

REFERENCE TITLE: statewide special election; district boundaries

State of Arizona
House of Representatives
Fiftieth Legislature
Second Regular Session
2012

HB 2710

Introduced by
Representative Tobin

AN ACT

PROVIDING FOR A SPECIAL ELECTION FOR THE PURPOSE OF VOTING ON AMENDMENTS TO THE CONSTITUTION OF ARIZONA RELATING TO CONGRESSIONAL AND LEGISLATIVE DISTRICT BOUNDARIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Special election

3 Under the authority of and in accordance with article XXI, section 1,
4 Constitution of Arizona, a special election is called to be held May 15, 2012
5 and to be conducted by the officers conducting regular elections.

6 Sec. 2. Purpose of election

7 The purpose of the special election called pursuant to section 1 of
8 this act is to submit to a vote of the people certain amendments to the
9 Constitution of Arizona that are proposed by the fiftieth legislature, second
10 regular session, that are approved by a majority of the members of each house
11 of the legislature and that amend the Constitution of Arizona to provide for
12 matters relating to congressional and legislative district boundaries.

13 Sec. 3. Publicity; secretary of state

14 A. The secretary of state shall cause to be printed in pamphlet form a
15 sample ballot and a true copy of the official title and text of each proposed
16 amendment, with the number and form in which the descriptive title will be
17 printed on the official ballot as prescribed by section 19-125, Arizona
18 Revised Statutes. The publicity pamphlet shall include at least three maps
19 for the legislative district plan and three maps for the congressional
20 district plan, which shall depict a statewide map, a map of the greater
21 Phoenix area and a map of the greater Tucson area, respectively. The
22 publicity pamphlet shall also include voter demographics summary tables for
23 each proposed district that contain data appropriate for use in redistricting
24 plans. In addition, the publicity pamphlet shall contain a legislative
25 council analysis, a joint legislative budget committee staff fiscal impact
26 summary and any arguments submitted in support of or opposition to the
27 proposed amendments as prescribed by section 19-124, Arizona Revised
28 Statutes. The legislative council analysis and joint legislative budget
29 committee fiscal impact summary shall be submitted to the secretary of state
30 no later than _____ and any arguments shall be submitted to the
31 secretary of state no later than _____. A person submitting an
32 argument in support of or opposition to the proposed amendments shall pay the
33 fee prescribed pursuant to section 19-124, Arizona Revised Statutes.

34 B. The secretary of state is not required to conduct public meetings
35 on the proposed amendments.

36 C. Not less than ten days before the special election called pursuant
37 to this act, the secretary of state shall cause each proposed amendment to be
38 published for a period of at least three days in a daily newspaper in every
39 county in this state in which a newspaper is published or, if there is not
40 such a newspaper, at least one time in a weekly newspaper.

41 D. Not less than thirty-three days before the special election called
42 pursuant to this act, the secretary of state shall mail one copy of the
43 publicity pamphlet to every household that contains a registered voter. The
44 mailings may be made over a period of days but shall be mailed in order to be

1 delivered to households before the earliest date for the receipt of early
2 ballots that may have been requested by a voter.

3 E. The secretary of state shall distribute the publicity pamphlet in
4 other forms and methods deemed advisable by the secretary of state.

5 Sec. 4. Form of ballot

6 A. The officer in charge of elections shall comply with section
7 19-125, subsections E and F, Arizona Revised Statutes, with respect to
8 printing the full text of each measure on the ballot.

9 B. If a political subdivision contracts with a county for election
10 services and that political subdivision chooses to hold a local election on
11 May 15, 2012, the political subdivision shall only utilize a ballot and
12 format of the election where the questions presented pursuant to article XXI,
13 section 1, Constitution of Arizona, appear and the constitutional amendments
14 shall appear first before the other matters of the political subdivision.

15 Sec. 5. Applicability of general election laws; exceptions

16 A. The secretary of state and county officers in charge of elections
17 are exempt from compliance with competitive bidding processes to the extent
18 that those processes will conflict with the timely printing and distribution
19 of publicity pamphlets, ballots and other election materials or the timely
20 conduct of the special election required by this act.

21 B. The special election called pursuant to this act shall be governed
22 and administered under the general laws of this state regarding elections to
23 the greatest extent practicable and shall be administered in a manner
24 consistent with a presidential preference election with consolidated
25 precincts. The board of supervisors shall deliver the canvass to the
26 secretary of state within ten days after the special election and the canvass
27 shall be completed by the secretary of state by the second Monday after the
28 special election.

29 Sec. 6. Campaign finance; reporting contributions and
30 expenditures by committees acting on special ballot
31 measures; civil penalty; definitions

32 A. Any political committee that acts in support of or opposition to
33 the qualification, passage or defeat of any ballot measure, question or
34 proposition that is the subject of the special election called by this act
35 shall organize and register as a special election political committee and
36 shall file reports of contributions and expenditures pursuant to title 16,
37 chapter 6, article 1, Arizona Revised Statutes.

38 B. Notwithstanding the reporting schedule prescribed by section
39 16-913, Arizona Revised Statutes, a political committee that is subject to
40 subsection A of this section shall file campaign finance reports pursuant to
41 section 16-915, Arizona Revised Statutes, as follows:

42 1. A preelection report, which shall be filed not less than sixty days
43 before the special election and which shall be complete through the
44 eighty-fourth day before the election.

1 2. A preelection report, which shall be filed not less than four days
2 before the special election and which shall be complete through the tenth day
3 before the election.

4 3. A postelection report, which shall be filed not more than thirty
5 days after the special election and which shall be complete through the
6 twenty-first day after the election.

7 4. A postelection report, which shall cover the period beginning
8 twenty-two days after the date of the special election through the ninetieth
9 day after the special election, and another report of contributions and
10 expenditures every ninety days thereafter or until the committee terminates.

11 C. A political committee that is subject to subsection A of this
12 section shall give notice to the secretary of state of the following:

13 1. Any contribution or group of contributions to the committee that is
14 made from a single source less than twenty days before the day of the
15 election if it exceeds a cumulative total of ten thousand dollars for a
16 ballot measure.

17 2. Each time that any of the following occurs for the committee:

18 (a) The committee has received contributions totaling ten thousand
19 dollars or more.

20 (b) The committee has made expenditures totaling ten thousand dollars
21 or more.

22 (c) The committee has received contributions totaling ten thousand
23 dollars or more from a single source.

24 (d) The committee has received contributions totaling ten thousand
25 dollars or more from different additional single sources.

26 D. The notices prescribed by subsection C of this section shall be
27 filed within twenty-four hours, excluding Saturdays, Sundays and other legal
28 holidays, after the ten thousand dollar amount has been reached and shall
29 include the identification of the contributors, the dates of receipt and the
30 amounts of the contributions or the amount, recipient and purpose of the
31 expenditures. Contributions that are subject to the notification
32 requirements of subsection C of this section shall be included in the next
33 report filed pursuant to subsection B of this section.

34 E. A political committee that violates this section and a person who
35 knowingly violates this section are liable in a civil action for a civil
36 penalty of up to three times the amount improperly reported as prescribed by
37 section 16-924, Arizona Revised Statutes.

38 F. For the purposes of this section:

39 1. The definitions prescribed in sections 16-901 and 16-914.01,
40 Arizona Revised Statutes, apply.

41 2. Title 16, chapter 6, article 1, Arizona Revised Statutes, applies
42 to the special election called pursuant to this act to the greatest extent
43 practicable.

1 Sec. 7. Reimbursement of additional county expenses
2 A. The secretary of state shall reimburse counties for the additional
3 cost of printing ballots and other election materials for the special
4 election and shall reimburse counties for compensation paid to election board
5 and tally board officers serving during the special election, as well as
6 other costs of administering the election that are in addition to and greater
7 than the expenses to be reimbursed as prescribed in section 16-250, Arizona
8 Revised Statutes. The secretary of state may advance a portion of estimated
9 expenses to each county. A county that receives an advance shall provide
10 subsequent documentation to the secretary of state pursuant to subsection B
11 of this section.
12 B. The clerk of the board of supervisors of each county shall submit
13 to the secretary of state for approval an itemized claim, together with
14 documentation, verified by the clerk for expenses incurred or to be incurred
15 by the county as prescribed by subsection A of this section. On approval of
16 the claim by the secretary of state, the claim shall be submitted to the
17 department of administration for payment to the county from the monies
18 appropriated for this purpose in the fiscal year 2011-2012 general
19 appropriations act and related measures.
20 Sec. 8. Emergency
21 This act is an emergency measure that is necessary to preserve the
22 public peace, health or safety and is operative immediately as provided by
23 law.