

House Engrossed

date; bond elections; voter turnout

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

HOUSE CONCURRENT RESOLUTION 2062

A CONCURRENT RESOLUTION

ENACTING AND ORDERING THE SUBMISSION TO THE PEOPLE OF A MEASURE RELATING
TO BOND ELECTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it resolved by the House of Representatives of the State of Arizona,
2 the Senate concurring:

3 1. Under the power of the referendum, as vested in the Legislature,
4 the following measure, relating to bond elections, is enacted to become
5 valid as a law if approved by the voters and on proclamation of the
6 Governor:

7 AN ACT

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

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

11 Section 1. Section 9-524, Arizona Revised Statutes, is
12 amended to read:

13 9-524. Election order and call; publication; posting

14 A. The governing body shall order and call an election
15 ~~upon~~ ON the question of the issuance of bonds. The order and
16 call shall state in substance:

- 17 1. The maximum amount of bonds to be issued.
18 2. The purpose for which the bonds are to be issued.
19 3. The maximum rate of interest which the bonds are to

20 bear.
21 4. A brief concise statement, which need not include
22 any detail other than the mere statement of the fact, showing
23 that the bonds will be payable solely from revenues unless the
24 bonds are to be tax secured bonds in which case the order and
25 call shall state in substance that the bonds shall be payable
26 from revenues and shall additionally be payable from taxes
27 levied ~~upon~~ ON all taxable property in the municipality.

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

- 31 6. The places where votes may be cast.
32 7. The hours between which polling places will be open.

33 B. The order and call of election shall be published in
34 full at least once, not less than fifteen nor more than thirty
35 days ~~prior to~~ BEFORE the date of the election, in a newspaper
36 published in the county and of general circulation in the
37 municipality. If there is no such newspaper, the order and
38 call shall be printed in full and posted in five conspicuous
39 places in the municipality not less than fifteen nor more than
40 thirty days ~~prior to~~ BEFORE the date of the election.

41 C. If the bonds are to be tax secured bonds, the order
42 and call of election shall state, in addition to the
43 requirements of subsection A of this section, the matters
44 required by title 35, chapter 3, article 3 and shall be posted

1 and published as required by that article rather than as
2 provided in subsection B of this section.

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

5 15-1465. Election; issuance and sale of bonds for
6 capital outlay; disposition of proceeds;
7 proration of expenditures by counties

8 A. A district may conduct an election to determine
9 whether or not bonds shall be issued and sold for the purpose
10 of paying its share of the expenditures incurred for capital
11 outlay. The election shall be originated and conducted, the
12 bonds issued, sold and redeemed and a tax levy imposed for
13 payment of interest on such bonds and redemption of bonds in
14 accordance with title 35, chapter 3, article 3 and the
15 limitations imposed on school districts by article IX, section
16 8, Constitution of Arizona, insofar as those provisions are
17 applicable. The election shall be held on the first Tuesday
18 following the first Monday in November as prescribed by
19 section 16-204, ~~subsection B, paragraph 1, subdivision (d)~~.
20 Bond counsel fees, financial advisory fees, printing costs and
21 paying agent and registrar fees shall be paid from either the
22 amount authorized by the qualified electors of the community
23 college district or current operating funds. Bond election
24 expenses shall be paid from current operating funds only.

25 B. The proceeds of all bonds sold as provided in
26 subsection A of this section shall be used only for capital
27 outlay, including the purchase of land, the purchase,
28 erection, remodeling or completion of buildings and the
29 purchase of equipment and facilities for educational or
30 auxiliary purposes of the community college district.

31 C. Where a district contains more than one county,
32 subsections A and B of this section shall be applicable
33 separately to each of the counties as to its portion of the
34 expenditures to be paid for capital outlay in setting up the
35 physical plant of the district even though the proposed plant
36 is to be established, wholly or partly, in one county of the
37 district.

38 D. The portion of the expenditures for capital outlay
39 to be prorated by each county of a district shall be
40 determined in the ratio that the assessed valuation of each
41 county within the district bears to the total assessed
42 valuation of all counties within the district.

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

3 16-204. Declaration of statewide concern; consolidated
4 election dates; definition

5 A. The legislature finds and determines that for the
6 purposes of increasing voter participation and for decreasing
7 the costs to the taxpayers it is a matter of statewide concern
8 that all elections in this state be conducted on a limited
9 number of days and, therefore, the legislature finds and
10 declares that the holding of all elections on certain specific
11 consolidated days is a matter of statewide concern. This
12 section preempts all local laws, ordinances and charter
13 provisions to the contrary.

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

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

26 (a) The second Tuesday in March.

27 (b) The third Tuesday in May.

28 (c) The tenth Tuesday before the first Tuesday after
29 the first Monday in November.

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

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

42 (a) The tenth Tuesday before the first Tuesday after
43 the first Monday in November.

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

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

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

13 E. Beginning with elections held in 2014 and later and
14 notwithstanding any other law or any charter or ordinance to
15 the contrary, a candidate election held for or on behalf of
16 any political subdivision of this state other than a special
17 election to fill a vacancy or a recall election may only be
18 held on the following dates and only in even-numbered years:

19 1. ~~Through 2019, the tenth Tuesday before the first~~
20 ~~Tuesday after the first Monday in November. Beginning in 2020~~
21 ~~and later,~~ The election shall be held on the first Tuesday in
22 August. If the political subdivision holds a primary or first
23 election and a general or runoff election is either required
24 or optional for that political subdivision, the first election
25 shall be held on this date, without regard to whether the
26 political subdivision designates the election a primary
27 election, a first election, a preliminary election or any
28 other descriptive term.

29 2. The first Tuesday after the first Monday in
30 November. If the political subdivision holds a general
31 election or a runoff election, the second election held shall
32 be held on this date. If the political subdivision holds only
33 a single election and no preliminary or primary or other
34 election is ever held for the purpose of reducing the number
35 of candidates, or receiving a partisan nomination or
36 designation or for any other purpose for that political
37 subdivision, the single election shall be held on this date.

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

- 43 1. The second Tuesday in March.
44 2. The third Tuesday in May.

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

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

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

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

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

34 35-452. Election to authorize indebtedness; costs

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

44 B. If a majority of the qualified electors voting at
45 the election votes in favor of creating an indebtedness **AND**

1 THE VOTER TURNOUT ON THAT ISSUE IS SIXTY PERCENT OR MORE OF
2 THE ELECTORS WHO ARE ELIGIBLE TO VOTE ON THAT ISSUE, such
3 political subdivision may become so indebted.

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

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

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

12 35-453. Order for election

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

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

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

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

30 35-455. Issuance and sale of bonds; call for election

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

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

1 the constitutional debt limitation of the political
2 subdivision.

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

6 D. The governing body or board may ~~expend~~ SPEND the
7 monies received from the sale of the bonds only for the
8 purposes stated in the ballot and for the necessary costs and
9 expenses of the issuance and sale of the bonds. If an
10 unexpended balance remains after satisfying the purposes of
11 the bonds, the balance shall be used to retire the bonded
12 indebtedness.

13 Sec. 7. Applicability; charter cities; date

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

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

17 2. The Secretary of State shall submit this proposition to the
18 voters at the next general election as provided by article IV, part 1,
19 section 1, Constitution of Arizona.