statutes, is amended to read:

26 16-642. Canvass of election; postponements

27 A. The governing body holding an election shall MEET AND canvass the
28 election not less than six days nor more than ~~fifteen~~ TWENTY days following
29 the election.

30 B. The governing body of a special district as defined in title 48
31 shall present to the board of supervisors a certified copy of the official
32 canvass of the election at the next regularly scheduled meeting of the board
33 of supervisors. For purposes of contesting a special district election as
34 described in section 16-673, the canvass is not complete until the
35 presentation to the board of supervisors is made.

36 C. If, at the time of the meeting of the governing body, the returns
37 from any polling place in the election district where the polls were opened
38 and an election held are found to be missing, the canvass shall be postponed
39 from day to day until all the returns are received or until six postponements
40 have been had.

41 Sec. 6. Section 16-648, Arizona Revised Statutes, is amended to read:

42 16-648. Canvass for state offices, amendments and measures;
43 postponement

44 A. On the ~~third~~ FOURTH Monday following a general election, the
45 secretary of state, in the presence of the governor and the attorney general,

1 shall canvass all offices for which the nominees filed nominating petitions
2 and papers with the secretary of state pursuant to section 16-311, subsection
3 ~~B~~ E.

4 B. The secretary of state, in the presence of the governor and the
5 chief justice of the supreme court, shall canvass all proposed constitutional
6 amendments and initiated or referred measures, as shown by the certified
7 copies of official canvass received from the several counties, and forthwith
8 certify the result to the governor.

9 C. If the official canvass of any county has not been received on the
10 ~~third~~ FOURTH Monday following the general election, the canvass shall be
11 postponed from day to day, not to exceed thirty days from the date of the
12 election, until canvasses from all counties are received.

13 Sec. 7. Section 16-902.01, Arizona Revised Statutes, is amended to
14 read:

15 16-902.01. Registration of political committees; contents;
16 amendment

17 A. Each political committee that intends to accept contributions or
18 make expenditures of more than five hundred dollars shall file a statement of
19 organization with the filing officer before accepting contributions, making
20 expenditures, distributing any campaign literature or circulating petitions.
21 Each political committee that intends to accept contributions or make
22 expenditures of five hundred dollars or less shall file a signed exemption
23 statement in a form prescribed by the filing officer that states that
24 intention before making any expenditures, accepting any contributions,
25 distributing any campaign literature or circulating petitions. If a
26 political committee that has filed a five hundred dollar threshold exemption
27 statement receives contributions or makes expenditures of more than five
28 hundred dollars, that political committee shall file a statement of
29 organization with the filing officer within five business days after
30 exceeding the five hundred dollar limit.

31 B. The statement of organization of a political committee shall
32 include all of the following:

33 1. The name, address and type of committee.

34 2. The name, address, relationship and type of any sponsoring
35 organization.

36 3. The names, addresses, telephone numbers, occupations and employers
37 of the chairman and treasurer of the committee.

38 4. In the case of a candidate's campaign committee, the name, address,
39 office sought and party affiliation of the candidate.

40 5. A listing of all banks, safety deposit boxes or other depositories
41 used by the committee.

42 C. Except as prescribed by subsection E, on the filing of a statement
43 of organization, a political committee shall be issued an identification
44 number.

1 D. The political committee shall file an amended statement of
2 organization reporting any change in the information prescribed in subsection
3 B within five business days after the change.

4 E. A standing political committee shall file a statement of
5 organization with the secretary of state and in each jurisdiction in which
6 the committee is active, and only the secretary of state shall issue an
7 identification number for the committee. The statement of organization shall
8 include a statement with the notarized signature of the chairman or treasurer
9 of the standing political committee that declares the committee's status as a
10 standing political committee. The secretary of state may charge an annual
11 fee for the filing.

12 F. For a political committee that makes expenditures in an attempt to
13 influence the results of a ballot proposition election, the statement of
14 organization shall include in the name of the political committee **THE**
15 **OFFICIAL SERIAL NUMBER FOR THE PETITION OR THE NUMBER ASSIGNED PURSUANT TO**
16 **SECTION 19-125, SUBSECTION B AND** a statement as to whether the political
17 committee supports or opposes the passage of the ballot measure. **IF A**
18 **POLITICAL COMMITTEE FILES A STATEMENT OF ORGANIZATION BEFORE AN OFFICIAL**
19 **SERIAL NUMBER HAS BEEN ISSUED FOR A PETITION OR THE NUMBER HAS BEEN ASSIGNED**
20 **PURSUANT TO SECTION 19-125, SUBSECTION B, THE POLITICAL COMMITTEE MAY LEAVE**
21 **THAT PORTION OF THE STATEMENT OF ORGANIZATION BLANK.** Within five days after
22 receipt of an official serial number for the petition, the political
23 committee shall file an amended statement of organization that contains the
24 official serial number for the petition.

25 Sec. 8. Section 16-916, Arizona Revised Statutes, is amended to read:
26 **16-916. Filing statements of contributions and expenditures:**
27 **public inspection**

28 A. Except as provided in subsection B of this section, the statements,
29 designations and reports required to be filed pursuant to this article shall
30 be filed as follows:

31 1. In the office of the secretary of state for political committees
32 supporting or opposing the recall of a public officer elected statewide or to
33 the legislature, supporting the circulation of petitions for ballot measures,
34 questions and propositions appearing on a state general election ballot or
35 recall of public officials elected statewide or to the legislature or
36 supporting or opposing candidates for state offices and members of the
37 legislature, for justices of the supreme court, for judges of the court of
38 appeals and for a statewide initiative or referendum or any measure or
39 proposition appearing on a state general election ballot.

40 2. With the county officer in charge of elections for political
41 committees supporting or opposing the recall of public officers elected to
42 county offices, school district governing boards, community college district
43 governing boards or judges of the superior court, supporting the circulation
44 of petitions for ballot measures, questions and propositions appearing on a
45 county election ballot or for the recall of a public officer elected to

1 county offices, school district governing boards, community college district
2 governing boards or judges of the superior court or supporting or opposing
3 candidates for county offices, school district governing board members or
4 ballot questions, community college district governing board members or
5 ballot questions, judges of the superior court seeking retention, special
6 taxing districts and a county initiative or referendum or any measure or
7 proposition appearing on a county election ballot.

8 3. With the city or town clerk for political committees supporting or
9 opposing the recall of public officers elected to city or town offices,
10 supporting the circulation of petitions for ballot measures, questions and
11 propositions appearing on a city or town election ballot or recall of public
12 officers elected for city or town offices or supporting or opposing
13 candidates for city or town offices and for a city or town initiative or
14 referendum or any measure or proposition appearing on a city or town election
15 ballot.

16 B. An original and one copy of the reports required pursuant to
17 section 16-913 for the office of member of the legislature shall be filed
18 with either the officer in charge of elections of the county of the
19 candidate's residence or with the secretary of state. If the candidate files
20 with the officer in charge of elections, the officer shall transmit the copy
21 to the secretary of state within five days, excluding Saturdays, Sundays and
22 other legal holidays. If the candidate files with the secretary of state,
23 the secretary of state shall transmit the copy to the officer in charge of
24 elections of the county of the candidate's residence within five days,
25 excluding Saturdays, Sundays and other legal holidays. The secretary of
26 state may provide through the procedures manual adopted pursuant to section
27 16-452 for an alternative method for providing public access to the reports
28 prescribed by this section.

29 C. For all statements, designations and reports, the date of filing is
30 the date of actual receipt by the officer with whom the document is required
31 to be filed except as follows:

32 1. For documents filed by certified mail with a United States mail
33 postmark, the date of mailing constitutes the date of filing.

34 2. For documents filed by commercial delivery services that provide a
35 standardized delivery confirmation process, the date of delivery confirmation
36 constitutes the date of filing.

37 3. For documents filed by commercial delivery services that provide
38 for electronic tracking of specific delivery packages, the date of electronic
39 confirmation of delivery constitutes the date of filing.

40 D. If the date for filing any statement, designation or report
41 required by this article is a Saturday, a Sunday or another legal holiday,
42 the filing deadline is the next day that is not a Saturday, a Sunday or
43 another legal holiday.

1 E. FOR ANY CITY THAT CONDUCTS ITS OWN ELECTIONS, THE FOLLOWING SHALL
2 APPLY:
3 1. THE CITY SHALL POST ON THE INTERNET FOR PUBLIC INSPECTION ALL
4 CAMPAIGN FINANCE INFORMATION THAT IS REQUIRED TO BE REPORTED PURSUANT TO THIS
5 ARTICLE AND THAT IS RECEIVED BY THE CITY. THAT INFORMATION SHALL BE
6 AVAILABLE FOR INSPECTION ON THE INTERNET WITHOUT CHARGE AS SOON AS IS
7 PRACTICABLE AFTER THE INFORMATION IS FILED WITH THE CITY.
8 2. THE CITY SHALL POST ON THE INTERNET ITS ELECTION RESULTS BY
9 PRECINCT OR BY POLLING PLACE IF TWO OR MORE PRECINCTS ARE COMBINED FOR PUBLIC
10 INSPECTION WITHOUT CHARGE AS SOON AS IS PRACTICABLE AFTER THE CLOSING OF THE
11 POLLS ON ELECTION DAY.