House Engrossed

FILED
KEN BENNETT
SECRETARY OF STATE

State of Arizona
House of Representatives
Forty-ninth Legislature
Second Regular Session
2010

CHAPTER 2

HOUSE BILL 2427

AN ACT

AMENDING SECTIONS 16-543 AND 19-124, ARIZONA REVISED STATUTES; RELATING TO ELECTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. Section 16-543, Arizona Revised Statutes, is amended to read:

16-543. Application for ballot: United States service: emergency procedures

A. Any absent uniformed services voter or overseas voter as defined in the uniformed and overseas citizens absentee voting act of 1986 (P.L. 99-410; 42 United States Code section 1973ff-6), as amended by the Ronald W. Reagan national defense authorization act for fiscal year 2005 (P.L. 108-375), may request an early ballot with a federal postcard application that contains both an early voter registration application and an early ballot application. The secretary of state shall provide for a centralized system for receiving federal postcard applications by way of the internet or fax and shall provide for transmitting appropriate ballot materials in response to fax, telephone and internet requests for federal postcard applications. THE ABSENT UNIFORMED SERVICES VOTER OR OVERSEAS VOTER SHALL DESIGNATE THE MEANS OF COMMUNICATION FOR RECEIVING VOTING MATERIALS, WHETHER BY WAY OF THE INTERNET, FAX TRANSMITTAL OR OTHER ELECTRONIC MEANS OR BY MAIL, AND THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS SHALL PROVIDE RESPONSES AND MATERIALS IN THE FORMAT DESIGNATED BY THE REQUESTING VOTER. On receipt of such application, the county recorder or other officer in charge of elections shall determine whether or not the elector is registered. If the applicant is so registered, the recorder or other officer in charge of elections shall forward to the applicant an official early ballot USING THE MEANS OF COMMUNICATION DESIGNATED BY THE VOTER PURSUANT TO THIS SECTION. IF NO MEANS OF COMMUNICATION IS DESIGNATED, THE BALLOT SHALL BE TRANSMITTED AS PROVIDED IN THE INSTRUCTIONS AND PROCEDURES MANUAL ISSUED PURSUANT TO SECTION 16-452. FOR ALL REQUESTS RECEIVED FROM REGISTERED ABSENT UNIFORMED SERVICES VOTERS OR OVERSEAS VOTERS ON OR BEFORE THE FORTY-EIGHTH DAY BEFORE THE ELECTION, THE BALLOT SHALL BE TRANSMITTED NO LATER THAN THE FORTY-FIFTH DAY BEFORE THE ELECTION. If the applicant is not registered, and the request is for a ballot for use in a county election but the federal postcard application is complete, the recorder shall forward an official early ballot to the applicant WITHIN TWENTY-FOUR HOURS AFTER RECEIPT OF THE REQUEST, EXCLUDING SATURDAYS, SUNDAYS AND OTHER LEGAL HOLIDAYS. If the applicant is not registered to vote and the federal postcard application is not used or complete, the recorder shall forward an affidavit of registration as provided in section 16-103 and shall forward at the same time to the unregistered applicant an official early ballot and affidavit WITHIN TWENTY-FOUR HOURS AFTER RECEIPT OF THE REQUEST, EXCLUDING SATURDAYS, SUNDAYS AND OTHER LEGAL HOLIDAYS. FOR ANY VOTER WHO IS SENT AN OFFICIAL EARLY BALLOT BY ELECTRONIC MEANS PURSUANT TO THIS SECTION, THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS IS NOT REQUIRED TO SEND A PAPER BALLOT FOR THE SAME ELECTION.

B. The county recorder or other officer in charge of elections shall transmit by fax or by other electronic format approved by the secretary of

state early ballot request forms, unvoted ballots and ballot information to eligible absent uniformed services voters and overseas voters. The county recorder or other officer in charge of elections shall provide for receipt of completed early ballot requests and voted early ballots by fax or other electronic format as prescribed by the secretary of state in the instructions and procedures manual issued pursuant to section 16-452. THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS SHALL PROVIDE FOR A METHOD FOR THE VOTER TO VERIFY AT NO COST TO THE VOTER THAT THE VOTER'S BALLOT HAS BEEN RECEIVED.

C. The secretary of state shall provide in the instructions and procedures manual issued pursuant to section 16-452 for emergency procedures regarding the early balloting process for persons who are subject to the uniformed and overseas citizens absentee voting act of 1986 (P.L. 99-410; 42 United States Code section 1973ff), as amended by the Ronald W. Reagan national defense authorization act for fiscal year 2005 (P.L. 108-375). These emergency procedures may be implemented only on the occurrence of a national or local emergency that makes substantial compliance with the uniformed and overseas citizens absentee voting act impracticable, including occurrences of natural disasters or armed conflict or mobilization of the national guard or military reserve units of this state.

D. This section applies only to any absent uniformed services voter or overseas voter as defined in the uniformed and overseas citizens absentee voting act of 1986 (P.L. 99-410; 42 United States Code section 1973ff-6), as amended by the Ronald W. Reagan national defense authorization act for fiscal year 2005 (P.L. 108-375).

Sec. 2. Section 19-124, Arizona Revised Statutes, is amended to read:

19-124. <u>Arguments and analyses on measures; cost; submission at special election</u>

A. The person filing an initiative petition may at the same time file with the secretary of state an argument advocating the measure or constitutional amendment proposed in the petition. Not later than ~~fifty-three~~ FORTY-EIGHT days preceding the regular primary election a person may file with the secretary of state an argument advocating or opposing the measure or constitutional amendment proposed in the petition. Not later than ~~fifty-three~~ FORTY-EIGHT days preceding the regular primary election a person may file with the secretary of state an argument advocating or opposing any measure with respect to which the referendum has been invoked, or any measure or constitutional amendment referred by the legislature. Each argument filed shall contain the original notarized signature of each person sponsoring it. If the argument is sponsored by an organization, it shall contain the notarized signature of two executive officers of the organization or if sponsored by a political committee it shall contain the notarized signature of the committee's chairman or treasurer. Payment of the deposit required by subsection D or reimbursement of the payor constitutes sponsorship of the argument for purposes of this subsection. The person or persons signing the argument shall identify themselves by giving their residence or post office

address and a telephone number, which information shall not appear in the publicity pamphlet. Each argument filed pursuant to this subsection shall not exceed three hundred words in length.

B. Not later than sixty days preceding the regular primary election the legislative council, after providing reasonable opportunity for comments by all legislators, shall prepare and file with the secretary of state an impartial analysis of the provisions of each ballot proposal of a measure or proposed amendment. The analysis shall include a description of the measure and shall be written in clear and concise terms avoiding technical terms wherever possible. The analysis may contain background information, including the effect of the measure on existing law, or any legislative enactment suspended by referendum, if the measure or referendum is approved or rejected.

C. The analyses and arguments shall be included in the publicity pamphlet immediately following the measure or amendment to which they refer. Arguments in the affirmative shall be placed first in order, and first among the affirmative or negative arguments shall be placed the arguments filed by the person filing the initiative petition or the person who introduced the measure or constitutional amendment referred. The remaining affirmative and negative arguments shall be placed in the order in which they were filed with the secretary of state.

D. The person filing an argument shall deposit with the secretary of state, at the time of filing, an amount of money as prescribed by the secretary of state for the purpose of offsetting a portion of the proportionate cost of the purchase of the paper and the printing of the argument. If the person filing an argument requests that the argument appear in connection with more than one proposition, a deposit shall be made for each placement requested. No such deposit or payment shall be required for the analyses prepared and filed by the legislative council. Any proportional balance remaining of the deposit, after paying the cost, shall be returned to the depositor.

E. When a measure is submitted at a special election, and time will not permit full compliance with this article, the charter provision or ordinance providing for the special election shall make provision for printing and distribution of the publicity pamphlet.

F. In the case of referendum petitions that are not required to be filed until after the primary election or at a time so close to the primary election that a referendum cannot be certified for the ballot before the deadline for filing ballot arguments pursuant to subsection A, the secretary of state may establish a separate deadline for filing the referendum ballot arguments pursuant to rules adopted by the secretary of state.

Sec. 3. Emergency

This act is an emergency measure that is necessary to preserve the public peace, health or safety and is operative immediately as provided by law.

APPROVED BY THE GOVERNOR FEBRUARY 11, 2010.

FILED IN THE OFFICE OF THE SECRETARY OF STATE FEBRUARY 11, 2010.