

REFERENCE TITLE: bond elections; date; voter turnout

State of Arizona
House of Representatives
Fifty-sixth Legislature
Second Regular Session
2024

HB 2719

Introduced by
Representatives Carbone: Biasiucci, Dunn, Grantham, Hendrix, Marshall,
Smith, Willoughby; Senators Borrelli, Carroll, Gowan, Petersen, Rogers

AN ACT

AMENDING SECTIONS 9-524, 15-1465, 16-204, 35-452, 35-453 AND 35-455,
ARIZONA REVISED STATUTES; RELATING TO PUBLIC FINANCE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 9-524, Arizona Revised Statutes, is amended to
3 read:

4 9-524. Election order and call; publication; posting

5 A. The governing body shall order and call an election ~~upon~~ ON the
6 question of the issuance of bonds. The order and call shall state in
7 substance:

8 1. The maximum amount of bonds to be issued.

9 2. The purpose for which the bonds are to be issued.

10 3. The maximum rate of interest which the bonds are to bear.

11 4. A brief concise statement, which need not include any detail
12 other than the mere statement of the fact, showing that the bonds will be
13 payable solely from revenues unless the bonds are to be tax secured bonds
14 in which case the order and call shall state in substance that the bonds
15 shall be payable from revenues and shall additionally be payable from
16 taxes levied ~~upon~~ ON all taxable property in the municipality.

17 5. The date on which the election is to be held as prescribed by
18 section 16-204, ~~subsection B, paragraph 1, subdivision (d)~~.

19 6. The places where votes may be cast.

20 7. The hours between which polling places will be open.

21 B. The order and call of election shall be published in full at
22 least once, not less than fifteen nor more than thirty days ~~prior to~~
23 BEFORE the date of the election, in a newspaper published in the county
24 and of general circulation in the municipality. If there is no such
25 newspaper, the order and call shall be printed in full and posted in five
26 conspicuous places in the municipality not less than fifteen nor more than
27 thirty days ~~prior to~~ BEFORE the date of the election.

28 C. If the bonds are to be tax secured bonds, the order and call of
29 election shall state, in addition to the requirements of subsection A of
30 this section, the matters required by title 35, chapter 3, article 3 and
31 shall be posted and published as required by that article rather than as
32 provided in subsection B of this section.

33 Sec. 2. Section 15-1465, Arizona Revised Statutes, is amended to
34 read:

35 15-1465. Election; issuance and sale of bonds for capital
36 outlay; disposition of proceeds; proration of
37 expenditures by counties

38 A. A district may conduct an election to determine whether or not
39 bonds shall be issued and sold for the purpose of paying its share of the
40 expenditures incurred for capital outlay. The election shall be
41 originated and conducted, the bonds issued, sold and redeemed and a tax
42 levy imposed for payment of interest on such bonds and redemption of bonds
43 in accordance with title 35, chapter 3, article 3 and the limitations
44 imposed on school districts by article IX, section 8, Constitution of
45 Arizona, insofar as those provisions are applicable. The election shall
46 be held on the first Tuesday following the first Monday in November as

1 prescribed by section 16-204, ~~subsection B, paragraph 1, subdivision (d)~~.
2 Bond counsel fees, financial advisory fees, printing costs and paying
3 agent and registrar fees shall be paid from either the amount authorized
4 by the qualified electors of the community college district or current
5 operating funds. Bond election expenses shall be paid from current
6 operating funds only.

7 B. The proceeds of all bonds sold as provided in subsection A of
8 this section shall be used only for capital outlay, including the purchase
9 of land, the purchase, erection, remodeling or completion of buildings and
10 the purchase of equipment and facilities for educational or auxiliary
11 purposes of the community college district.

12 C. Where a district contains more than one county, subsections A
13 and B of this section shall be applicable separately to each of the
14 counties as to its portion of the expenditures to be paid for capital
15 outlay in setting up the physical plant of the district even though the
16 proposed plant is to be established, wholly or partly, in one county of
17 the district.

18 D. The portion of the expenditures for capital outlay to be
19 prorated by each county of a district shall be determined in the ratio
20 that the assessed valuation of each county within the district bears to
21 the total assessed valuation of all counties within the district.

22 Sec. 3. Section 16-204, Arizona Revised Statutes, is amended to
23 read:

24 16-204. Declaration of statewide concern: consolidated
25 election dates; definition

26 A. The legislature finds and determines that for the purposes of
27 increasing voter participation and for decreasing the costs to the
28 taxpayers it is a matter of statewide concern that all elections in this
29 state be conducted on a limited number of days and, therefore, the
30 legislature finds and declares that the holding of all elections on
31 certain specific consolidated days is a matter of statewide concern. This
32 section preempts all local laws, ordinances and charter provisions to the
33 contrary.

34 B. For elections held before 2014 and notwithstanding any other law
35 or any charter or ordinance of any county, city or town to the contrary,
36 an election held for or on behalf of a county, city or town, a school
37 district, a community college district or special districts organized
38 pursuant to title 48, chapters 5, 6, 8, 10, 13 through 16 and 33 may only
39 be held on the following dates:

40 1. Except for regular elections for candidates in a city or town
41 with a population of one hundred seventy-five thousand or more persons,
42 all elections, including recall elections and special elections to fill
43 vacancies, shall be held on:

44 (a) The second Tuesday in March.

45 (b) The third Tuesday in May.

1 (c) The tenth Tuesday before the first Tuesday after the first
2 Monday in November.

3 (d) The first Tuesday after the first Monday in November.
4 Notwithstanding any other law, an election must be held on this date for
5 the approval of an obligation or other authorization requiring or
6 authorizing the assessment of secondary property taxes by a county, city,
7 town, school district, community college district or special taxing
8 district, except as provided by title 48.

9 2. For regular elections that are only for candidates in a city or
10 town with a population of one hundred seventy-five thousand or more
11 persons and not including recall elections and special elections to fill
12 vacancies in those cities or towns, elections shall be held on:

13 (a) The tenth Tuesday before the first Tuesday after the first
14 Monday in November.

15 (b) The first Tuesday after the first Monday in November.

16 C. For elections held before 2014, for any city or town, including
17 a charter city, that holds its regularly scheduled candidate elections in
18 even-numbered years pursuant to subsection B, paragraph 2 of this section,
19 the term of office for a member of the city council or for the office of
20 mayor begins on or after the second Tuesday in January in the year
21 following the election.

22 D. Subsections B and C of this section do not apply to an election
23 regarding a county or city charter committee or county or city charter
24 proposal that is conducted pursuant to article XIII, section 2 or 3 or
25 article XII, section 5, Constitution of Arizona.

26 E. Beginning with elections held in 2014 and later and
27 notwithstanding any other law or any charter or ordinance to the contrary,
28 a candidate election held for or on behalf of any political subdivision of
29 this state other than a special election to fill a vacancy or a recall
30 election may only be held on the following dates and only in even-numbered
31 years:

32 1. ~~Through 2019, the tenth Tuesday before the first Tuesday after~~
33 ~~the first Monday in November. Beginning in 2020 and later,~~ The election
34 shall be held on the first Tuesday in August. If the political
35 subdivision holds a primary or first election and a general or runoff
36 election is either required or optional for that political subdivision,
37 the first election shall be held on this date, without regard to whether
38 the political subdivision designates the election a primary election, a
39 first election, a preliminary election or any other descriptive term.

40 2. The first Tuesday after the first Monday in November. If the
41 political subdivision holds a general election or a runoff election, the
42 second election held shall be held on this date. If the political
43 subdivision holds only a single election and no preliminary or primary or
44 other election is ever held for the purpose of reducing the number of
45 candidates, or receiving a partisan nomination or designation or for any

1 other purpose for that political subdivision, the single election shall be
2 held on this date.

3 F. Beginning with elections held in 2014 and later that are not
4 candidate elections, an election held for or on behalf of any political
5 subdivision of this state, and including a special election to fill a
6 vacancy or a recall election, may only be held on the following dates:

7 1. The second Tuesday in March.

8 2. The third Tuesday in May.

9 3. ~~Through 2019, the tenth Tuesday before the first Tuesday after~~
10 ~~the first Monday in November. Beginning in 2020 and later,~~ The election
11 shall be held on the first Tuesday in August.

12 4. The first Tuesday after the first Monday in November.
13 Notwithstanding any other law, an election must be held on this date **AND**
14 **ONLY IN EVEN-NUMBERED YEARS** for the approval of an obligation or other
15 authorization requiring or authorizing the assessment of secondary
16 property taxes by a county, city, town, school district, community college
17 district or special taxing district, except as provided by title 48.
18 Notwithstanding any other law, an election must be held on the date
19 specified in this paragraph and only in even-numbered years for the
20 approval of or authorizing the assessment of transaction privilege taxes
21 by a county, city or town.

22 G. Notwithstanding any other law, for an election administered by a
23 county recorder or other officer in charge of elections on behalf of a
24 city, town or school district and that is an all mail ballot election for
25 that city, town or school district, the county recorder or other officer
26 in charge of elections may use a unified ballot format that combines all
27 of the issues applicable to the voters in the city, town or school
28 district requesting the all mail ballot election.

29 H. For the purposes of this section, "political subdivision" means
30 any governmental entity operating under the authority of this state and
31 governed by an elected body, including a city, town, county, school
32 district or community college district or any other district organized
33 under state law but not including a special taxing district.

34 Sec. 4. Section 35-452, Arizona Revised Statutes, is amended to
35 read:

36 35-452. Election to authorize indebtedness; costs

37 A. The governing body or board of a political subdivision
38 enumerated in section 35-451 may, and upon petition signed by ~~fifteen per~~
39 ~~cent~~ **TWENTY-FIVE PERCENT** of the qualified electors shall, order an
40 election by such electors to determine whether such indebtedness shall be
41 authorized. The election shall be held on the first Tuesday following the
42 first Monday in November **AND ONLY IN EVEN-NUMBERED YEARS** as prescribed by
43 section 16-204, ~~subsection B, paragraph 1, subdivision (d).~~

1 B. If a majority of the qualified electors voting at the election
2 votes in favor of creating an indebtedness **AND THE VOTER TURNOUT ON THAT**
3 **ISSUE IS SIXTY PERCENT OR MORE OF THE ELECTORS WHO ARE ELIGIBLE TO VOTE ON**
4 **THAT ISSUE**, such political subdivision may become so indebted.

5 C. Bond counsel fees, financial advisory fees, printing costs and
6 paying agent and registrar fees shall be paid from either the amount
7 authorized by the qualified electors of the political subdivision or
8 current operating funds.

9 D. Bond election expenses shall be paid from current operating
10 funds only.

11 Sec. 5. Section 35-453, Arizona Revised Statutes, is amended to
12 read:

13 **35-453. Order for election**

14 A. The governing body or board of the political subdivision shall
15 order the election to be held at the regular voting places within the
16 limits of such subdivision on the first Tuesday following the first Monday
17 in November **AND ONLY IN EVEN-NUMBERED YEARS** as prescribed by section
18 16-204, ~~subsection B, paragraph 1, subdivision (d)~~.

19 B. If the election is to be held for creating an indebtedness by a
20 county, the order shall be made by the board of supervisors of the county
21 in which the election will be held.

22 C. The order shall state the object of the election, and shall be
23 prima facie evidence that all provisions necessary to give the order
24 validity or qualify the governing body or board to make such order have
25 been fully complied with.

26 Sec. 6. Section 35-455, Arizona Revised Statutes, is amended to
27 read:

28 **35-455. Issuance and sale of bonds; call for election**

29 A. When the political subdivision designated in this article
30 desires to issue bonds or other evidences of indebtedness, the governing
31 body or board thereof, with the assent of a majority of the qualified
32 electors therein voting at the election held as provided by section 35-454
33 **AND A VOTER TURNOUT FOR THAT ISSUE OF SIXTY PERCENT OR MORE OF THE**
34 **ELECTORS WHO ARE ELIGIBLE TO VOTE ON THAT ISSUE**, may issue and sell bonds
35 in the amount authorized at the election.

36 B. The call for the election shall set forth the aggregate amount
37 of the bonds, the maximum rate of interest to be paid thereon, the minimum
38 and maximum number of years bonds of any issue or series may run from
39 their date, the purposes for which the money derived from the sale of the
40 bonds will be expended, the current outstanding general obligation debt
41 and the constitutional debt limitation of the political subdivision.

42 C. Bonds of any issue or series of bonds voted under this section
43 may run for any number of years not exceeding the longest period ~~permitted~~
44 **ALLOWED** by the voted proposition.

1 D. The governing body or board may ~~expend~~ SPEND the monies received
2 from the sale of the bonds only for the purposes stated in the ballot and
3 for the necessary costs and expenses of the issuance and sale of the
4 bonds. If an unexpended balance remains after satisfying the purposes of
5 the bonds, the balance shall be used to retire the bonded indebtedness.

6 Sec. 7. Applicability; charter cities; date

7 A. This act does not apply to a charter city.

8 B. A bond election that would otherwise be scheduled for 2025 must
9 be held not earlier than 2026.