

STATE OF ARIZONA

ELECTIONS PROCEDURES
MANUAL

2018 Edition

Preface

This Elections Procedures Manual (“Manual”) is promulgated pursuant to A.R.S. § 16-452 and governs all elections in the State of Arizona, including statewide, county, city, town, school district, community college district, joint technical education district, and special taxing district elections. This Manual carries the force of law, and any intentional or knowing violation of the mandatory provisions of this Manual constitutes a class 2 misdemeanor. This edition of the Manual governs all Arizona elections until superseded with a new edition. For a new edition of this Manual to be in effect for a particular election, the proposed Manual must be submitted to the Governor and Attorney General at least 90 days (and be signed by the Governor and Attorney General at least 30 days) before that particular election. *See* A.R.S. § 16-452; *Gonzalez v. Arizona*, 677 F.3d 383, 397 (9th Cir. 2012); *Arizona Libertarian Party, Inc. v. Bayless*, 351 F.3d 1277, 1280 (9th Cir. 2003); *Arizona Democratic Party v. Reagan*, No. CV-16-03618-PHX-SPL, 2016 WL 6523427, at *6 (D. Ariz. Nov. 3, 2016).

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CHAPTER 1

Voter Registration

1.1 COMPONENTS OF THE STATEWIDE VOTER REGISTRATION SYSTEM

The statewide voter registration system, currently known as Voter Registration AZ II (VRAZ II), consists of the following components:

- PowerProfile: a statewide voter registration database that must contain the name and registration information for every Arizona registrant;
- Agency Central: an application that (1) allows the Secretary of State to import batch records into the statewide voter registration system and (2) compares, verifies and transmits data through the statewide voter registration system;
- HAVA Exceptions Interface (HEI): an application utilized by all counties where potential data matches can be flagged, reviewed and resolved;
- ZIA: a mechanism that transmits data between the statewide voter registration system and voter registration databases maintained by Maricopa and Pima Counties (including subcomponents known as “pollers” for both counties);
- MVD Proxy Table: a proxy table that contains the name, address, Arizona driver license number or Arizona non-operating identification license number (“AZ DL/ID #”), last 4 digits of Social Security Number (“SSN4”), DOB, and license type (among other data) for every licensed driver or identification card holder in Arizona;
- Vital Proxy Table: a proxy table that contains the name, DOB, date of death, father’s name (if available), mother’s maiden name, and last known address of every deceased Arizona resident since system implementation;
- PowerLock: an interface where administrators may determine security and permission levels for users to access the statewide voter registration database;
- PowerScan Online: a web interface imaging tool (utilized through a local browser) to capture and import images into the statewide voter registration database;
- Crystal Reports: a program utilized to conduct customized statistical reporting;
- A User Acceptance Testing (UAT) environment that replicates PowerProfile, PowerLock, Agency Central, and HEI for testing purposes; and
- VoterView: a public portal that allows voters to check their registration status, polling place location, provisional ballot status, or early ballot status. VoterView receives data through various web services, collectively known as Voter Registration Services (VRS).

Any changes to makeup of the statewide voter registration system will be described on the Secretary of State’s website at <https://www.azsos.gov/elections/arizona-election-laws-publications>.

Any changes to the vendor or product names affiliated with the statewide voter registration system do not affect the substantive registration processes and duties outlined in this Manual, except as described on the Secretary of State’s website at <https://www.azsos.gov/elections/arizona-election-laws-publications>.

1.2 VOTER REGISTRATION FORMS ACCEPTED IN ARIZONA

The following voter registration forms are accepted in Arizona:¹

- The state voter registration form prescribed by the Secretary of State (the “State Form”).²
- The National Mail Voter Registration Form prescribed by the U.S. Election Assistance Commission pursuant to the National Voter Registration Act of 1993 (the “Federal Form”).³
- The Federal Postcard Application prescribed by U.S. Secretary of Defense pursuant to the Uniformed and Overseas Citizens Absentee Voting Act of 1986 (the “FPCA”).⁴
- The Federal Write-In Absentee Ballot prescribed by the U.S. Secretary of Defense pursuant to the Uniformed and Overseas Citizens Absentee Voting Act of 1986 (the “FWAB”).⁵
- Registrations electronically received through the EZ Voter program administered by the Arizona Department of Transportation, Motor Vehicle Department (MVD) pursuant to [A.R.S. § 16-112](#), whether through in-person registration at an MVD or MVD affiliate’s office (“In-Person EZ Voter Registration”) or online through the MVD portal at www.servicearizona.com (“Online EZ Voter Registration”).

¹ Any registration form may be used to register to vote for the first time in a county or amend/update an existing registration record. However, other non-registration documents may be used to amend/update a registrant’s address as well, including but not limited to a PEVL request form, a provisional ballot envelope, or a request for an early ballot. [A.R.S. § 16-135\(A\), \(E\)](#); [A.R.S. § 16-544\(D\)\(1\)-\(2\)](#). See Chapter 2, Section 2.1.2.4 and Chapter 4, Section 4.1.8.1.

² [A.R.S. § 16-152\(C\)](#). The State Form is available at <https://www.azsos.gov/elections/voting-election>.

³ [52 U.S.C. § 20505\(a\)\(1\)](#); [52 U.S.C. § 20508\(a\)\(2\)](#). The Federal Form is available at https://www.eac.gov/voter_resources/register_to_vote.aspx.

⁴ [A.R.S. § 16-103\(B\)](#); [52 U.S.C. § 20301\(b\)\(2\)](#); [52 U.S.C. § 20302\(a\)\(4\)](#); [Executive Order 12642](#) (June 9, 1988). The FPCA is available at <https://www.fvap.gov/military-voter/overview>.

⁵ [A.R.S. § 16-543.02\(D\)](#); [52 U.S.C. § 20302\(a\)\(4\)](#); [Executive Order 12642](#) (June 9, 1988). The FWAB is available at <https://www.fvap.gov/military-voter/overview>.

1.3 DISTRIBUTION OF VOTER REGISTRATION FORMS

The Secretary of State is responsible for supplying (at no cost) Federal Forms to all federal, state, county, and local government agencies, political parties, and private organizations that conduct voter registration activities.⁶

The County Recorder is responsible for supplying (at no cost) State Forms to all federal, state, county, and local government agencies, political parties, and private organizations located within the County Recorder's jurisdiction that conduct voter registration activities.⁷

The Federal Form must be made available with the State Form, in both English and Spanish, in the following circumstances:

- At any physical display of paper voter registration forms at the Secretary of State's office, any state public assistance or disabilities agency, County Recorder's office, or other election official's office, including any relevant and/or Arizona-specific instructions that accompany the form; and
- On any website maintained by the above-referenced government entities.⁸

1.4 VOTER REGISTRATION QUALIFICATIONS

A person is qualified to register to vote in Arizona if the person:

- Is a citizen of the United States;
- Will be 18 years of age on or before the date of the next general election following his or her registration;
- Will have been an Arizona resident for at least 29 days prior to the next election (except as outlined in Chapter 1, Section 1.12.1.2.3);
- Can write his or her name (or make his or her mark), unless prevented from doing so by physical disability;
- Has not been convicted of treason or a felony, unless his or her civil rights have been restored; and
- Has not been found mentally incapacitated by a court.⁹

⁶ A.R.S. § 16-151(B).

⁷ A.R.S. § 16-151(A).

⁸ *Gonzalez v. Arizona*, No. CV 06-1268-PHX-ROS (D. Ariz.), Final Judgment, Doc. 1123, at 2, ¶ 3(b) (Sep. 11, 2013); *Gonzalez v. Arizona*, No. CV 06-1268-PHX-ROS (D. Ariz.), Order, Doc. 1093, at 2 (Aug. 15, 2012); *Gonzalez v. Arizona*, No. CV 06-1268-PHX-ROS (D. Ariz.), Order, Doc. 1082, at 6-7 (Aug. 6, 2012)

⁹ [Ariz. Const. Art. VII, § 2](#); [A.R.S. § 9-822\(A\)](#); [A.R.S. § 16-101](#); [A.R.S. § 16-126\(A\)](#); [A.R.S. 16-152](#).

Each qualification is discussed in further detail below.

A person who is qualified to register to vote is not necessarily a qualified elector.¹⁰

1.4.1 CITIZENSHIP REQUIREMENTS FOR REGISTRATION

A registrant must be a United States citizen to be qualified to register to vote.¹¹ United States citizenship must be sworn to, and in some cases proven, when registering to vote.

1.4.1.1 REQUIREMENT TO AFFIRM U.S. CITIZENSHIP UNDER PENALTY OF PERJURY

A registrant must affirm under penalty of perjury that he or she is a U.S. citizen.¹² A registrant makes that affirmation by either checking a citizenship-related box (on a State Form or Online EZ Voter Registration) and/or by signing other types of voter registration forms.

For purposes of accurately answering the citizenship question on a voter registration form, a registrant is a United States citizen if:

- The registrant was born in the United States (or U.S. territories) and was subject to the jurisdiction of the United States at the time of birth;
- The registrant was born abroad but had a parent or parents who were United States citizens at the time of the person's birth;¹³
- The registrant acquired U.S. citizenship through his or her parents; or
- The registrant became a U.S. citizen through naturalization.

The U.S. Department of State (Citizenship and Immigration Services) should be consulted for further guidance on what constitutes citizenship for purposes of answering the citizenship question.¹⁴

It is a state and federal crime to falsely claim to be a United States citizen when registering to vote.¹⁵

¹⁰ See Chapter 1, Section 1.12.

¹¹ [Ariz. Const. Art. VII, § 2](#); [A.R.S. § 16-101\(A\)\(1\)](#); [18 U.S.C. § 611\(a\)](#).

¹² [A.R.S. 16-152\(A\)\(14\)](#); [52 U.S.C. § 20508\(b\)\(2\)](#).

¹³ See <https://travel.state.gov/content/travel/en/international-travel/while-abroad/birth-abroad.html>.

¹⁴ See <https://www.uscis.gov/us-citizenship>.

¹⁵ [A.R.S. § 16-152\(A\)\(14\), \(18\)](#); [A.R.S. § 16-166\(F\)](#); [Ariz. Atty. Gen. Op. No. I05-001 \(R04-038\) \(Feb. 4, 2005\)](#); [18 U.S.C. § 1015\(f\)](#).

1.4.1.2 WHAT CONSTITUTES SATISFACTORY PROOF OF CITIZENSHIP

If a registrant attempts to prove citizenship—which a registrant must do when registering with any voter registration form except a Federal Form—the following section outlines what constitutes satisfactory proof of citizenship under Arizona law.

1.4.1.2.1 DRIVER LICENSES AND IDENTIFICATION CARDS

A registrant may submit certain driver license or state-issued identification card information as satisfactory proof of citizenship.¹⁶

1.4.1.2.1.1 ARIZONA DRIVER LICENSE NUMBER OR NON-OPERATING IDENTIFICATION LICENSE NUMBER

An AZ DL/ID # issued by the Arizona Department of Transportation (MVD) after October 1, 1996 constitutes proof of citizenship.¹⁷ To be deemed satisfactory, (1) the AZ DL/ID # must be verified against the MVD proxy table and (2) the verification must return a result that indicates U.S. citizenship. The voter registration database must include a visual indicator that citizenship was successfully verified for a particular registrant.¹⁸

A County Recorder may accept a copy of the registrant’s AZ DL/ID, but is still obligated to run the AZ DL/ID # through the statewide voter registration system.¹⁹ Since a “Type F” license issued to a non-citizen is not apparent on the face of the license, an AZ DL/ID alone is not sufficient to prove citizenship.

1.4.1.2.1.2 OUT-OF-STATE DRIVER LICENSE OR IDENTIFICATION CARD

An out-of-state driver license or identification card may constitute satisfactory proof of citizenship if it was issued by an equivalent license-issuing state agency and indicates on the face of the license or card that the person provided satisfactory proof of United States citizenship in that state.²⁰ A County Recorder may accept an approved, non-expired out-of-state license or identification card at face value and need not electronically verify the license or card.

Under the Western Hemisphere Travel Initiative (WHTI) enacted by the Intelligence Reform and Terrorism Prevention Act of 2004, one type of citizenship and identity document that U.S.

¹⁶ [A.R.S. § 16-166\(F\)\(1\)](#).

¹⁷ [A.R.S. § 16-166\(F\)\(1\)](#).

¹⁸ Not every registrant in a voter registration database will display as “citizenship verified” because Proposition 200 (2004) exempted then-existing registrants from the citizenship requirement. [A.R.S. § 16-166\(G\)](#).

¹⁹ See Chapter 1, Section 1.9.2.

²⁰ [A.R.S. § 16-166\(F\)\(1\)](#).

citizens may present upon entry to the United States is an enhanced driver license or identification card that is authorized by the Secretary of Homeland Security.²¹ These types of Enhanced Driver Licenses (EDLs) or Enhanced Identification Cards (EICs) satisfy Arizona's proof of citizenship requirement.

As of March 2017, the U.S. Department of Homeland Security has entered into formal agreements with the states of Michigan²², Minnesota²³, New York²⁴, Vermont²⁵ and Washington²⁶ to issue enhanced driver licenses and identification cards that prove identity and citizenship. These states in question display an American flag on the face of the license or card.²⁷ While a County Recorder shall not accept driver license numbers or identification card numbers alone (because the statewide voter registration database cannot electronically verify these numbers), a County Recorder may visually verify or accept a copy of these licenses or cards for proof of citizenship purposes. Additional approved out-of-state licenses may be listed on the Secretary of State's website at <https://www.azsos.gov/elections/arizona-election-laws-publications>.

²¹ [8 C.F.R. §235.1\(d\)](#).

²² Western Hemisphere Travel Initiative: Designation of Enhanced Driver Licenses and Identity Documents Issued by the States of Vermont and Michigan and the Provinces of Quebec, Manitoba, British Columbia, and Ontario as Acceptable Documents To Denote Identity and Citizenship, 74 Fed. Reg. 102, 25618 (May 29, 2009), available at <https://www.gpo.gov/fdsys/pkg/FR-2009-05-29/pdf/FR-2009-05-29.pdf>.

²³ Designation of an Enhanced Driver's License and Identity Document Issued by the State of Minnesota as a Travel Document Under the Western Hemisphere Travel Initiative, 80 Fed. Reg. 133, 40077, 133 (July 13, 2015), available at <https://www.gpo.gov/fdsys/pkg/FR-2015-07-13/pdf/2015-17043.pdf>.

²⁴ Designation of an Enhanced Driver's License and Identity Document Issued by the State of New York as a Travel Document Under the Western Hemisphere Travel Initiative, 73 Fed. Reg. 232, 73343 (December 2, 2008), available at <https://www.gpo.gov/fdsys/pkg/FR-2008-12-02/pdf/E8-28535.pdf>.

²⁵ Western Hemisphere Travel Initiative: Designation of Enhanced Driver's Licenses and Identity Documents Issued by the States of Vermont and Michigan and the Provinces of Quebec, Manitoba, British Columbia, and Ontario as Acceptable Documents To Denote Identity and Citizenship, 74 Fed. Reg. 102, 25618 (May 29, 2009), available at <https://www.gpo.gov/fdsys/pkg/FR-2009-05-29/pdf/FR-2009-05-29.pdf>.

²⁶ Designation of an Enhanced Driver's License and Identity Document Issued by the State of Washington as a Travel Document Under the Western Hemisphere Travel Initiative, 73 Fed. Reg. 65, 18421 (April 3, 2008), available at <https://www.gpo.gov/fdsys/pkg/FR-2008-04-03/pdf/E8-6819.pdf>.

²⁷ See e.g. Michigan Secretary of State, Frequently Asked Questions, available at http://www.michigan.gov/sos/0,4670,7-127-48296_71056---F,00.html (an enhanced license or ID contains "[a]n image of a U.S. flag on the front indicating U.S. citizenship").

1.4.1.2.1.2.3 NEW YORK

The New York Department of Motor Vehicles issues enhanced driver licenses and identification cards.³⁰ An example New York enhanced driver license and identification card appear as follows:



1.4.1.2.1.2.4 VERMONT

The Vermont Department of Motor Vehicles issues enhanced driver licenses and identification cards.³¹ An example Vermont enhanced driver license and identification card appear as follows:



1.4.1.2.1.2.5 WASHINGTON

The Washington State Department of Licensing issues enhanced driver licenses and identification cards.³² An example Washington enhanced driver license and identification card appear as follows:

³⁰ N.Y. Comp. Codes R. & Regs. tit. 15, § 3.3.

³¹ 23 V.S.A. §7.



1.4.1.2.2 BIRTH CERTIFICATE

A registrant may submit a legible copy of the registrant’s birth certificate from any U.S. State or territory as satisfactory proof of citizenship.³³

For United States citizens that were born abroad, a “Certification of Report of Birth” or “Consular Report of Birth Abroad” issued by a consular officer from the U.S. Department of State will suffice for a birth certificate.³⁴

An example Certification of Report of Birth appears as follows:

³² RCW § 46.20.202.

³³ [A.R.S. § 16-166\(F\)\(2\)](#).

³⁴ [22 U.S.C. § 2705\(2\)](#). The U.S. State Department ceased issuing Certificates of Report of Birth (DS-1350) as of December 31, 2010 and began issuing Consular Reports of Birth Abroad (FS-240) on January 3, 2011. Both documents remain “valid for proof of identity, citizenship and other legal purposes.” Replace or Amend a Consular Report of Birth Abroad (CRBA), *available at* <https://travel.state.gov/content/passports/en/abroad/events-and-records/birth/replace-or-amend-consular-report-of-birth-abroad.html>.

UNITED STATES OF AMERICA
DEPARTMENT OF STATE

159- 1018159

Certification of Report of Birth of a United States Citizen

This is to certify that the birth of IMA SAMPLE (Name) SEX FEMALE
 born at DESOLATION (City) MONGOLIA (Country)
 on APRIL 1, 1996 (Date) was registered with the Consular Service of the United States and a
 Consular Report of Birth was issued at BISHKEK, KYRGYZSTAN (City / Country)
 on SEPTEMBER 10, 1996 (Date)

Father PARENTS Mother

DADDY SAMPLE MOMMY SAMPLE

Date of Birth APRIL 1, 1970 Date of Birth APRIL 1, 1975

CONDOLEEZZA RICE
Secretary of State

Authentication Officer, Washington, D.C.
OCTOBER 27, 2005
Date

FORM DS-1300 WARNING: This certificate is not valid if it has been altered in any way whatsoever or if it does not bear the raised seal of the office of issuance.

An example Consular Report of Birth Abroad appears as follows:

UNITED STATES OF AMERICA DEPARTMENT OF STATE

0119524

Consular Report of Birth Abroad OF A CITIZEN OF THE UNITED STATES OF AMERICA

This is to certify that:

JOHN THOMAS AMERICAN-BORNOVERSEAS
Sex **MALE**, born at **CASABLANCA, MOROCCO**,
On **AUGUST 12, 2009**

Acquired United States **CITIZENSHIP** at birth as established by documentary evidence
 Presented to the Consular Service of the United States at
CASABLANCA, MOROCCO
 On **JANUARY 06, 2011**

MOTHER/FATHER/PARENTS
SUSAN AN AMERICAN **THOMAS DANIEL BORNOVERSEAS**
 Date of Birth: **JANUARY 13, 1979** Date of Birth: **MARCH 09, 1977**

Assistant Secretary for Consular Affairs
Date of Issuance: **MARCH 24, 2011**

13-05219-56 159-5006620

The registrant must supply supporting legal documentation (such as a marriage certificate or court-documented name change) if the name on the birth certificate or document is not the

registrant's current legal name. If the registrant cannot provide supporting legal documentation to account for a different last name, a County Recorder must accept the birth certificate or document if at least the following information matches on both the birth certificate or document and the State Form:

- First name;
- Middle name;
- Place of birth;
- Date of birth; and
- Parents' name(s).

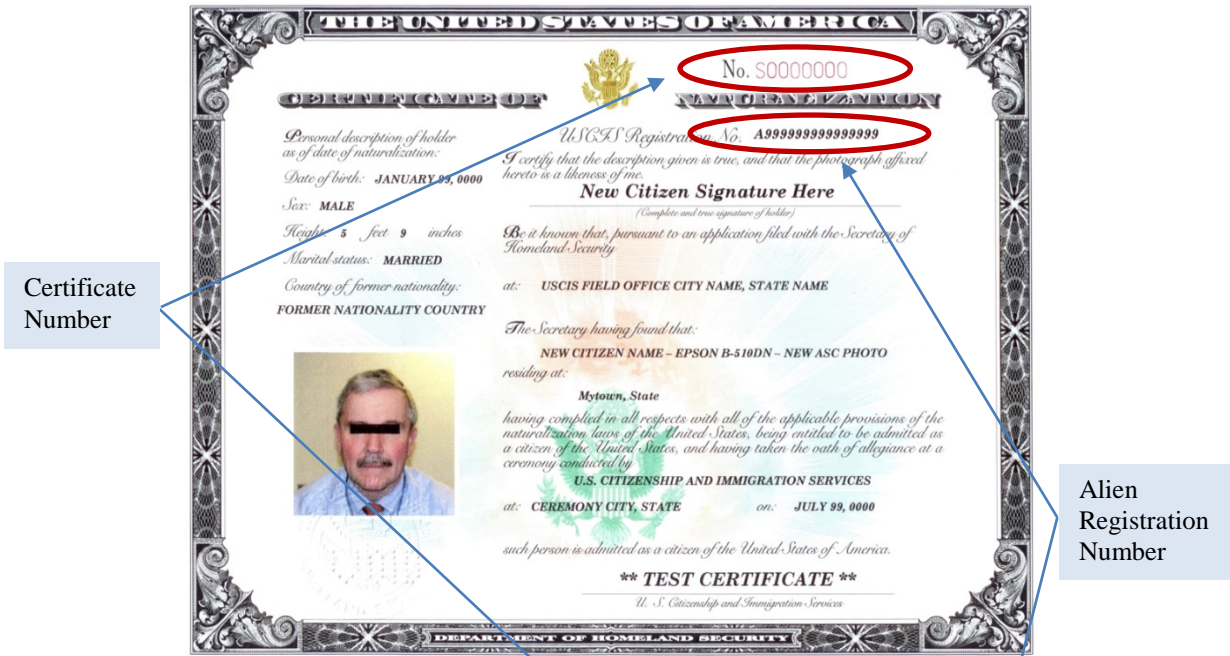
1.4.1.2.3 U.S. PASSPORT

A registrant may submit a legible copy of the pertinent pages of the registrant's valid United States passport or passport card, or present the registrant's valid United States passport or passport card to the County Recorder, as satisfactory proof of citizenship.³⁵

The pertinent pages of a United States passport contain the passport number, name, nationality, date of birth, gender, place of birth, and signature (if applicable):



³⁵ [A.R.S. § 16-166\(F\)\(3\)](#).



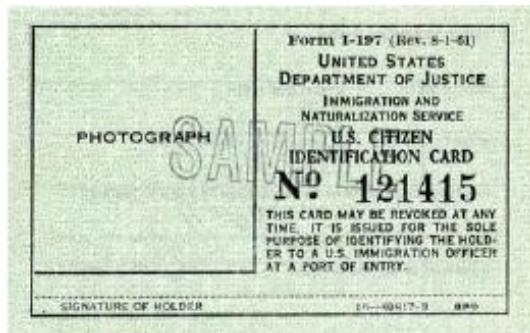
Certificate Number

Alien Registration Number

Example of a Certificate of Citizenship:



Examples of older citizenship documents that remain valid:



1.4.1.2.4.2 VERIFYING THE REGISTRANT'S CITIZENSHIP AND IMMIGRATION NUMBERS

If a registrant provides a Citizenship Certificate Number, Naturalization Certificate Number, or Alien Registration Number for proof of citizenship purposes, this number must be verified against the U.S. Citizenship and Immigration Services' (USCIS's) Systematic Alien Verification for Entitlements (SAVE) database.³⁸

1.4.1.2.4.2.1 SAVE USAGE

Each County Recorder must access SAVE under the auspices of the Secretary of State's Memorandum of Agreement with USCIS (the "USCIS MOA"). The Secretary of State will provide SAVE access to each County Recorder upon signing a separate agreement (the "SOS/County Agreement") that will govern the terms of SAVE usage (and, in some cases, billing as well).

A registrant must remain in "suspense" status until the County Recorder verifies the citizenship number through SAVE. If SAVE returns "United States Citizenship," the registrant's status must be updated to "active" with a reason code "valid registration" in the voter registration database. If SAVE returns "Lawful Permanent Resident," "Refugee," "Non-Immigrant," or "Asylee," or SAVE is otherwise unable to find a match, the registrant has not provided satisfactory proof of citizenship. The consequences of failing to provide satisfactory proof of citizenship vary according to the type of voter registration form submitted.³⁹

1.4.1.2.4.2.2 SAVE BILLING

SAVE usage is billed at \$0.50 per search query for an initial verification (and a maximum \$1.50 search fee if additional verification is necessary), subject to a \$25.00 minimum service fee charged by USCIS for that particular month. For example, if a County Recorder conducts 20

³⁸ [A.R.S. § 16-166\(F\)\(4\)](#).

³⁹ See Chapter 1, Section 1.8.2 (State Form); Chapter 1, Section 1.8.3 (Federal Form); Chapter 1, Section 1.8.4 (FPCA); or Chapter 1, Section 1.8.5 (FWAB).

search queries at a total cost of \$10.00, the County Recorder will be charged an additional \$15.00 service fee in order to meet the \$25.00 minimum. If the County Recorder's SAVE queries exceed \$25.00 during a particular month, the County Recorder will not be billed any additional service fees since the \$25.00 minimum has been met.

The \$25.00 minimum fee is only charged during a particular billing month if a County Recorder actually uses the SAVE system that month; County Recorders will not be billed any fees if they do not use SAVE during a particular billing month.

Counties will be billed for SAVE usage through one of two payment mechanisms:

1. A County Recorder who anticipates regular SAVE usage must enter into a Reimbursement Memorandum of Agreement ("RMOA") and Anticipated Collections Addendum ("ACA") with USCIS for billing purposes before it can be given access to SAVE. In that case, the County Recorder will be billed by USCIS and pay USCIS directly for any SAVE usage.

A County Recorder who does not anticipate regular SAVE usage may enter into an RMOA and ACA with USCIS as well, at the County Recorder's discretion. However, entering into an RMOA and ACA with USCIS precludes the County Recorder from opting into the alternative billing plan outlined below.

2. A County Recorder who does not anticipate regular SAVE may adopt an alternative billing plan that allocates initial billing responsibility to the Secretary of State, the terms of which will be incorporated in the SOS/County Agreement. Under this billing option, the Secretary of State will be billed by USCIS and thereafter seek reimbursement from any participating counties based on those counties' pro rata shares of monthly SAVE charges.

For example, if two participating counties use SAVE during a particular month, with one county incurring \$7.00 in search fees and the other county incurring \$8.00 in search fees, the Secretary of State will seek reimbursement from the participating counties as follows:

- County A is charged \$7.00 for search fees and \$5.00 for half the monthly service fee;
- County B is charged \$8.00 for search fees and \$5.00 for half the monthly service fee.

If only County A used SAVE for the particular month, the county would be charged the full \$7.00 search fee and the \$18.00 service fee.

1.4.1.2.4.2.3 SPECIAL CONSIDERATIONS AT NATURALIZATION CEREMONIES

County Recorder representatives that conduct registration drives at naturalization ceremonies must make both State and Federal Forms available and take special precautions to ensure these forms are properly processed.

First, the County Recorder representative that receives the registrant's completed voter registration form must write his or her name on the form, along with the date.

Second, the County Recorder representative that conducted the registration drive must ensure that the registrant's Alien Registration Number is written on each registration form. If any registrants reside outside that county, the County Recorder representative must bundle the voter registration forms by county and send them to the applicable County Recorders, along with a cover letter affirming that the registration form was received through a naturalization ceremony. The County Recorder that receives the bundle may rely on this cover letter and is not required to re-check any citizenship/immigration numbers to verify proof of citizenship.

1.4.1.2.4.2.4 SPECIAL CONSIDERATIONS FOR VERIFYING CITIZENSHIP STATUS AT VOTER REGISTRATION DEADLINES

Often there is a delay between when a registrant becomes a U.S. citizen and when that registrant's citizenship status has been updated in SAVE, therefore a County Recorder must be cognizant of upcoming voter registration deadlines. A series of precautions must be undertaken if a County Recorder receives a voter registration form within two weeks of a registration deadline that contains a citizenship/immigration number:

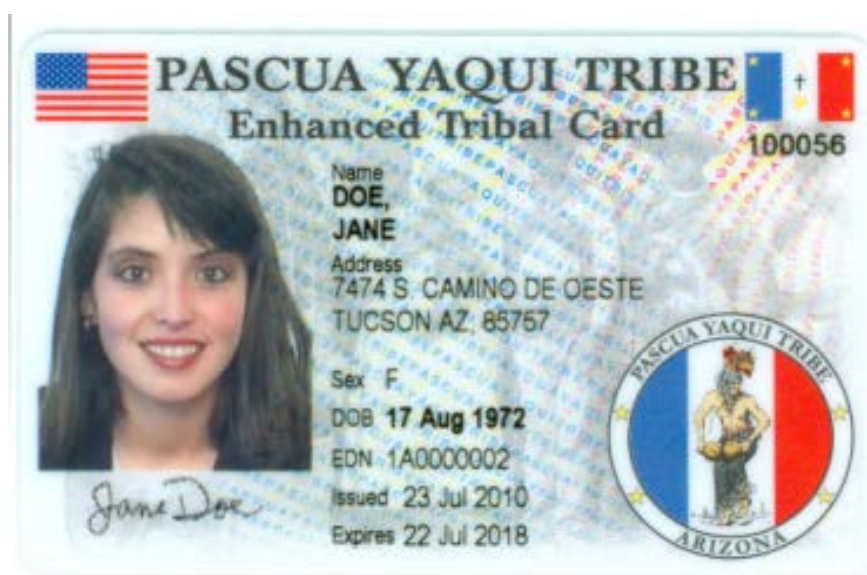
- If a County Recorder receives a registration form within 14 days of a voter registration deadline, the County Recorder must promptly contact the registrant by mail and telephone/email about the potential need (in case SAVE results are not ready by the deadline) to submit further proof of citizenship to be a qualified elector for the next election.
- Within 14 days of a voter registration deadline, a County Recorder must check SAVE for the results of any pending verification cases to print or create precinct registers for election day. If any cases remain pending for additional verification at that time, the County Recorder should be prepared to supplement the precinct registers immediately preceding the election or be prepared to issue Recorder's Certificates to any newly registered voters whose citizenship was verified at the last minute.

1.4.1.2.5 TRIBAL ENROLLMENT NUMBER OR INDIAN CENSUS NUMBER

A registrant may submit a Tribal Enrollment Number, Indian Census Number, Bureau of Indian Affairs Card Number, or Tribal Treaty Card Number as satisfactory proof of citizenship.⁴⁰ However, Bureau of Indian Affairs Cards and Tribal Treaty Cards likely are not in use in Arizona.⁴¹

Tribal identification numbers are presumed valid for voter registration purposes and need not be verified against any database.

A Tribal Enrollment Number may be found on official tribal documents. For example:



⁴⁰ [A.R.S. § 16-166\(F\)\(6\)](#).

⁴¹ See *Gonzalez v. Arizona*, No. CV 06-1268-PHX-ROS (D. Ariz.), ITCA Plaintiffs' Motion for Preliminary Injunction, Doc. 149, at 4 fn. 7 (Aug. 9, 2006).

1.4.1.2.6 TRIBAL CERTIFICATE OF INDIAN BLOOD OR TRIBAL AFFIDAVIT OF BIRTH

A registrant may submit a legible copy the registrant’s Tribal Certificate of Indian Blood or Tribal/Bureau of Indian Affairs Affidavit of Birth as satisfactory proof of citizenship.

An example Tribal Certificate of Indian Blood appears as follows:

Ref: Tribal Enrollment Office
(928) 734-3152

CERTIFICATE OF INDIAN BLOOD

This certifies that the person named below is a DESCENDANT or ENROLLED MEMBER of the Hopi Indian Tribe according to information taken from the official records of the Hopi Tribal Enrollment Department and has a degree of _____ Hopi Indian Blood. Other degree(s) of Indian blood are: _____.

Name: _____ DOB: _____ Enrollment #: _____

Date: _____

Mary L. Polacca, Director
Hopi Tribal Enrollment Office

CERTIFICATION MAY BE SUBJECT TO CHANGE
UPON DISCLOSURE OF ADDITIONAL INFORMATION.

A Tribal/Bureau of Indian Affairs Affidavit of Birth also constitutes satisfactory proof of citizenship.

1.4.1.2.7 RE-PROVING CITIZENSHIP WHEN MOVING BETWEEN ARIZONA COUNTIES

If a registrant provided satisfactory proof of citizenship in one Arizona county, this proof of citizenship does not carry over if he or she re-registers in another Arizona county.⁴²

If a registrant moves within a county, however, the registrant is not required to re-prove citizenship.⁴³

⁴² [A.R.S. § 16-166\(G\)-\(H\).](#)

⁴³ [A.R.S. § 16-166\(I\).](#)

1.4.1.2.8 PRESERVATION AND PROTECTION OF CITIZENSHIP DOCUMENTATION

Documents submitted for purposes of proving citizenship may be maintained outside the voter registration database. A County Recorder must reasonably ensure that no unauthorized person has access to citizenship documents.

A County Recorder may destroy citizenship documents two years after the date of receipt. The County Recorder must exercise reasonable diligence to ensure any citizenship documents are properly destroyed.⁴⁴

1.4.2 AGE REQUIREMENTS FOR REGISTRATION

A registrant must be at least 18 years old by the next “regular general election” that occurs following his or her registration.⁴⁵ For purposes of this requirement, the next “regular general election” is the next statewide general election held pursuant to [A.R.S. § 16-211](#).

1.4.2.1 AGE QUALIFICATION TO REGISTER VS. AGE QUALIFICATION TO VOTE

A minor that is qualified to register to vote is not necessarily a qualified elector for the next election.⁴⁶ Age requirements for a qualified elector are addressed in Chapter 1, Section 1.12.1.1.

1.4.3 RESIDENCY REQUIREMENTS FOR REGISTRATION

A new registrant must be a resident in the county of registration at least 29 days before the next election.⁴⁷ A registrant is a “resident” if he or she has physical presence in the county along with an intent to remain.⁴⁸

A registrant may be temporarily absent from the jurisdiction without losing his or her “residency” status, as long as he or she has an intent to return.⁴⁹

For example, although a UOCAVA registrant may register to vote any time prior to 7:00 p.m. on Election Day,⁵⁰ a UOCAVA registrant still must be considered an Arizona “resident”: he or she must (1) have had physical presence (with an intent to remain) in the county of registration at

⁴⁴ [A.R.S. § 16-166\(F\), \(J\)](#).

⁴⁵ [A.R.S. § 16-101\(A\)\(2\)](#).

⁴⁶ [A.R.S. § 16-152\(A\)\(15\)](#) requires that the state voter registration form ask whether a registrant will be “eighteen years of age on or before *election day*” in order to register to vote. (emphasis added). However, this provision must be interpreted consistently with [A.R.S. § 16-101\(A\)\(2\)](#), and therefore only forbids registration if the registrant will not be at least 18 years old by the next *general* election.

⁴⁷ [A.R.S. § 16-101\(A\)\(3\)](#).

⁴⁸ [A.R.S. § 16-103](#).

⁴⁹ [A.R.S. § 16-103](#).

⁵⁰ See [A.R.S. § 16-103\(C\)](#)

least 29 days prior to the election, and (2) have an intent to return to the county following the period of temporary absence.⁵¹

Although often interchangeable, the 29-day residency qualification is distinct from the 29-day deadline to register to vote in advance of an election.⁵² For example, the voter registration deadline may change based on the existence of a state holiday, but this does not affect the requirement to be a resident at least 29 days before the next election.⁵³ Voter registration deadlines are addressed in Chapter 1, Section 1.12.1.3.

The only residency exception to the requirement for residency prior to the election is for a UOCAVA registrant who has never resided in the United States but has at least one parent registered to vote in Arizona at the time of registration.⁵⁴ Otherwise, a UOCAVA registrant must have residency in Arizona for at least 29 days prior to the next election.

Registration and voting requirements for UOCAVA registrants are more fully addressed in Chapter 1, Section 1.8.4 and Section 1.8.5. A County Recorder has no duty to verify a registrant's residency status.

1.4.4 SIGNATURE REQUIREMENTS FOR REGISTRATION

A registrant must be able to write his or her name (or make a mark) unless he or she is prevented from doing so due to physical disability.⁵⁵ A registrant is not required to sign or make his or her mark when registering to vote using the Online EZ Voter Registration because the registrant's digital MVD signature will be imported into the EZ Voter record.

If a registrant was precluded from signing a paper registration form due to physical disability, the person assisting the registrant with completing the voter registration must sign the form. A person assisting a registrant with completing an In-Person or Online EZ Voter Registration is not required to sign or provide any identifying information.

In all cases where a person assists a registrant complete a voter registration form, the form is still deemed to be submitted under penalty of perjury by the registrant.⁵⁶

⁵¹ [A.R.S. § 16-103](#). A UOCAVA registrant must also provide an Arizona address on the FPCA or FWAB.

⁵² [A.R.S. § 16-101\(A\)\(3\)](#) (29-day residency requirement); [A.R.S. § 16-120](#) (deadline to register 29 days in advance of the election).

⁵³ [A.R.S. § 16-101\(A\)\(3\)](#).

⁵⁴ [A.R.S. § 16-103\(E\)](#).

⁵⁵ [A.R.S. § 16-101\(A\)\(4\)](#); [A.R.S. 16-152\(A\)\(19\)](#).

⁵⁶ See [A.R.S. 16-152\(A\)\(20\)](#) (the affidavit is deemed to be "completed according to the registrant's direction").

1.4.5 EFFECT OF FELONY CONVICTION ON QUALIFICATION TO REGISTER TO VOTE

A County Recorder has no duty to verify whether a felon's civil rights have been properly restored and is entitled to rely upon the registrant's affirmation when registering to vote.

Unless the registrant's civil rights have been restored, a registrant may not register to vote if he or she has been convicted of a felony or treason.⁵⁷ The registrant must affirm under penalty of perjury that he or she is not barred from registering to vote due to a felony conviction.⁵⁸

A registrant convicted of a Class 6 undesignated felony may have his or her sentence reduced to a misdemeanor conviction and therefore retain eligibility to register to vote.⁵⁹ For example, based on "the nature and circumstances of the crime and history and character of the defendant," a court may place a defendant on probation and the felony conviction will be reduced to a misdemeanor upon completion of probation.⁶⁰ In that case, the final conviction governs for purposes of registration eligibility.⁶¹

A felony conviction in another state also serves as a bar to registration even if the same conduct would not constitute a crime or carry less than a felony penalty under Arizona law. However, restoration of civil rights precludes these felony convictions from serving as a bar to registration.

Except for a registrant convicted of counterfeiting election returns, a registrant's civil rights are automatically restored by operation of law if:

- The registrant had only had one felony conviction;⁶²
- The registrant completed probation or has been discharged from prison in conjunction with that felony conviction; and
- The registrant has paid any court fines and/or restitution resulting from that felony conviction.⁶³

⁵⁷ [A.R.S. § 16-101\(A\)\(5\)](#).

⁵⁸ [A.R.S. § 16-152\(A\)\(16\)](#). Due to rarity of convictions, not all voter registration forms expressly reference "treason" as bar to registration.

⁵⁹ [A.R.S. § 13-604\(A\)](#).

⁶⁰ [A.R.S. § 13-604\(A\)](#).

⁶¹ In effect, reduction to a misdemeanor pursuant to [A.R.S. § 13-604](#) means that a registrant is deemed not to have been convicted of a felony in the first place. The conviction should not be reported to the Secretary of State for automatic cancellation pursuant to [A.R.S. § 16-165\(A\)\(4\)](#); in the event a registration has been cancelled, however, the registrant may re-register upon entry of an order designating the offense as a misdemeanor.

⁶² If a registrant's Class 6 undesignated felony conviction is later reduced to a misdemeanor pursuant to [A.R.S. § 13-604\(A\)](#), the registrant is deemed not to have been convicted of a felony for purposes of this section.

⁶³ [A.R.S. § 13-905](#); [A.R.S. § 13-912](#); [A.R.S. § 16-1011\(C\)](#).

If registrant has been convicted of a second or subsequent felony offense, the registrant must apply to the appropriate Arizona court to restore his or her rights.⁶⁴ Judicial relief is necessary even if the first felony conviction was reduced to a misdemeanor upon completion of probation or other post-sentencing condition. Only upon an entry of a court order restoring civil rights is a registrant permitted to register (or re-register) to vote.

1.4.6 EFFECT OF MENTAL INCAPACITATION ON QUALIFICATION TO REGISTER TO VOTE

A County Recorder has no duty to verify whether a registrant is mentally incapacitated and is entitled to rely upon the registrant’s affirmation when registering to vote.

A registrant may not register to vote if he or she has been adjudicated mentally incapacitated by a court.⁶⁵ An incapacitated person is “any person who is impaired by mental illness, mental deficiency, mental disorder, physical illness or disability, chronic use of drugs, chronic intoxication or other cause, except minority, to the extent that he [or she] lacks sufficient understanding or capacity to make or communicate responsible decisions concerning his person.”⁶⁶

A registrant must affirm under penalty of perjury that he or she is not barred from registering to vote due to mental incapacity.⁶⁷

A judicial finding of mental incapacitation in another state (or an equivalent finding that substantially resembles Arizona’s conditions for mental incapacitation) serves as a bar to registration in Arizona even though the judgment was not entered in Arizona.

1.4.6.1 RETENTION OF VOTING RIGHTS DESPITE FINDING OF MENTAL INCAPACITATION

Despite a finding of mental incapacitation, a registrant may be qualified to register to vote if a court expressly finds that the registrant retains his or her voting rights. For example, in cases where a limited guardian has been appointed for an incapacitated registrant, the registrant remains qualified to register to vote if a court determines by clear and convincing evidence that the registrant retains a sufficient understanding to exercise the right to vote.⁶⁸

⁶⁴ [A.R.S. § 13-906.](#)

⁶⁵ [A.R.S. § 16-101\(A\)\(6\).](#)

⁶⁶ [A.R.S. § 14-5101\(3\).](#)

⁶⁷ The term “incompetent” used on the State Form and www.servicearizona.com portal should be construed synonymously with the term “incapacitated.”

⁶⁸ [A.R.S. § 14-5304.02.](#)

If necessary, a County Recorder may review the court order or notice (whether from the court itself, the guardian, the incapacitated person, or any other source) to confirm that a registrant deemed mentally incapacitated is nonetheless qualified to register to vote.

1.5 DESIGNATED VOTER REGISTRATION ASSISTANCE AGENCIES

Various agencies, organizations, and offices in Arizona may be designated as “voter registration assistance” agencies. An officially-designated voter registration assistance agency:

- Provides assistance in registering to vote without regard to political party or affiliation;
- Develops written policies and conducts internal training to ensure compliance with federal and state law with respect to voter registration;
- Meets with the Secretary of State and/or County Recorder, as applicable, on an as-needed basis to discuss voter registration policies and procedures;
- Receives State Forms (from the applicable County Recorder) and Federal Forms (from the Secretary of State) on a regular basis;⁶⁹ and
- Accepts and agrees to return completed voter registration forms to the applicable County Recorder within 5 business days of receipt.⁷⁰

The following agencies and offices in Arizona are designated as voter registration assistance agencies:

- The Arizona Department of Economic Security (DES);
- The Arizona Health Care Cost Containment System (AHCCCS);
- The Arizona Department of Health Services (DHS); and
- Armed Forces Recruiting Centers.⁷¹

A County Recorder may designate additional “voter registration volunteers” at his or her discretion, which could be any person, group or entity, and may include governmental, nonprofit and other private organizations.⁷² Any county-designated voter registration volunteer should be bound by the same responsibilities outlined above for voter registration assistance agencies.

Registration forms provided to a designated voter registration assistance agency or voter registration volunteer should bear a registration source code, if practicable. The source code may

⁶⁹ See Chapter 1, Section 1.3.

⁷⁰ [52 U.S.C. § 20506\(a\)\(2\)-\(4\), \(d\)\(1\)-\(2\)](#); [A.R.S. § 16-134\(A\)](#); [A.R.S. § 16-140](#); [A.R.S. § 16-141](#).

⁷¹ [52 U.S.C. § 20506\(a\)\(2\)-\(3\)](#); [A.R.S. § 16-140](#); [A.R.S. § 16-141](#); see also Department of Justice guidance, available at <https://www.justice.gov/crt/national-voter-registration-act-1993-nvra>.

⁷² [52 U.S.C. § 20506\(a\)\(3\)](#); [A.R.S. § 16-140\(E\), \(F\)\(1\)](#).

not disclose the specific agency or office that issued the State Form, nor may the source code provide any indication that a State Form was issued by a public assistance or disabilities agency.⁷³

If an applicant for public assistance or disabilities assistance registers to vote using a registration form with a pre-populated source code, the source code from a particular registrant’s form may not be publicly disclosed, and may only be used by election officials to monitor compliance with federal and state law.⁷⁴

1.5.1 CONSIDERATIONS FOR PUBLIC ASSISTANCE AND DISABILITIES ASSISTANCE AGENCIES

All public assistance agencies and disabilities agencies are designated as voter registration assistance agencies under federal and state law.⁷⁵ Public assistance and disabilities agencies are subject to unique responsibilities to conduct voter registration.

1.5.1.1 DEFINITION OF PUBLIC ASSISTANCE AND DISABILITIES ASSISTANCE AGENCIES

A “public assistance agency” means a state agency, division, or office that provides cash assistance or in-kind assistance (such as access to medical care or transportation) to low-income or underserved populations based on established eligibility criteria.⁷⁶ The following agencies or divisions constitute “public assistance agencies” in Arizona:

- Arizona Department of Economic Security (DES):
 - The Family Assistance Administration (FAA) within the Division of Benefits and Medical Eligibility (DBME)⁷⁷
- Arizona Health Care Cost Containment System (AHCCCS)⁷⁸

⁷³ See Chapter 1, Section 1.6.2.

⁷⁴ [A.R.S. § 16-140\(D\)](#).

⁷⁵ [52 U.S.C. § 20506\(a\)\(2\)](#); [A.R.S. § 16-140](#).

⁷⁶ [A.R.S. § 16-140\(F\)\(3\)](#).

⁷⁷ DBME’s Family Assistance Administration (FAA) determines eligibility for the Temporary Assistance for Needy Families program (TANF), the Supplemental Nutrition Assistance Program (SNAP), and other state-funded general assistance programs. In addition, FAA (through an interagency agreement) makes eligibility determinations for the following Arizona Health Care Cost Containment System (AHCCCS) programs: AHCCCS Care, AHCCCS for Families and Children (AFC), AHCCCS Medical Expense Deduction (MED) program, and Federal Emergency Services (FES) program.

⁷⁸ AHCCCS determines eligibility for programs such as KidsCare, the Arizona Long Term Care System (ALTCS), Health Insurance for Parents (HIFA Parents), Social Security Disability Insurance – Temporary Medical Assistance (SSDI-TMC), Supplemental Security Income-Medical Assistance Only (SSDI-MAO), the Medicare Savings Plan for Qualified Medicare Beneficiaries (QMBs), Specified Low-Income

- Arizona Department of Health Services (DHS):
 - The Division of Health Prevention⁷⁹

A “disabilities agency” means a state agency, division or office that administers state-funded programs to provide services to persons with disabilities.⁸⁰ The following offices or divisions constitute “disabilities agencies” in Arizona:

- Arizona Department of Economic Security (DES):
 - Developmental Disabilities Division (DDD)
 - Employment and Rehabilitation Services Division (DERS)⁸¹

The Secretary of State must report the number of registrations through public assistance agencies and disabilities agencies to the U.S. Election Assistance Commission on a biennial basis. Accordingly, the County Recorders should ensure (through use of pre-populated source codes or any other reliable method) that completed voter registration forms received from state agencies can be properly distinguished between a public assistance function versus a disabilities assistance function.

1.5.1.2 DUTY TO PROVIDE REGISTRATION ASSISTANCE

A public assistance or disabilities agency must provide the opportunity to register to vote to any benefits applicant who:

- Applies for, renews, or recertifies eligibility for benefits or services; or
- Updates or changes their address information.⁸²

The duty to provide the opportunity to register to vote applies regardless of how the applicant interacts with the agency (whether in-person, by telephone, or online) or who the applicant

Medicare Beneficiaries (SLMBs), and Qualified Individuals (QI-1), the “Freedom to Work” program, the Transitional Medical Assistance (TMA) program, the Breast and Cervical Cancer Treatment program, and the Hospital Presumptive Eligibility (HPE) program.

⁷⁹ The Division of Health Prevention determines eligibility for the Women, Infants and Children (WIC) program and the Commodity Supplemental Food Program (CSFP).

⁸⁰ [A.R.S. § 16-140\(F\)\(2\)](#).

⁸¹ DERS’s Vocational Rehabilitation program (VR) provides services to persons with disabilities, with the ultimate goal to prepare persons with disabilities to enter into and/or retain employment. The program is funded through partnership with the federal Rehabilitation Services Administration (RSA), a division of the U.S. Department of Education.

⁸² [52 U.S.C. § 20506\(a\)\(6\)\(A\)](#); [A.R.S. § 16-140\(A\)](#). These transactions are known as “covered transactions.”

interacts with (whether an agency employee or third-party contractor hired by the agency) in processing the applicant's request.

The agency must also provide assistance in registering to vote.⁸³ Unless an applicant declines to register, the agency must provide the same degree of registration assistance that the agency would provide an applicant in completing the agency's own benefit application forms.⁸⁴ While providing this assistance, agency personnel may not seek to influence the applicant's selection of a political party, display any political party preference, discourage the applicant from registering to vote, or lead the applicant to believe that whether he or she registers to vote has a bearing on receipt of benefits.⁸⁵ Agency personnel should also be prepared to explain the different requirements and limitations when registering to vote using the State Form versus the Federal Form.⁸⁶

1.5.1.3 DUTY TO ADVISE APPLICANTS OF THEIR RIGHTS

In conjunction with providing the opportunity to register to vote, a public assistance or disabilities agency must provide the following advisories:

1. The statement "If you are not registered to vote where you live now, would you like to apply to register to vote here today? { } Yes { } No
If you do not check either box, you will be considered to have decided not to register to vote at this time."
2. If the agency provides public assistance, the statement "Applying to register or declining to register to vote will not affect the amount of assistance that you will be provided by this agency."
3. The statement "If you would like help in filling out the voter registration application form, we will help you. The decision to seek or accept help is yours. You may fill out the application form in private."
4. The statement "If you believe that someone has interfered with your right to register or to decline to register to vote, or your right to choose your own political party or other political preference, you may file a complaint with the Secretary of State." This

⁸³ If an applicant plans to attach proof of citizenship to the voter registration form (and submit the completed voter registration form to the agency), the agency should provide photocopying assistance (if available) to facilitate the applicant's ability to attach citizenship documentation to the voter registration form.

⁸⁴ [A.R.S. § 16-140\(B\)](#).

⁸⁵ [52 U.S.C. § 20506\(a\)\(5\)\(A\)-\(D\)](#).

⁸⁶ See Chapter 1, Section 1.8.2; Chapter 1, Section 1.8.3.

statement must be followed by the name, address and telephone number of the Secretary of State:⁸⁷

Office of the Secretary of State
1700 W. Washington, 7th Floor
Phoenix, AZ 85007-2808
(602) 542-8683
elections@azsos.gov

The advisement may be combined with a benefits application (whether on paper or online), issued as a separate document, or spoken during a telephonic transaction. However, any oral answer to the question “would you like to apply to register to vote?” must be documented in writing by the agency.

If the applicant indicates “no” or declines to answer the registration question, the applicant is deemed to have declined to register to vote and no further registration services need be offered during that transaction.⁸⁸ The agency must collect and periodically forward (at least once a month) all written declinations to register to vote to the State Library, Archives, and Public Records for retention for two years.⁸⁹ These written declinations are exempt from public disclosure except for purposes of verifying compliance with federal and state law with respect to voter registration.⁹⁰

1.5.1.4 SUPPLYING REGISTRATION FORMS

At the request of a public assistance or disabilities agency, the Secretary of State and applicable County Recorder must supply the public assistance or disability agency with sufficient Federal Forms⁹¹ and State Forms⁹² to ensure continuity of the agency’s operations.

If a public assistance or disabilities agency provides voter registration forms to all benefit applicants regardless of whether the applicant chooses to register to vote, the Secretary of State or applicable County Recorder must supply voter registration forms that reasonably approximate the number of applicants that choose to register to vote.⁹³ Once a public assistance agency has

⁸⁷ [52 U.S.C. § 20506\(a\)\(6\)\(B\)](#); [A.R.S. § 16-140\(A\)](#).

⁸⁸ [52 U.S.C. § 20506\(a\)\(6\)\(B\)\(iii\)](#); [A.R.S. § 16-140\(C\)](#).

⁸⁹ [A.R.S. § 16-140\(C\)](#).

⁹⁰ [A.R.S. § 16-140\(C\)](#).

⁹¹ The Secretary of State is responsible for supplying Federal Forms at no cost. *See* Chapter 1, Section 1.3.

⁹² A County Recorder is responsible for supplying State Forms to any state agency, division or office located in its county jurisdiction at no cost. *See* Chapter 1, Section 1.3.

⁹³ Under the National Voter Registration Act, a public assistance or disabilities assistance agency must provide a voter registration form to every benefit applicant during a covered transaction unless the applicant declines to register to vote in writing. [52 U.S.C. § 20506\(a\)\(6\)\(A\)](#); [A.R.S. § 16-140\(A\)](#).

been supplied with enough voter registration forms to sufficiently meet the demand from benefits applicants for covered transactions, the Secretary of State and/or County Recorder may supply additional voter registration forms in accordance with office policy.⁹⁴

The Secretary of State and County Recorders should establish points of contact with each public assistance and disabilities agency in their jurisdiction to facilitate this process.

1.5.1.5 TRACKING SOURCE OF REGISTRATION

A public assistance or disabilities agency should make its best efforts to ensure:

- Completed registration forms returned to the County Recorder are segregated between public assistance and disabilities assistance for proper tracking purposes.
- If the agency receives voter registration forms with a pre-populated source code, the agency distributes the proper voter registration forms to the appropriate divisions or offices.
- To the extent the agency directs applicants to register to vote online (either through www.servicearizona.com or by downloading a registration form), the agency:
 - Utilizes a reasonable method to track which applicants were directed to an online registration method; and
 - Offers to mail a paper voter registration form, at the applicant's request, if the applicant is unable to access online registration or download/print a registration form.

A County Recorder should make best efforts to ensure:

- If practicable, State Forms provided to a public assistance or disabilities agency should have a pre-populated source code that allows the County Recorder to reliably track the origin of any completed form. The source code should not be publicly decipherable (*i.e.* a County Recorder should not use “PA” or “D” as the source code pre-printed on the form), but should allow a County Recorder to internally distinguish between public assistance versus disabilities assistance.⁹⁵
- If pre-populated source codes are not practicable, a County Recorder should develop a reliable method to receive and track completed voter registration forms directly received from public assistance and disabilities agencies.⁹⁶

⁹⁴ For example, a County Recorder may hand out State Forms in blocks of 100, 200, etc. in order to ensure a reasonable distribution of forms for all groups that conduct voter registration drives.

⁹⁵ [A.R.S. § 16-140\(D\)](#); [A.R.S. § 16-152\(A\)\(22\)](#).

⁹⁶ A County Recorder has no obligation to track registrations indirectly tied to public assistance or disabilities agencies, such as registrations through an Online EV Voter Registration.

A County Recorder must input the source of registration into each registrant’s electronic registration record.⁹⁷

1.6 PROCESSING PROCEDURES COMMON TO ALL VOTER REGISTRATIONS

1.6.1 REGISTRATION STATUS AND REASON CODES

A County Recorder must assign the appropriate status and reason code to each registrant’s record. There are 6 recognized status codes that may be populated in the statewide voter registration database: active, inactive, suspense, canceled, not eligible, and not registered.

Status	Reason Code	Reason
<p>Active</p> <p>An “active” status must be assigned to a registrant that meets the standards for registration.</p>	Valid Registration (VR)	Registrant submitted a complete voter registration and citizenship was verified.
	Federal – No ID or Citizenship (FED)	Registrant submitted a complete voter registration on a Federal Form, and did not provide proof of citizenship or proof of identity. ⁹⁸
	Federal – ID Only (FEDI)	Registrant submitted a complete voter registration on a Federal Form, and did not provide proof of citizenship but did provide proof of identity. ⁹⁹
	NVRA Confirmation Response Needed (NVRN)	The County Recorder received one piece of returned mail from the registrant; this reason code is utilized prior to placing the registrant in “inactive” status after failure to respond to a second mailing.
<p>Inactive</p>	NVRA Inactive Address (NVRI)	Registrant has been placed in inactive status based on the “NVRA process.” ¹⁰¹

⁹⁷ See Chapter 1, Section 1.6.2.

⁹⁸ See Chapter 1, Section 1.8.3.3.

⁹⁹ See Chapter 1, Section 1.8.3.2.1.2.

¹⁰¹ See Chapter 1, Section 1.14.3.1.

<p>An “inactive” status must be assigned to a registrant who has an inactive mailing address and has been placed in the “NVRA process.”¹⁰⁰</p>	<p>Federal – No ID or Citizenship (FED)</p>	<p>Registrant has been placed in inactive status based on the “NVRA process”; registrant originally submitted a complete voter registration on a Federal Form, and did not provide proof of citizenship or proof of identity.¹⁰²</p>
	<p>Federal – ID Only (FEDI)</p>	<p>Registrant has been placed in inactive status based on the “NVRA process”; registrant submitted a complete voter registration on a Federal Form, and did not provide proof of citizenship but did provide proof of identity.</p>
<p>Suspense</p> <p>A “suspense” status must be assigned to a registrant that submitted an incomplete voter registration (other than failure to provide proof of citizenship) or where further information is required to complete processing of the registration application.</p>	<p>VRAZ-Waiting Verification (VER)</p>	<p>Registrant record is awaiting electronic verification steps to be completed through the statewide voter registration system.¹⁰³</p>
	<p>Registrant-Waiting Verification (REG)</p>	<p>Registrant submitted incomplete voter registration form (other than failure to provide proof of citizenship) and status remains pending until registrant provides the requested information.¹⁰⁴</p>
	<p>Registrant Too Young (RTY)</p>	<p>Registrant is not currently 18 years old but will be 18 by the next general election.¹⁰⁵</p>
<p>Canceled</p> <p>A “canceled” status should be</p>	<p>Added to System in Error (ERR)</p>	<p>A registrant record should not have been created; if a duplicate record exists for the registrant, use this reason to cancel the erroneous</p>

¹⁰⁰ See Chapter 1, Section 1.14.3.1.

¹⁰² See Chapter 1, Section 1.8.3.3.

¹⁰³ See Chapter 1, Section 1.9.2.

¹⁰⁴ See Chapter 1, Section 1.8.2.1.1; Chapter 1, Section 1.8.3.1.1; Chapter 1, Section 1.8.4.1.1; and Chapter 1, Section 1.8.5.1.1. A registrant that fails to provide proof of citizenship with a State Form should be placed in “not eligible” status.

¹⁰⁵ See Chapter 1, Section 1.12.1.1.

assigned to a registrant who ceases to meet the standards for registration and is no longer a registered voter.		record when the erroneous record contains no voting history and there is no need to merge the duplicate records. ¹⁰⁶
	Deceased (D)	Registrant is deceased based on determination of the County Recorder. ¹⁰⁷
	Deceased - Automatic Resolution (DA)	Registrant is deceased based on information from DHS and was automatically canceled through the statewide voter registration system. ¹⁰⁸
	Declared Incompetent (DI)	Registrant has been found mentally incapacitated based on court information provided directly to a County Recorder (or through a “soft match” of information distributed through the statewide voter registration system). ¹⁰⁹
	Declared Incompetent – Automatic Resolution (DIA)	Registrant has been found mentally incapacitated based on court information provided to the Secretary of State and was automatically canceled through the statewide voter registration system. ¹¹⁰
	Duplicate Same Jurisdiction (DSJ)	Registrant record is canceled and merged with another because County Recorder discovers that two records (with voting history) in the same jurisdiction belong to the same registrant. ¹¹¹

¹⁰⁶ A County Recorder should not use the “Added to System in Error” reason code (or any other cancellation reason code) to create test registrants in the voter registration database. Testing should be conducted exclusively in the User Acceptance Testing (UAT) database.

¹⁰⁷ See Chapter 1, Section 1.14.3.2.

¹⁰⁸ See Chapter 1, Section 1.14.1.1.

¹⁰⁹ See Chapter 1, Section 1.14.1.3.

¹¹⁰ See Chapter 1, Section 1.14.1.3.

¹¹¹ See Chapter 1, Section 1.8.1.1 and Chapter 1, Section 1.9.3.3.

	Felon (FEL)	Registrant has been convicted of a felony based on court information provided directly to a County Recorder (or through a “soft match” of information distributed through the statewide voter registration system). ¹¹²
	Felon - Automatic Resolution (FELA)	Registrant has been convicted of a felony based on information from court system or prosecuting agency and was automatically canceled through the statewide voter registration system. ¹¹³
	Invalid Residence Address (INVR)	Registration must be canceled because registrant listed an invalid residence address, such as a business or hotel. ¹¹⁴
	Involuntary Cancellation (INVC)	Registrant must be canceled after admitting to being a convicted felon or non-citizen on a juror questionnaire. ¹¹⁵
	Moved Out of Jurisdiction (MOV)	Registrant has moved out of county based on determination of the County Recorder. ¹¹⁶
	Moved Out of Jurisdiction – Automatic Resolution (MOVA)	Registrant has moved out of county and is automatically canceled in the prior county based on a “hard match” with a new record in a new county. ¹¹⁷
	NVRA (NVRA)	Registrant is canceled after remaining in an inactive status through two federal election cycles in accordance with the “NVRA

¹¹² See Chapter 1, Section 1.14.1.2.2.

¹¹³ See Chapter 1, Section 1.14.1.2.

¹¹⁴ See Chapter 1, Section 1.8.2.1.1; Chapter 1, Section 1.8.3.1.1; Chapter 1, Section 1.8.4.1.1; and Chapter 1, Section 1.8.5.1.1.

¹¹⁵ See Chapter 1, Section 1.14.2.3.

¹¹⁶ See Chapter 1, Section 1.14.3.1.

¹¹⁷ See Chapter 1, Section 1.9.3.4.

		process.” ¹¹⁸
	Voter Request - Voluntary (VRR)	Registrant requests to be canceled.
Not Eligible A “not eligible” status should be assigned to a registrant who does not meet the citizenship or age requirements for registration.	Invalid Citizenship Proof (ICP)	Registrant did not provide proof of citizenship or provided unsatisfactory proof of citizenship when registering with the State Form, FPCA, or FWAB.
	Registrant Too Young (RTY)	Registrant will not be 18 years old before the next general election. ¹¹⁹
Not Registered A “not registered” status should be assigned to a registrant who does not meet the standards for registration (other than citizenship).	Pending Expired (PEX)	Registrant was previously in “suspense” status for submitting an incomplete voter registration form (other than failure to provide proof of citizenship) and did not timely respond to the County Recorder’s request for information.
	Provisional Not Counted (PROV)	Non-registered voter casts a provisional ballot; this status is used as a mechanism to track the provisional ballot voter and allow him/her to check the provisional ballot status online following the election.

1.6.2 REGISTRATION SOURCE AND FORM CODES

A registration “source code” describes the means by which a voter registration form was received by the County Recorder or the source that circulated the registration form.

The following “source codes” should be utilized in the voter registration database:

- “Counter” (C): registration form was received in-person at the County Recorder’s office counter;
- “Mail” (M): registration form was received by the County Recorder by mail or express delivery;

¹¹⁸ See Chapter 1, Section 1.14.3.1.

¹¹⁹ See Chapter 1, Section 1.12.1.1.

- “Motor Vehicle Office – Internet” (MVDI): Online EZ Voter Registration
- “Motor Vehicle Office – Paper” (MVDP): In-Person EZ Voter Registration
- “Public Assistance Office” (PA): registration form was received from a state agency, division or office that provides public assistance;¹²⁰
- “Armed Forces Recruitment Office” (MIL): registration form received from Army, Navy, Marine Corps, Air Force, Coast Guard, or any National Guard/Reserve recruiting office;
- “Disability Service” (DS): registration form was received from a state agency, division or office that provides disabilities assistance;¹²¹
- “Registration Drive” (R): registration form submitted by a political party, officially-designated voter registration volunteer, or other organized group that conducts a voter registration drive;
- “State Designated Site” (ST): registration form returned through a county-designated voter registration volunteer; or
- “Other” (OTH): registration form was received through miscellaneous means, including email or fax.¹²²

A County Recorder may pre-populate registration source codes on a State Form prior to distribution to a public assistance agency, disabilities agency, officially-designed voter registration volunteer, Armed Forces Recruiting Office, or any other organized group that conducts a voter registration drive.¹²³

A “form” code describes the type of voter registration form used to register to vote. The following “form” codes should be utilized in the voter registration database:

- “State Form”: State Form
- “National Voter Registration Form” (NVRF): Federal Form
- “Federal Post Card Application” (FPCA): FPCA
- “Federal Write-In Absentee Ballot” (FWAB): FWAB
- “Motor Vehicle Office – Internet” (MVDI): Online EZ Voter Registration
- “Motor Vehicle Office – Paper” (MVDP): In-Person EZ Voter Registration

¹²⁰ See Chapter 1, Section 1.5.

¹²¹ See Chapter 1, Section 1.5.

¹²² For EAC reporting purposes, the “mail” and “other” sources should be combined when reporting “voters submitting applications by mail, fax, or email.” Only FPCA and FWAB registration forms may be submitted by email or fax.

¹²³ See Chapter 1, Section 1.5.1.5.

UOCAVA registrants are tracked by selecting either the “FPCA” or “FWAB” registration form as the “form” method in the voter registration database.

1.6.3 POLITICAL PARTY PREFERENCES

A registrant may select a political party preference by checking one of three boxes on the State Form:

- [14] Party Preference
- Republican
 - Democratic
 - Other

If the “other” box is checked, and the registrant writes a political party preference, the registrant’s selection should be inputted in the voter registration database as follows:¹²⁴

- “Republican,” “Rep,” “GOP,” or any substantially similar designation: Republican
- “Democratic,” “Democrat,” “Dem,” or any substantially similar designation: Democratic
- “Libertarian,” “LBT,” or any substantially similar designation: Libertarian¹²⁵
- “Green,” “GRN,” or any substantially similar designation: Green
- “Independent,” “IND,” or any substantially similar designation: Independent¹²⁶
- Any non-recognized political party preference (other than “Independent”): Other
- “Party Not Designated” or “PND”: Party Not Designated.

A registrant may write a political party on the “other” line without necessarily checking the box that precedes the word “other.” However, if a registrant checks the “other” box without writing a political party preference on the line (or writes the word “other” on the line), the registrant will be registered as “Other.”

If a new registrant leaves the political party preference field blank, the registrant’s party preference will be “Party Not Designated” or “PND.” If an existing registrant leaves the

¹²⁴ These standards apply to any paper voter registration form: State Form, Federal Form, FPCA, FWAB, or In-Person EZ Voter Registration.

¹²⁵ The designation “LIB” is not deemed substantially similar to “Libertarian” because of the similarity with the word “Liberal.”

¹²⁶ When reporting voter registration statistics pursuant to A.R.S. § 16-168(G), a County Recorder must combine “Independent” and “Other” registrants and report this consolidated number as “Other” to the Secretary of State. *See* Chapter 1, Section 1.15.1.

political party preference field blank, however, the registrant’s existing political party preference will be retained and no changes should be made.

1.6.4 STANDARDS FOR DETERMINING WHETHER MATCH EXISTS BETWEEN REGISTRANT RECORDS

To maintain the integrity and accuracy of voter registration records, a County Recorder must routinely compare registration records before adding, amending, or cancelling a particular record. Records are deemed to belong to the same registrant only if a “true match” exists between the records.

There are two standards to judge the reliability of a presumptive match: a “hard match” or a “soft match.”

1. A “hard match” exists when a minimum number of reliable data points match in both records. In most cases, these records may be deemed a “true match” based on the data match alone.
2. A “soft match” exists when a lesser number of data points match in both records. These records may not be deemed a “true match” based on the data match alone. Rather, a “true match” may be found only after a County Recorder conducts an individualized inquiry into the presumptively-matched records and reasonably determines that the records belong to the same registrant.

What level of data match qualifies as a “hard match” or “soft match” will vary depending on the circumstances and type of comparison being conducted.¹²⁷

1.7 PROCESSING EZ VOTER REGISTRATIONS

Voter registrations electronically transmitted from MVD to the statewide voter registration system are known as EZ Voter records. The EZ Voter program allows registrants to register through MVD, whether online at www.servicearizona.com or in-person at an MVD (or authorized third-party provider) office.¹²⁸

All EZ Voter records for a particular county are populated to an interface, where each record must be individually worked by the County Recorder. Counties using the statewide voter registration database must conduct this review in the Agency Central Interface module known as “Agency Match Results.”

¹²⁷ See Chapter 1, Section 1.9.2.1; Chapter 1, Section 1.9.3.1; Chapter 1, Section 1.14.1.1.1; and Chapter 1 Section 1.14.1.2.2.

¹²⁸ [52 U.S.C. § 20504](#); [A.R.S. § 16-112](#).

1.7.1 EZ VOTER ONLINE TRANSMISSION ERRORS

1.7.1.1 BATCH PROCESSING ERRORS

If there is an error transmitting EZ Voter records from MVD to Agency Central, or from Agency Central to the EZ Voter proxy table or the applicable voter registration database, the Secretary of State should attempt to troubleshoot the error and ensure any unprocessed EZ Voter batches are properly distributed to the applicable county once the error has been remedied.

1.7.1.2 DIGITAL SIGNATURE ERRORS

If *no* digital signature image is transferred with a particular EZ Voter record, Agency Central will attempt to reacquire the signature from MVD for up to 7 days. If Agency Central cannot acquire any digital signature, the Secretary of State must send a notice to the registrant (along with a State Form) informing him or her that the registration was incomplete due to lack of a signature.

If the *incorrect* digital signature image is transferred, the County Recorder must attempt to resolve the discrepancy or contact the Secretary of State for assistance in doing so. An incorrect signature image may be remedied by:

- Acquiring the registrant's correct signature directly from his or her driver's license or identification card file with MVD;¹²⁹ or
- Contacting the MVD to research and resolve the discrepancy on the registrant's behalf.

In the event a correct signature image cannot be acquired for the registrant despite best efforts to do so, the County Recorder must send a notice to the registrant (along with a State Form) informing him or her that the registration was incomplete due to lack of a signature.

In either case of a missing or incorrect digital signature, the registrant's incorrect EZ Voter transaction will be deleted from the applicable EZ Voter batch. The County Recorder may continue processing other aspects of the registration pending receipt of a valid signature.

1.7.1.3 EZ VOTER RECORD SENT TO WRONG COUNTY

If an EZ Voter record is sent to the wrong county (for example, the registrant's address is in another Arizona county), the County Recorder should reject the record and reroute it to the proper county (or, as a last resort, the Secretary of State) for further processing.

¹²⁹ An authorized registration official may access MVD records only under a signed agreement with MVD.

1.7.2 PROCESSING NEW EZ VOTER RECORDS

If there is no “true match” against an existing (non-canceled) registrant’s record in the county, the County Recorder should create a new registration record and import the EZ Voter record into the new registration record.

Once the new record is saved, the statewide voter registration system will conduct the same automatic MVD/SSA verification and statewide duplicate checking that occurs when a paper form has been entered.¹³⁰

1.7.3 PROCESSING AMENDED EZ VOTER RECORDS

If a County Recorder finds a match between an EZ Voter record and an existing registration record, the County Recorder should apply the EZ Voter updates to the existing record. (Registrations are not automatically updated if there is a “hard match” with an existing registration record).

1.7.4 PROCESSES SPECIFIC TO ONLINE EZ VOTER REGISTRATIONS

1.7.4.1 MINIMUM REQUIRED ELEMENTS OF AN ONLINE EZ VOTER REGISTRATION

To register through an Online EZ Voter Registration, a registrant must have been issued an AZ DL/ID because all online transactions must match against the MVD database. If the registrant does not possess an AZ DL/ID, the registrant must complete a paper voter registration form.

An Online EZ Voter Registration must contain the following minimum information in order to be complete for registration purposes:

- The statement “I am a RESIDENT of Arizona” must be checked;
- The statement “I am NOT a convicted FELON, or my civil rights are restored” must be checked;
- The statement “I have NOT been adjudicated INCOMPETENT” must be checked;
- An answer “yes” to the question “Are you a CITIZEN of the United States of America?”;
- An answer “yes” to the question “Will you be at least 18 YEARS OF AGE by the next general election?”;
- The registrant’s first and last name;
- The registrant’s DOB;

¹³⁰ See Chapter 1, Section 1.9.2.

- The registrant’s SSN4 (if the registrant does not have a SSN, the registrant must input “0000”);
- An MVD match against either the registrant’s:
 - AZ DL/ID #; or
 - Street address and eye color;
- The registrant’s residence address;
- The registrant’s party preference.¹³¹

If the registrant enters this minimum amount of information, the registration will be processed through EZ Voter and transmitted through the statewide voter registration system.

If the registrant enters incorrect information or information that does not match the MVD database, the registrant will be locked out of the www.servicearizona.com portal after 3 unsuccessful attempts. In that case, the registrant is directed to complete a paper voter registration form or contact the Secretary of State for more information.

If the registrant cannot provide this minimum information in the Online EZ Voter Registration, the system will not allow the registrant to advance to the next screen.

1.7.4.2 FAILURE TO PROVIDE OPTIONAL INFORMATION

A registrant’s failure to provide his or her state or country of birth, father’s name or mother’s maiden name, telephone number, email address, occupation, whether the registrant was registered in another county or state, whether the registrant’s name changed since the last registration, or whether the registrant is willing to work at a polling place does not preclude the registrant from completing the Online EZ Voter Registration.

1.7.4.3 PROOF OF CITIZENSHIP

A registrant is limited to proving citizenship through AZ voter online by providing an AZ DL/ID # (or information that allows MVD to locate the registrant’s MVD record).

¹³¹ [A.R.S. § 16-112\(A\)](#).

1.7.5 PROCESSES SPECIFIC TO IN-PERSON EZ VOTER REGISTRATIONS

1.7.5.1 MINIMUM REQUIRED ELEMENTS OF AN IN-PERSON EZ VOTER REGISTRATION

To register through EZ Voter in-person, a registrant must have been issued an AZ DL/ID because all transactions must match against the MVD database.

An In-Person EZ Voter Registration must simply contain a “yes” answer to the question “Are you a United States citizen who wishes to register to vote or update your existing voter registration?” If the registrant answers “yes,” the registration will be processed by an MVD (or MVD third-party provider) Customer Service Representative (CSR) and the registrant’s remaining MVD information (name, address, AZ DL/ID #, SSN4, DOB) will be transmitted through the statewide voter registration system.

1.7.5.1.1 FAILURE TO SELECT POLITICAL PARTY PREFERENCE OR MAKE PEVL SELECTION

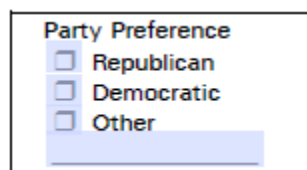
A registrant’s failure to select a political party or affirm “I want to be placed on the permanent early voting list and receive an early ballot by mail for each election I am eligible” does not preclude registration.

1.7.5.1.2 PROOF OF CITIZENSHIP

A registrant is not required to provide additional proof of citizenship when registering through an In-Person EZ Voter Registration because each registration is matched against MVD records.

1.7.5.2 UPDATES TO EXISTING REGISTRATIONS: POLITICAL PARTY CHANGES

A registrant may select a political party on the In-Person EZ Voter Registration:



The image shows a screenshot of a form titled "Party Preference". It contains three radio button options: "Republican", "Democratic", and "Other". The "Other" option is currently selected, indicated by a blue highlight behind the text.

If the In-Person EZ Voter Registration is a new registration, the registrant’s political party selections will be incorporated into the new record. An EZ Voter record with a “Blank” political party selection should be translated as “Party Not Designated” or “PND”.¹³²

¹³² A County Recorder has authority to review the original registration form in order to confirm any information transmitted through the EZ Voter system.

If the In-Person EZ Voter Registration is an update to an existing registration, an EZ Voter record with a political party selection of “Blank” should be ignored and the registrant’s existing political party status should be retained.

1.8 PROCESSING PAPER VOTER REGISTRATIONS

1.8.1 PROCESSES COMMON TO ALL PAPER REGISTRATION FORMS

1.8.1.1 INITIAL DUPLICATE CHECKING WITHIN A COUNTY

When entering the registrant’s information in the voter registration database, a County Recorder determines whether there is an existing record for the registrant within the county. A County Recorder may use any appropriate criteria to identify potential matches, including (but not limited to) the following:

1. AZ DL/ID # match in both records;
2. First name (or first three letters of first name), last name, and date of birth (DOB) match in both records;
3. First name (or first three letters of first name) and DOB match in both records;
4. Last name and DOB match in both records;
5. First name (or first three letters of first name) and last name match in both records;
6. First name (or first three letters of first name), last name, and SSN4 match in both records;
7. First name (or first three letters of first name) and SSN4 match in both records; or
8. Last name and SSN4 match in both records;

A County Recorder must treat any presumptive duplicate as a “soft match.”

If a County Recorder ultimately finds a “true match” between a new registration and existing/original registration record within the county,¹³³ the County Recorder must update the registrant’s existing record with the new registration information in lieu of creating a new record. In this case, a registration form is treated as a request to update the registrant’s existing/original record.

¹³³ Among other methods, the County Recorder should work a “soft match” by comparing both voter registration forms.

If a County Recorder fails to identify a registrant’s existing/original record and inadvertently creates a new record for the registrant, the existing/original record will be flagged in HEI for the County Recorder to resolve later.¹³⁴

1.8.1.2 DATE OF REGISTRATION

A County Recorder must deem a registrant’s date of registration to be the date the registration form was signed by the registrant.

If a registration form was submitted without a date, a County Recorder may use the postmark date or date of receipt by the County Recorder as the date of registration.¹³⁵

If a paper registration form timely submitted before the next election lacks any required information (other than proof of citizenship) or is otherwise placed in “suspense” status, and the registrant later provides that information at the request of the County Recorder, the County Recorder must deem the date of registration to be the date the registration form was signed.¹³⁶ In particular, if a registrant timely provides the requested information, the registrant is deemed to be registered as of the form date and is therefore a qualified elector for that election.

If a paper registration form lacks citizenship information, and the registrant submits a new voter registration form in response to the County Recorder’s letter, the date of registration should be the date the registrant signed the new registration form.

1.8.2 PROCESSES SPECIFIC TO STATE FORMS

1.8.2.1 MINIMUM REQUIRED ELEMENTS OF A STATE FORM

A State Form must contain the following minimum information to be complete for registration purposes:

- The registrant’s name;
- The registrant’s residence address or residence location;

¹³⁴ See Chapter 1, Section 1.9.3.2 for information how to reconcile the duplicate records.

¹³⁵ [A.R.S. § 16-134\(C\)](#).

¹³⁶ A mailed paper registration form is deemed to be timely received before an election if: (1) the form is postmarked on or before the voter registration deadline and received by the County Recorder by 7:00 p.m. on election day; or (2) the form is dated on or before the voter registration deadline and received by the County Recorder within 5 calendar days after the voter registration deadline. [A.R.S. § 16-134\(C\)](#). See Chapter 1, Section 1.12.1.3.1. For example, if the voter registration deadline is moved from 29 days to 28 days before an election pursuant to [A.R.S. § 16-120\(B\)](#), a mail registration form must be postmarked by the 28th day or received within 23 days of the election as applicable.

- The registrant’s DOB;
- The registrant’s signature (or in cases of physical disability, the signature of a person who helped complete the form on the registrant’s behalf);
- If the registrant possesses one of the following identification numbers, the registrant’s AZ DL/ID # or SSN4;¹³⁷
- An answer of “yes” to the question “Are you a citizen of the United States of America?”; and
- Proof of the registrant’s citizenship that accompanies the State Form.¹³⁸

If these minimum requirements have been met, the State Form should be processed and the registrant should be entered into the voter registration database in an “active” status with a “valid registration” reason.

If these minimum requirements have not been met, the County Recorder must:

- Follow-up with the registrant and seek the missing information (if the County Recorder has the means to do so);¹³⁹ or
- Place the registrant in “not registered” status if the County Recorder has no reasonable means to contact the registrant.

1.8.2.1.1 FAILURE TO PROVIDE NAME, ADDRESS, DATE OF BIRTH, OR SIGNATURE

If the State Form does not contain the registrant’s name, residence address or location, DOB, or signature (or assisting person’s signature), but the County Recorder has the means to contact the registrant to request the incomplete information, the registrant should be entered into the voter registration database in a “suspense” status until the incomplete information or a new voter registration form is received. A County Recorder is permitted, but not required, to research and acquire contact information for the registrant through any appropriate means.

If a County Recorder is able to reasonably contact the registrant, the County Recorder must do so within 10 business days of receipt, request the incomplete information, and inform the registrant

¹³⁷ If the registrant does not list an AZ DL/ID # or SSN4 on the State Form, the registrant is nonetheless permitted to register to vote. The registrant will be assigned a unique identifying number by the statewide voter registration database that will serve as a voter identification number. [A.R.S. § 16-121.01\(A\)](#); [A.R.S. § 16-152\(A\)\(12\)\(c\)](#); [52 U.S.C. § 21083\(a\)\(1\)\(A\)\(iii\), \(5\)\(A\)\(ii\)](#).

¹³⁸ [A.R.S. § 16-121.01\(A\)](#); [A.R.S. § 16-152\(A\)\(2\)-\(3\), \(8\), \(12\), \(14\), \(19\)-\(20\)](#); [A.R.S. § 16-166\(F\)](#).

¹³⁹ A County Recorder has the means to contact a registrant if the County Recorder possess the registrant’s address, telephone number, or email address. Any notification requirements in the sections below with respect to incomplete voter registration forms assume that the County Recorder has the means to contact the registrant.

that he or she will remain in “suspense” status until the information is received.¹⁴⁰ The County Recorder may include a State Form for purposes of having the registrant reregister. If the County Recorder receives an incomplete State Form within 30 days of a voter registration deadline, the County Recorder must inform the registrant of the approaching registration deadline. If the County Recorder timely receives the requested information, the County Recorder must change the registrant’s status from “suspense” to “active” with a reason “valid registration” in the voter registration database.

If a County Recorder does not have the means to contact the registrant by mail, telephone or email, the registrant need not be entered into the voter registration database.

1.8.2.1.2 FAILURE TO PROVIDE OPTIONAL INFORMATION

A registrant’s failure to provide his or her state or country of birth, telephone number, occupation, former address from another state (if any), father’s name or mother’s maiden name, email address, or date of signing does not invalidate the State Form. The State Form should be processed and the registrant should be entered into the voter registration database in an “active” status with “valid registration” reason code (assuming there are no other deficiencies).

1.8.2.1.3 FAILURE TO PROPERLY ANSWER AGE VERIFICATION QUESTION

A registrant’s failure to answer the question “Will you be 18 years old on or before election day?” , or a registrant’s “no” answer to the question, does not invalidate the State Form.

If a County Recorder receives a State Form with a non-answer or a “no” answer, the County Recorder should review the registrant’s DOB to confirm whether the registrant in fact will be at least 18 years old by the next general election.

If the registrant will not be at least 18 years old by the next general election, the County Recorder must enter the registrant’s information in the voter registration database and place the registrant in a “not eligible” status with a “registrant too young” reason. The County Recorder must contact the registrant by mail within 10 business days to inform the registrant that his or her voter registration form was rejected for failure to meet minimum age requirements.¹⁴¹

If the registrant will be at least 18 years old by the next general election notwithstanding a “no” answer or failure to answer the age question, the registrant should be added to the voter registration database in “active” status with a “valid registration” reason (assuming there are no other deficiencies).

¹⁴⁰ [A.R.S. § 16-134\(B\)](#); [A.R.S. § 16-16-121.01\(A\)](#).

¹⁴¹ [A.R.S. § 16-101\(A\)\(2\)](#); [A.R.S. § 16-134\(B\)](#); [A.R.S. 16-152\(A\)\(15\)](#).

1.8.2.1.4 FAILURE TO PROPERLY ANSWER CITIZENSHIP QUESTION

A registrant's failure to answer the citizenship question or "no" answer to the citizenship question on the State Form does not invalidate the State Form. However, the question ultimately must be answered in the affirmative. The registrant must be entered into the voter registration database in "suspense" status with the reason "registrant-waiting verification" until the registrant answers the citizenship question in the affirmative.¹⁴²

The County Recorder must contact the registrant by mail, email or telephone within 10 business days of receipt, request the incomplete information, and inform the registrant that he or she will remain in "suspense" status until the citizenship question is answered in the affirmative.¹⁴³ If the County Recorder received the incomplete State Form within 30 days of a voter registration deadline, the County Recorder must inform the registrant of the approaching registration deadline.

The citizenship question must be answered by the registrant (or registrant's assistant), which may be accomplished in the following ways:

- The County Recorder sends the original State Form back to the registrant for the citizenship question to be answered;
- The registrant answers the question in-person at the County Recorder's office; or
- The registrant completes a new State Form and answers the citizenship question (but the date of registration remains the date that the registrant signed the original State Form).

If the County Recorder timely receives the requested information, the County Recorder must change the registrant's status from "suspense" to "active" with a "valid registration" reason code in the voter registration database (assuming there are no other deficiencies).

1.8.2.1.5 FAILURE TO PROVIDE PROOF OF CITIZENSHIP THAT ACCOMPANIES THE STATE FORM

A State Form without accompanying satisfactory proof of citizenship must be rejected.¹⁴⁴ A County Recorder may not acquire proof of citizenship on the registrant's behalf.

¹⁴² [A.R.S. § 16-121.01\(A\)](#); [A.R.S. § 16-152\(A\)\(14\)](#). For the purpose of answering the citizenship question, an affirmative answer includes making a check mark in the box, placing an X in the box, circling the box, shading the box, or any other method of marking the "yes" box that indicates the registrant is a citizen.

¹⁴³ [A.R.S. § 16-134\(B\)](#).

¹⁴⁴ Although [A.R.S. § 16-121.01\(A\)](#) stipulates that a "person [who] answered 'yes' to the question regarding citizenship" meets the minimum requirements for registration, [A.R.S. § 16-166\(F\)](#) mandates that "[t]he county recorder shall reject any application for registration that is not accompanied by satisfactory evidence of United States citizenship." Accordingly, a complete State Form must include

If a State Form is received without satisfactory proof of citizenship, the County Recorder must enter the registrant's information in the voter registration database and place the registration in a "not eligible" status with an "invalid citizenship" reason.

The County Recorder must contact the registrant by mail within 10 business days of receipt to inform the registrant that his or her State Form was rejected for failure to provide satisfactory proof of citizenship.¹⁴⁵ The County Recorder must include a State Form for the purpose of reregistering to address citizenship deficiencies.

1.8.2.2 COUNTY RECORDER UNABLE TO VERIFY PROOF OF CITIZENSHIP

If a registrant provided an AZ DL/ID # or citizenship/immigration number on the State Form, but the County Recorder was unable to verify the number, the registrant is deemed to have provided unsatisfactory proof of citizenship but is not necessarily barred from registration.

In that case, the County Recorder must contact the registrant by mail. *See* Appendix __, page __ for uniform correspondence entitled "Citizenship Proof Needed – State Voter Registration Form." The correspondence must:

- Inform the registrant that satisfactory proof of citizenship was not provided;
- Explain what constitutes satisfactory proof of citizenship;
- Enclose a State Form for the purpose of registering; and
- Inform the registrant that until a new valid registration form is submitted, the registrant will not be eligible to vote.¹⁴⁶

The registrant must remain in "suspense" status with a reason "registrant-waiting verification" in the voter registration database during this interim period.

If the registrant submits a new State Form and provides satisfactory proof of citizenship, the registrant should be placed in "active" status with a reason "valid registration."

If the registrant submits a new Federal Form without proof of citizenship, the registrant should be placed in "active" status with a reason code of "FED" or "FEDI".¹⁴⁷ The date of registration should be date the registrant signed the new form.

satisfactory *proof of citizenship*, not merely a "yes" answer to the citizenship question. [A.R.S. § 16-121.01\(A\)](#); [A.R.S. § 16-152\(A\)\(14\)](#); [A.R.S. § 16-166\(F\)](#).

¹⁴⁵ [A.R.S. § 16-134\(B\)](#); [A.R.S. § 16-166\(F\)](#).

¹⁴⁶ [A.R.S. § 16-166\(F\)](#).

¹⁴⁷ *See* Chapter 1, Section 1.6.1 for definitions of "FED" and "FEDI."

If the registrant does not respond to the letter within 120 days, the County Recorder should change the registrant’s status to “not eligible” with a reason “invalid citizenship proof” and must send a second letter confirming that the registration process was not completed. The correspondence must:

- Inform the registrant that he or she is not registered because the County Recorder did not timely receive satisfactory proof of citizenship;
- Explain what constitutes satisfactory proof of citizenship;
- Enclose a State Form for the purpose of registering;
- Inform the registrant that until a new valid registration form is submitted, the registrant will not be eligible to vote.

1.8.3 PROCESSES SPECIFIC TO FEDERAL FORMS

1.8.3.1 MINIMUM REQUIRED ELEMENTS OF A FEDERAL FORM

A Federal Form must contain the following minimum information to be complete for registration purposes:

- The registrant’s name;
- The registrant’s residence address or location;
- The registrant’s date of birth;
- The registrant’s signature (or in cases of physical disability, the signature of a person who helped complete the form on the registrant’s behalf); and
- If the registrant possesses one of the following identification numbers, the registrant’s AZ DL/ID # must be provided, and if not, the registrant’s SSN4 must be provided.¹⁴⁸

If these minimum requirements have been met, the Federal Form should be processed and the registrant should be entered into the voter registration database in an “active” status. The reason code will vary depending on whether the registrant voluntarily provided proof of citizenship.¹⁴⁹

If the minimum requirements have not been met, the County Recorder must follow-up with the registrant and either seek additional information or reject the Federal Form by placing the registrant in “not registered” status.¹⁵⁰

¹⁴⁸ [A.R.S. § 16-121.01\(A\)](#); [A.R.S. § 16-152\(A\)\(2\)-\(3\), \(8\), \(12\), \(19\)-\(20\)](#). The state-specific instructions accompanying the Federal Form state “[i]f you do not have a current and valid driver license or non-operating identification license or a social security number, please write ‘NONE’ on the form.” However, a County Recorder may not reject a Federal Form for failure to write “NONE.”

¹⁴⁹ See Chapter 1, Section 1.6.1.

1.8.3.1.1 FAILURE TO PROVIDE NAME, ADDRESS, DATE OF BIRTH, OR SIGNATURE

If the Federal Form does not contain the registrant’s name, residence address or location, DOB, or signature (or assisting person’s signature), a County Recorder should follow the same procedures applicable when a State Form lacks the required information, except the County Recorder may include a Federal Form (in lieu of a State Form) for the purpose of submitting a new registration form.¹⁵¹

1.8.3.1.2 FAILURE TO PROVIDE OPTIONAL INFORMATION

A registrant’s failure to provide his or her telephone number, former address (if any), race or ethnic group, or date of signing does not invalidate the Federal Form. The Federal Form should be processed and the registrant should be entered into the voter registration database in an “active” status (assuming there are no other deficiencies).¹⁵²

1.8.3.1.3 FAILURE TO ANSWER, OR PROVIDING A “NO” ANSWER, TO THE QUESTION “WILL YOU BE 18 YEARS OLD ON OR BEFORE ELECTION DAY?”

A registrant’s failure to answer the question “Will you be 18 years old on or before election day?” at the top of the Federal Form, or a registrant’s “no” answer to the question, does not invalidate the Federal Form and should be treated the same way as the State Form.¹⁵³

1.8.3.1.4 FAILURE TO ANSWER, OR PROVIDING A “NO” ANSWER, TO THE QUESTION “ARE YOU A CITIZEN OF THE UNITED STATES OF AMERICA?”

A registrant’s failure to answer the question “Are you a citizen of the United States of America?” at the top of the Federal Form, or checking “no” to the citizenship question, should be treated the same way as the State Form.¹⁵⁴

1.8.3.1.5 FAILURE TO PROVIDE PROOF OF CITIZENSHIP WITH FEDERAL FORM

Arizona’s proof of citizenship requirement is preempted under NVRA and therefore may not be enforced against registrants who use the Federal Form prescribed by the U.S. Election Assistance Commission.¹⁵⁵ Although registrants are encouraged to provide proof of citizenship, a Federal Form without such proof may not be rejected on that basis.

¹⁵⁰ See Chapter 1, Section 1.6.1.

¹⁵¹ See Chapter 1, Section 1.8.2.1.1.

¹⁵² See Chapter 1, Section 1.8.2.1.2.

¹⁵³ See Chapter 1, Section 1.8.2.1.3.

¹⁵⁴ See Chapter 1, Section 1.8.2.1.4.

¹⁵⁵ *Arizona v. Inter Tribal Council of Arizona, Inc.*, 133 S. Ct. 2247, 2257 (2013); [Ariz. Atty. Gen Op. I13-011 \(R13-016\) \(Oct. 7, 2013\)](#).

1.8.3.2 CONSEQUENCES OF PROVIDING OR DECLINING TO PROVIDE PROOF OF CITIZENSHIP

1.8.3.2.1 REGISTRANT VOLUNTARILY PROVIDES SATISFACTORY PROOF OF CITIZENSHIP

A registrant using a Federal Form may voluntarily provide proof of citizenship. If so, whether that proof of citizenship is satisfactory is judged under the same standards that govern proof of citizenship accompanying the State Form.¹⁵⁶

1.8.3.2.1.1 ACQUISITION OF PROOF OF CITIZENSHIP THROUGH ELECTRONIC PROCESS

A registrant using a Federal Form will have their information electronically verified against the MVD proxy table (and if necessary, the SSA database) and statewide voter registration database in the same manner as if a State Form had been submitted.¹⁵⁷

If a registrant failed to provide an AZ DL/ID # on the Federal Form but the AZ DL/ID # is later “acquired” from the MVD proxy table, this does not constitute satisfactory proof of citizenship that allows that registrant to become a “full ballot” voter.

1.8.3.2.1.2 EFFECT OF PROVIDING AN AZ DL/ID # ASSOCIATED WITH TYPE F LICENSE OR LICENSE ISSUED PRIOR TO OCTOBER 1, 1996

If verification against the MVD proxy table results indicates non-citizenship despite a verified AZ DL/ID #, ¹⁵⁸ a registrant using a Federal Form has not provided satisfactory proof of citizenship.¹⁵⁹ In this case, the record should be placed in “active” status with a “FEDI” reason code.

1.8.3.2.2 REGISTRANT PROVIDES NO OR UNSATISFACTORY PROOF OF CITIZENSHIP

A registrant that declines to provide proof of citizenship with the Federal Form, or provides unsatisfactory proof of citizenship with the Federal Form, is permitted to register but is only eligible to vote in federal elections (including the Presidential Preference Election).¹⁶⁰ These

¹⁵⁶ See Chapter 1, Section 1.4.1.2.

¹⁵⁷ See Chapter 1, Section 1.9.2.

¹⁵⁸ For counties using the statewide voter registration database, non-citizenship based on a “Type F” license or AZ DL/ID # issued prior to October 1, 1996 is indicated by an empty checkbox associated with the “Citizenship Verified?” question. See Chapter 1, Section 1.11.5 and Chapter 1, Section 1.4.1.2.1.1.

¹⁵⁹ See Chapter 1, Section 1.4.1.2.

¹⁶⁰ [Ariz. Atty. Gen Op. I13-011 \(R13-016\) \(Oct. 7, 2013\)](#).

registrants are known as “federal only” voters, whereas registrants that provided satisfactory proof of citizenship are known as “full ballot” voters.

1.8.3.2.3 PROVING CITIZENSHIP WHEN MOVING BETWEEN ARIZONA COUNTIES

A registrant that originally proved citizenship in one county, but subsequently re-registers in another county using a Federal Form without proof of citizenship, must be registered as a “federal only” voter in the new county.¹⁶¹

1.8.3.2.4 AMENDING A STATE FORM REGISTRATION WITH A FEDERAL FORM REGISTRATION

If a County Recorder identifies a duplicate record within the county, and the registrant originally provided satisfactory proof of citizenship but submitted a new Federal Form without proof of citizenship, the County Recorder may update the registrant’s record with new information without transforming the registrant into a “federal only” voter. In this case, the registrant retains their status as a “full ballot” voter for having already provided proof of citizenship in the county.

1.8.3.3 PROOF OF IDENTITY FOR MAIL-IN EARLY VOTING

The Help America Vote Act (HAVA) requires that any first-time voter registering with the Federal Form must prove identity to be qualified to vote.¹⁶²

The identification requirement under HAVA for in-person voting is synonymous with state law, therefore “full ballot” and “federal only” voters are subject to the same identification requirements at the voting location on election day.¹⁶³

However, Arizona’s method of proving identity for mail-in early voters (signature comparison) is not expressly permitted under HAVA.¹⁶⁴ HAVA instead requires identity to be proven in one of the following ways for the purpose of voting by mail (including on-site early voting):

- Verification of a registrant’s AZ DL # or SSN4;¹⁶⁵
- Presentation of a registrant’s current and valid photo identification;¹⁶⁶ or

¹⁶¹ [A.R.S. § 16-166\(G\)-\(H\)](#).

¹⁶² [52 U.S.C. § 21083\(b\)\(1\)-\(3\)](#).

¹⁶³ [A.R.S. § 16-579\(A\)\(1\)](#); [52 U.S.C. 20205\(c\)\(1\)](#); [52 U.S.C. § 21083\(b\)\(2\)\(A\)\(i\)](#).

¹⁶⁴ Signature comparison is not permitted for purposes of proving identity for first-time early voters who vote in-person at an onsite early voting location. [52 U.S.C. § 21083\(b\)\(2\)\(A\)](#).

¹⁶⁵ [52 U.S.C. § 21083\(b\)\(3\)\(B\)](#). For purposes of HAVA compliance, verification of registrant’s AZ ID # likewise will be deemed sufficient proof of identification.

¹⁶⁶ [52 U.S.C. § 21083\(b\)\(2\)\(A\)\(ii\)\(I\)](#).

- Presentation of a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the registrant.¹⁶⁷

If a “federal only” registrant’s AZ DL/ID # or SSN4 have been verified through the statewide voter registration system, the County Recorder must update the registrant’s status reason code from “FED” to “FEDI” in the voter registration database.¹⁶⁸ Thus, if neither the AZ DL/ID # nor SSN4 can be verified, the registrant’s status reason code must remain “FED” in the statewide voter registration database unless the registrant proves identity by presenting a photo identification or utility bill/bank statement/government document with voter’s name and address.

A “federal only” registrant that re-registers in a new Arizona county, or re-registers in an existing county after a period of non-registration, is still treated as a first-time voter for identification purposes. Thus, a new “federal only” registrant must satisfy identification requirements even if that registration may have proved identity in conjunction with a previous record.

1.8.4 PROCESSES SPECIFIC TO FPCA FORMS

1.8.4.1 MINIMUM REQUIRED ELEMENTS OF FPCA REGISTRATIONS

The FPCA must contain the following minimum information to be complete for registration purposes:

- The registrant’s name;
- The registrant’s date of birth;
- The registrant’s Arizona residence address or Arizona residential location; and
- The registrant’s signature at the bottom of the form (or in cases of physical disability, the signature of a person who helped complete the form on the registrant’s behalf in the “Witness signature” box at the bottom of the form).

If these minimum requirements have been met, the FPCA should be processed and the registrant should be entered into the voter registration database in an “active” status (assuming no other deficiencies are present).

If these minimum requirements have not been met, the County Recorder must follow-up with the registrant and either seek additional information or reject the FPCA by placing the registrant in “not registered” status.

¹⁶⁷ [52 U.S.C. § 21083\(b\)\(2\)\(A\)\(ii\)\(II\).](#)

¹⁶⁸ See Chapter 1, Section 1.6.1.

If the registrant possesses one of the following identification numbers, the registrant’s AZ DL / ID # or SSN4 must be provided as well.¹⁶⁹ If the registrant does not list an AZ DL/ID # or SSN4 on the FPCA, the registrant is directed to write “I do not have a social security number or State issued ID number.”¹⁷⁰ However, failure to write this statement does not affect the registrant’s ability to register to vote. A unique identifying number will be assigned to the registrant by the statewide voter registration database for identification purposes.¹⁷¹

1.8.4.1.1 FAILURE TO PROVIDE NAME, ADDRESS, DATE OF BIRTH, OR SIGNATURE

If the FPCA does not contain the registrant’s name, Arizona residence address or location, DOB, or signature (or assisting person’s signature), the form should be processed in the same manner as the State Form.¹⁷² However, a County Recorder may contact the registrant by email in order to resolve any discrepancies.

1.8.4.1.2 FAILURE TO PROVIDE OPTIONAL INFORMATION

A registrant’s failure to provide his or her UOCAVA status, political party, previous name, gender, race, telephone number, fax number, email address, ballot delivery preference, current mailing address, or date of signing does not invalidate the FPCA. The FPCA should be processed and the registrant should be entered into the voter registration database in an “active” status (assuming no other deficiencies).

1.8.4.1.3 FAILURE TO PROVIDE PROOF OF CITIZENSHIP THAT ACCOMPANIES THE FPCA

A registrant’s failure to provide proof of citizenship with the FPCA should be treated according to the policies applicable to the State Form.¹⁷³

1.8.4.2 TRACKING FPCA REGISTRANTS

A County Recorder must track FPCA registrants by selecting “FPCA” as the method of registration.¹⁷⁴ A County Recorder should also distinguish FPCA registrants between those in domestic military service, overseas military service, and who reside overseas in a non-military capacity.

¹⁶⁹ [A.R.S. § 16-121.01\(A\)](#); [A.R.S. § 16-152\(A\)\(2\)-\(3\), \(8\), \(12\), \(19\)-\(20\)](#).

¹⁷⁰ See FVAP Voting Assistance Guide, Block 4, page 42 (9/2015).

¹⁷¹ [A.R.S. § 16-121.01\(A\)](#); [A.R.S. § 16-152\(A\)\(12\)\(c\)](#); [52 U.S.C. § 21083\(a\)\(1\)\(A\)\(iii\)](#).

¹⁷² See Chapter 1, Section 1.8.2.1.1.

¹⁷³ See Chapter 1, Section 1.8.2.1.5.

¹⁷⁴ See Chapter 1, Section 1.6.2.

1.8.4.3 ELIGIBILITY TO USE THE FPCA

The following registrants temporarily absent from the State are authorized by law to utilize the FPCA for registration purposes:

- Uniformed service members;
- Eligible family members of uniformed service members;
- Overseas voters; and
- Non-resident U.S. Citizens with parents already registered to vote in Arizona.¹⁷⁵

Uniform services members are members of the U.S. Army, Navy, Air Force, Marine Corps, Coast Guard, commissioned corps of the National Oceanic and Atmospheric Administration, and commissioned corps of the Public Health Service.¹⁷⁶ Members of the U.S. Merchant Marines also qualify as uniformed service members if the member is temporarily absent from Arizona due to service in the U.S. Merchant Marine.¹⁷⁷ Eligible family members (spouses and dependents) of uniformed services members also qualify for UOCAVA status.¹⁷⁸

Overseas voters are persons residing outside the U.S. that are qualified to vote (or would be qualified to vote if not for their current overseas residence) in the Arizona county in which they were last domiciled before leaving the U.S.¹⁷⁹

1.8.4.4 RENEWING UOCAVA STATUS

A UOCAVA registrant is entitled to receive early ballot materials through next general election for federal office.¹⁸⁰ A UOCAVA registrant may specifically request early ballot materials for a different period of time, but not to exceed the next two general elections for federal office.¹⁸¹

Regardless of the time period selected by the UOCAVA registrant, however, County Recorders are encouraged to have UOCAVA registrants complete a new FPCA at the beginning of each election cycle to confirm UOCAVA status and ensure the most up-to-date mailing address is on record. If the registrant does not timely update his or her UOCAVA status, the County Recorder

¹⁷⁵ [52 U.S.C. § 20310](#); [A.R.S. § 16-103](#).

¹⁷⁶ [52 U.S.C. § 20310\(7\)](#).

¹⁷⁷ [52 U.S.C. § 20310\(1\)\(B\)](#).

¹⁷⁸ [52 U.S.C. § 20310\(1\)\(C\)](#). The spouse or dependent must be absent from the place of residence where the spouse or dependent is otherwise qualified to vote because of their family member's active duty in the uniformed service. [52 U.S.C. § 20310\(1\)\(C\)](#).

¹⁷⁹ [52 U.S.C. § 20310\(5\)\(B\)-\(C\)](#); [A.R.S. § 16-103\(D\)](#).

¹⁸⁰ [A.R.S. § 16-542\(B\)](#).

¹⁸¹ [A.R.S. § 16-542\(B\)](#).

may remove the UOCAVA status from the registrant's record and inform the registrant accordingly.¹⁸²

1.8.5 PROCESSES SPECIFIC TO FWAB FORMS

1.8.5.1 MINIMUM REQUIRED ELEMENTS OF A FWAB

A FWAB must contain the following minimum information to be complete for registration purposes:

- The registrant's name;
- The registrant's date of birth;
- The registrant's Arizona residence address or Arizona residential location; and
- The registrant's signature at the bottom of the form (or in cases of physical disability, the signature of a person who helped complete the form on the registrant's behalf).

If these minimum requirements have been met, the FWAB should be processed and the registrant should be entered into the voter registration database in an "active" status (assuming no other deficiencies).

If these minimum requirements have not been met, the County Recorder must follow-up with the registrant and either seek additional information or reject the FWAB.

If the registrant possesses one of the following identification numbers, the registrant's AZ DL / ID # or SSN4 must be provided as well.¹⁸³ If the registrant does not list an AZ DL/ID # or SSN4 on the FWAB, the registrant is directed to write "I do not have a social security number or State issued ID number."¹⁸⁴ However, failure to write this statement in Box 9 does not affect the registrant's ability to register to vote. A unique identifying number will be assigned to the registrant by the statewide voter registration database for identification purposes.¹⁸⁵

1.8.5.1.1 FAILURE TO PROVIDE NAME, ADDRESS, DATE OF BIRTH, OR SIGNATURE

If the FWAB does not contain the registrant's name, Arizona residence address or location, DOB, or signature (or assisting person's signature), the form should be processed in the same manner as the State Form.¹⁸⁶

¹⁸² In this case, the registrant must request an early ballot (or sign up for PEVL) in order to receive an early ballot by mail.

¹⁸³ [A.R.S. § 16-121.01\(A\)](#); [A.R.S. § 16-152\(A\)\(2\)-\(3\), \(8\), \(12\), \(19\)-\(20\)](#).

¹⁸⁴ See FVAP Voting Assistance Guide, Block 4, page 43 (9/2015).

¹⁸⁵ [A.R.S. § 16-121.01\(A\)](#); [A.R.S. § 16-152\(A\)\(12\)\(c\)](#); [52 U.S.C. § 21083\(a\)\(1\)\(A\)\(iii\)](#).

¹⁸⁶ See Chapter 1, Section 1.8.2.1.1.

1.8.5.1.2 FAILURE TO PROVIDE OPTIONAL INFORMATION

A registrant's failure to provide his or her UOCAVA status, political party, previous name, gender, telephone number, fax number, email address, ballot delivery preference, current mailing address, or date of signing does not invalidate the FWAB. The FWAB should be processed and the registrant should be entered into the voter registration database in an "active" status (assuming no other deficiencies).

1.8.5.1.3 FAILURE TO PROVIDE PROOF OF CITIZENSHIP THAT ACCOMPANIES THE FWAB

A registrant's failure to provide proof of citizenship with FWAB should be treated according to the policies applicable to the State Form.¹⁸⁷

1.8.5.2 TRACKING FWAB REGISTRANTS

A County Recorder must track FWAB registrants by selecting "FWAB" as the form of registration.¹⁸⁸ A County Recorder should also distinguish FWAB registrants between those in domestic military service, overseas military service, and who reside overseas in a non-military capacity.

1.8.5.3 ELIGIBILITY TO USE THE FWAB

The following registrants temporarily absent from the State are authorized by law to utilize the FWAB for registration and voting purposes:

- Uniformed service members;
- Eligible family members of uniformed service members;
- Overseas voters; and
- Non-resident U.S. Citizens with parents already registered to vote in Arizona.¹⁸⁹

Uniform services members are members of the U.S. Army, Navy, Air Force, Marine Corps, Coast Guard, commissioned corps of the National Oceanic and Atmospheric Administration, and commissioned corps of the Public Health Service.¹⁹⁰ Members of the U.S. Merchant Marines also qualify as uniformed service members if the member is temporarily absent from Arizona

¹⁸⁷ See Chapter 1, Section 1.8.2.1.5.

¹⁸⁸ See Chapter 1, Section 1.6.2.

¹⁸⁹ [52 U.S.C. § 20310](#); [A.R.S. § 16-103](#).

¹⁹⁰ [52 U.S.C. § 20310\(7\)](#).

due to service in the U.S. Merchant Marine.¹⁹¹ Eligible family members (spouses and dependents) of uniformed services members also qualify for UOCAVA status.¹⁹²

Overseas voters are persons residing outside the U.S. that are qualified to vote (or would be qualified to vote if not for their current overseas residence) in the Arizona county in which they were last domiciled before leaving the U.S.¹⁹³

1.9 ELECTRONIC VERIFICATION PROCEDURES COMMON TO ALL VOTER REGISTRATIONS

Elements of a voter registration record must be electronically verified to complete the registration process. These electronic procedures commence automatically in the statewide voter registration system.

1.9.1 ELECTRONIC SOURCES UTILIZED FOR VERIFICATION

All registration records (whether new or amended) are verified against the MVD proxy table and, if necessary, the Social Security Administration (SSA) database.

Verifying registration records against the MVD proxy table and/or SSA database serves multiple functions:

1. If the registrant provided an AZ DL/ID #, a match against the MVD proxy table potentially validates proof of citizenship.¹⁹⁴
2. If the registrant failed to provide either an AZ DL/ID # or SSN4 on the State Form, but the registrant's remaining information matches against the MVD proxy table or SSA database, Agency Central will "acquire" the missing AZ DL/ID # or SSN4 from those sources and import that information into the registrant's record.
3. A match against the MVD proxy table or SSA database confirms the registrant's identity and helps ensure the integrity of county registration rolls.

The registrant's new or amended record is also verified against existing records in the statewide voter registration database for the purpose of identifying (and potentially canceling) any duplicate record.

¹⁹¹ [52 U.S.C. § 20310\(1\)\(B\).](#)

¹⁹² [52 U.S.C. § 20310\(1\)\(C\).](#) The spouse or dependent must be absent from the place of residence where the spouse or dependent is otherwise qualified to vote because of their family member's active duty in the uniformed service. [52 U.S.C. § 20310\(1\)\(C\).](#)

¹⁹³ [52 U.S.C. § 20310\(5\)\(B\)-\(C\); A.R.S. § 16-103\(D\).](#)

¹⁹⁴ A match against a "Type F" DL/ID or an AZ DL/ID # issued before October 1, 1996 does not prove citizenship.

1.9.2 MVD AND SSA VERIFICATION

1.9.2.1 HARD MATCH CRITERIA FOR MVD VERIFICATION

For the purpose of verification against MVD proxy table, a “hard match” occurs in the following circumstances:

1. First 3 letters of the first name, last name, DOB, SSN4, and AZ DL/ID # match in both records;
2. First 3 letters of first name, last name, DOB, and AZ DL/ID # match in both records; or
3. First 3 letters of first name, last name, DOB, and SSN4 match in both records.¹⁹⁵

If Agency Central finds a “hard match” on both AZ DL/ID # *and* SSN4, these numbers will display as “MVD Verified” in the statewide voter registration database, along with the date of verification.¹⁹⁶

If Agency Central finds a “hard match” on AZ DL/ID # *or* SSN4 against the MVD proxy table, this number will display as “MVD Verified” in the statewide voter registration database, along with the date of verification. The other number will be “acquired” from the MVD proxy table. Thus, in cases where the registrant did not provide an AZ DL/ID # or SSN4, or provided an AZ DL/ID # or SSN4 that conflicted with the MVD proxy table, Agency Central will overwrite the registrant’s number from the State Form and import the number from the MVD proxy table into the registrant’s record. This number will display as “MVD Acquired” in the statewide voter registration database, along with the date of acquisition.

1.9.2.1.1 EFFECT OF AZ DL/ID MATCH ON “TYPE F” LICENSE OR AZ DL/ID ISSUED PRIOR TO OCTOBER 1, 1996

Verification or acquisition of an AZ DL/ID # from the MVD proxy table confirms citizenship as long as the license (1) is not a “Type F” license or (2) was issued by MVD after October 1, 1996.

1.9.2.2 SOFT MATCH CRITERIA FOR MVD VERIFICATION

For the purpose of verification against MVD proxy table, a “soft match” occurs in the following circumstances:

1. First three letters of first name, last name, and DOB match in both records; or

¹⁹⁵ If Agency Central finds a “hard match” against more than 1 record, the match will be treated as a “soft match” and will be populated to HEI for County Recorder review.

¹⁹⁶ A verified AZ DL/ID # only means there was a match against the MVD proxy table but does not constitute proof of citizenship.

2. AZ DL/ID # match in both records.¹⁹⁷

If Agency Central finds a “soft match” against the MVD proxy table, Agency Central will populate the new registration record and MVD information into HEI for manual comparison purposes. A County Recorder must conduct an individualized inquiry and determine whether a “true match” exists between the records displayed.¹⁹⁸

If a County Recorder determines that a “true match” exists between the records displayed, the County Recorder must select “match” in HEI.

If the County Recorder determines that a “true match” does not exist, the County Recorder must select “no match” in HEI. The registrant’s record will remain in “suspense” status with a reason code of “VRAZ-waiting verification” in the statewide voter registration database pending a further query to SSA (assuming SSN4 was provided by the registrant).¹⁹⁹

If the registrant did not provide an SSN4, the County Recorder must contact the registrant by mail within 10 business days and inform the registrant that his or her record will remain pending until the registrant provides verifiable information.²⁰⁰ In that case, the registrant’s status reason code should be changed to “suspense / registrant-waiting verification.”

1.9.2.3 FAILURE OF MVD VERIFICATION

If Agency Central finds no “hard” or “soft” match against the MVD proxy table, or if a County Recorder selects “no match” in HEI, the registrant’s first name, last name, DOB, and SSN4 are automatically verified against the SSA database (assuming SSN4 was provided by the registrant).

If SSA verifies the registrant’s information, the registrant’s SSN4 will display as “SSA Verified” in the statewide voter registration database, along with the date of verification.

If the registrant’s information cannot be verified against the SSA database, the SSN4 will display as “SSA-Not Found,” along with the date of non-verification. In this case, the registrant’s record does not populate in HEI and will remain in “suspense” status. The County Recorder must attempt to contact the registrant by mail within 10 business days to inform the registrant that his

¹⁹⁷ If Agency Central finds a “hard match” against more than 1 record, the match will be treated as a “soft match” and will be populated to HEI for County Recorder review.

¹⁹⁸ A “soft match” can be deemed a “true match” by comparing the non-matching information between records and (for example) determining the mismatch is due to a data entry error such as a missing or transposed letter or digit in one of the records. In cases where the County Recorder cannot confirm a “soft match,” the County Recorder should send a letter to the registrant asking to confirm the information.

¹⁹⁹ See Chapter 1, Section 1.6.1.

²⁰⁰ [A.R.S. § 16-134\(B\)](#).

or her record will remain in pending status until the registrant provides verifiable information.²⁰¹ In that case, the registrant’s status reason code status should be changed to “suspense / registrant-waiting verification.”

1.9.3 CHECKING FOR DUPLICATE REGISTRATIONS

A component of the automatic verification process involves checking for duplicate registrations.²⁰²

1.9.3.1 HARD MATCH CRITERIA FOR DUPLICATE REGISTRATIONS

For the purpose of identifying duplicate registrations, a “hard match” occurs only in the following circumstances:

1. First 3 letters of first name, last name, DOB, and AZ DL/ID # match in both records; or
2. First 3 letters of the first name, last name, DOB, and SSN4 match in both records.²⁰³

1.9.3.2 SOFT MATCH CRITERIA FOR DUPLICATE REGISTRATIONS

For the purpose of identifying duplicate registrations, HEI uses the following “soft match” criteria to identify registration records for further review:

1. First 3 letters of first name, last name, and DOB match in both records; or
2. AZ DL/ID # matches in both records.

A County Recorder must review any potential duplicate records identified in HEI and determine on a case-by-case basis whether there is a “true match” between the displayed records.

1.9.3.3 DUPLICATE REGISTRATIONS IN THE SAME COUNTY

Duplicate registration records within a county may be identified through HEI much like duplicate registrations between counties. However, a County Recorder must treat any potential duplicates as “soft matches” even if all “hard match” criteria have been met. Accordingly, HEI

²⁰¹ [A.R.S. § 16-134\(B\)](#).

²⁰² A County Recorder may have identified or searched for a duplicate record within the same county before any electronic verification process is commenced through the statewide voter registration system. *See* Chapter 1, Section 1.8.1.1. Regardless of any initial duplicate search efforts, however, saving a new or updated record will trigger a more comprehensive duplicate check through the statewide voter registration system.

²⁰³ If Agency Central finds a “hard match” against more than 1 record, the match will be treated as a “soft match” and will be populated to HEI for County Recorder review.

will not automatically cancel the existing/original record in the event of a “hard match” with a new record in the county.

If a County Recorder conducts an individualized inquiry and reasonably determines there is a “true match” between records flagged in HEI, the County Recorder must manually work each of the records in lieu of taking any action in HEI.²⁰⁴

In this case, the County Recorder must update the registrant’s *existing/original* record with the new registration information. The voter registration form is therefore treated as a request to amend the registrant’s existing/original record. The registrant’s existing/original record retains its status.

In tandem, however, the County Recorder must cancel the new record that was inadvertently created by changing the status to “canceled” with a reason code of “added to system in error.”

If the County Recorder does not find a “true match” between records, no duplicate exists and therefore the County Recorder should retain the status on the existing/original record and change the new record to “active” status (assuming no other deficiencies).

1.9.3.4 DUPLICATE REGISTRATIONS IN A DIFFERENT COUNTY

Potential duplicates between counties are flagged in HEI the same way as duplicates within a county.

If there is a “hard match” between the new record and an existing record in a different county, HEI will automatically cancel the record in the other county with a “moved out of jurisdiction-automatic resolution” reason code.²⁰⁵ In the event a duplicate record is canceled through HEI, no correspondence need be sent to the registrant confirming the cancellation since the registrant gave written notice of their move by submitting a new voter registration form.

If there is a “soft match” between the new record and an existing record in a different county, both records will be displayed in HEI for the County Recorder in the prior/original county. If the prior/original County Recorder reasonably determines that the records are a “true match,” the County Recorder must select “duplicate” in HEI. This action electronically cancels the

²⁰⁴ A “soft match” can be deemed a “true match” by: (1) comparing the non-matching information between records and (for example) determining the mismatch is due to a data entry error such as a missing or transposed letter or digit in one of the records; (2) comparing both voter registration forms. In cases where the County Recorder cannot confirm a “soft match,” the County Recorder should send a letter to the registrant asking to confirm the information.

²⁰⁵ Records will not be automatically canceled in HEI in the event of a “hard match” between more than two records. For example, if HEI identifies three records with the same first three letters of the first name, last name, DOB, and SSN4 (with no conflicting AZ DL/ID #s), the duplicates must be resolved through a “soft match” process even though the “hard match” criteria have been met.

registrant's record in the prior/original county with the reason "moved out of jurisdiction," and changes the record in the new county to an "active" status with a reason "valid registration" (assuming no other deficiencies). In this case, the County Recorder may contact the registrant by mail and inform the registrant of the cancellation.

If the County Recorder in the prior/original county finds no "true match" between the records, the County Recorder must select "Not a Duplicate." This action changes the record in the new county to an "active" status with a reason code of "valid registration" (assuming no other deficiencies) while preserving the record unchanged in the prior/original county.

1.10 PROTECTION OF SECURED REGISTRANTS

Eligible registrants are entitled to have their registration record generally shielded from public disclosure, beyond the standard confidentiality protections available to all registrants. These registrants include:

- Registrants with a government (principally law enforcement) background who demonstrate to a court of law that sealing their registration record will reduce a danger to the registrant's life or safety.²⁰⁶ Such registrants include certain former public officials, peace officers, spouses of peace officers, spouses or minor children of deceased peace officers, border patrol agents, justices, judges, commissioners, public defenders, prosecutors, code enforcement officers, adult or juvenile corrections officers, corrections support staff members, probation officers, members of the executive Board of Clemency, law enforcement support staff members, employees of the Department of Child Safety who have direct contact with families in the course of employment, National Guard members acting in support of law enforcement agencies, or firefighters who are assigned to the Arizona Counterterrorism Center (collectively "protected government officials").²⁰⁷
- Registrants subject to an Order of Protection or Injunction against Harassment (collectively "protected victims").²⁰⁸
- Registrants enrolled in the Secretary of State's Address Confidentiality Program ("ACP participants"). ACP participants typically include victims of domestic violence, sexual offenses, or stalking offenses.²⁰⁹

²⁰⁶ [A.R.S. § 16-153\(B\)\(3\), \(K\)\(4\)](#). The scope of "protected government officials" is frequently amended by the Arizona Legislature, therefore a County Recorder should review [A.R.S. § 16-153](#) to ensure the most current interpretation is being followed.

²⁰⁷ [A.R.S. § 16-153\(K\)\(4\)](#).

²⁰⁸ [A.R.S. § 16-153\(A\), \(J\), \(K\)\(4\)](#). Protected victims are also entitled to have their registration records sealed in the same manner as protected government officials. Compare [A.R.S. § 153\(B\)\(2\)](#) with [A.R.S. § 16-153\(J\)](#).

²⁰⁹ [A.R.S. § 41-161\(A\)\(2\)](#). The Secretary of State protects the actual address by issuing ACP participants a substitute address for public disclosure purposes. The Secretary of State then redirects mail from the substitute address to the ACP's participant's confidential actual address. [A.R.S. § 41-162\(B\)](#).

Protected government officials, protected victims, and ACP participants are collectively referred to as “secured registrants” with “secured records.” Other persons who reside with secured registrants are also entitled to have their registration record secured.²¹⁰

A registrant seeking secured status may obtain an application from the Administrative Office of the Courts at <http://www.azcourts.gov/selfservicecenter/Self-Service-Forms/Personal-Information-Redaction>.

1.10.1 PROCESS TO OBTAIN SECURED REGISTRANT STATUS

1.10.1.1 PROTECTED GOVERNMENT OFFICIALS AND PROTECTED VICTIMS

A protected government official or protected victim who is an existing registered voter²¹¹ may file an affidavit with the presiding judge of the appropriate Superior Court to have his or her registration record secured.²¹² If the presiding judge grants the request, the registrant’s record will be ordered sealed for a period of 5 years, and a copy of the sealing order will be sent to the applicable County Recorder for processing.²¹³

A protected victim may utilize the above-referenced process as well, but also has authority to present his or her Order of Protection or Injunction against Harassment directly to the County Recorder for purposes of sealing the registrant’s record.²¹⁴

The County Recorder has up to 120 days from receipt of the order to seal the registrant’s record (and any other registrants that reside with the protected government official or protected victim and who are likewise subject to the order).²¹⁵

²¹⁰ [A.R.S. § 16-153\(A\), \(E\), \(J\)](#).

²¹¹ A protected government official or protected victim who is not an existing registered voter, but seeks to have their record sealed upon registering for the first time, should contact the County Recorder to coordinate the appropriate procedure.

²¹² [A.R.S. § 16-153\(B\)-\(C\)](#). In order to prevent multiple filings, prosecutors, public defenders, and certain law enforcement officers may submit their affidavits through their employer and/or commanding officer, which may be consolidated for filing with the presiding judge. [A.R.S. § 16-153\(C\)](#).

²¹³ [A.R.S. § 16-153\(D\)-\(E\), \(G\)](#). A County Recorder may be required to seal recorded documents through the same process as well. [A.R.S. § 11-483](#).

²¹⁴ [A.R.S. § 16-153\(J\)](#). An ACP participant also has statutory authority to present his or her information to the County Recorder for purpose of sealing the record, *see* [A.R.S. § 16-153\(J\)](#), but all registrations for ACP participants are initially processed through the Secretary of State.

²¹⁵ [A.R.S. § 16-153\(G\), \(J\)](#).

1.10.1.2 ACP PARTICIPANTS

An ACP participant who seeks to register to vote must initiate the process through the Secretary of State's ACP Division.²¹⁶ The ACP participant will be provided a Voter Registration Packet, which includes a State Form and a Participant Protected Voter Records Form ("PVR Form").

Both the State Form and PVR Form will contain the participant's actual residential address and substitute address for mailing purposes. Additionally, the Secretary of State's ACP Division requires that ACP participants be added to the Permanent Early Voting List (PEVL) (to maintain the confidentiality of the ACP participant's voting precinct), and will therefore ensure the "PEVL" box is selected on the State Form.

Information from the ACP participant's State Form is initially checked against the statewide voter registration database by the Secretary of State's ACP Division to verify whether a secured record already exists.²¹⁷ If the ACP participant does not already have a secured record, the Secretary of State's ACP Division emails a notice to a designated official at the County Recorder's office and mails the completed Voter Registration Packet (marked confidential) to the same official.²¹⁸ If the ACP participant already had a secured record, the Secretary of State's ACP Division follows the same process, except the Voter Registration Packet will include a notice that the ACP participant already has a protected address.

Upon receipt of the ACP participant's Voter Registration Packet, the designated County Recorder official must process the State Form within 5 business days and perform the following steps:

- Mark the registrant's record as secured;
- Include the registrant on the PEVL;
- Scan the State Form into the voter registration database so only the registrant's name and signature will be visible, and ensure the original State Form is protected from unauthorized access.

1.10.2 MARKING SECURED RECORDS

A secured record in the voter registration database must be visually distinguishable from non-secured records. A County Recorder may implement additional security protocols to limit employee access to secured records.

²¹⁶ If the person was an existing registrant prior to becoming an ACP participant, the person should re-register to vote through the Secretary of State's ACP Division.

²¹⁷ The Secretary of State's ACP Division must confirm that the ACP participant does not already have a secured record in the statewide voter registration database. [A.R.S. § 41-166\(D\)](#).

²¹⁸ [A.R.S. § 41-166\(D\)](#)

1.10.3 RESPONDING TO PUBLIC RECORDS REQUESTS

Protected government officials and protected victims are entitled to have their residential address, telephone number, and precinct number shielded from public disclosure.²¹⁹

ACP participants are entitled to have their “actual address” shielded from public disclosure, which includes the ACP participant’s actual residential address, work address, school address, telephone number, county of registration, and precinct number.²²⁰

However, the Secretary of State and County Recorders are permitted to treat secured registrants interchangeably for public disclosure purposes. Since the identity of an ACP participant may not be disclosed whatsoever,²²¹ the Secretary of State and/or County Recorder are likewise permitted to exclude protected government officials and protected victims from a response to a public records request for registrant records, if separating protected government officials/protected victims from ACP participants would present an undue burden.²²²

1.10.4 CREATING SIGNATURE ROSTERS OR UPLOADING E-POLLBOOK DATA

County Recorders may not include secured registrants on a signature roster or in an e-pollbook.²²³

In the event a secured registrant attempts to vote provisionally at a polling place (and informs the poll worker of his/her secured status), the poll worker should contact the elections office and undertake any additional or necessary precautions, including but not limited to:

- Confirming the correct ballot style;
- Ensuring that a protected government official or protected victim lists his or her actual residential address on the provisional ballot envelope;

²¹⁹ [A.R.S. § 16-153\(A\)](#).

²²⁰ [A.R.S. § 41-161\(1\)](#); [A.R.S. § 41-165\(E\)](#).

²²¹ A County Recorder may not disclose an ACP participant as a registered voter because doing so would reveal the ACP participant’s county of residence in violation of [A.R.S. § 41-161\(1\)](#) and [A.R.S. § 41-162\(A\)](#).

²²² Nothing in this Section should be deemed to preclude the Secretary of State or County Recorder from providing non-sealed information about a protected government official or protected victim if otherwise required by law or a court order. Furthermore, nothing in this Section prevents secured registrants from being included in statistical reports.

²²³ If a county uses a tablet or computer terminal that has a live access to the voter registration database via a secure virtual private network (VPN) connection, the system must be capable of shielding secured registrants’ information from public view (or providing view access only to the secured registrant). *See* Chapter 4, Section 4.1.7.

- Making a notation about secured registrant status on the provisional ballot envelope; and/or
- Limiting the signature roster to the registrant’s voter ID number and the notation “address protected.”

1.10.5 ISSUANCE OF OFFICIAL MAIL AND ELECTION DOCUMENTS

A protected government official or protected victim should receive all official election mail and be issued any voter ID cards using the registrant’s actual information.

However, an ACP participant should receive all official election mail and be issued any voter ID cards using the participant’s substitute address (and exclude any precinct name or number from being printed as well).²²⁴

1.10.6 SIGNING CANDIDATE, INITIATIVE, REFERENDUM OR RECALL PETITIONS

The Secretary of State and County Recorders have no obligation to redact an address or other identifying information from a candidate, initiative, referendum, or recall petition signed by a secured registrant. Nor is the Secretary of State or a County Recorder required to research an ACP participant’s actual address if a substitute address is placed on a petition.

For these reasons, secured registrants are encouraged not to sign petitions.

1.10.7 TERMINATING SECURED REGISTRANT STATUS

A protected government official’s or protected victim’s registration record remains sealed for a period of 5 years, to expire by January 5th of the following year unless judicially renewed. A County Recorder must mail a notice to the protected government official or protected victim within 6 months of the expiration and advise him or her of the expiration date.²²⁵ A County Recorder may extend the protected government official’s or protected victim’s secured status upon receipt of a new court order. Otherwise, a County Recorder will remove the secured status from the registrant’s record after January 5th if the County Recorder does not timely receive a new court order.

An ACP participant’s registration record remains sealed indefinitely unless a County Recorder is notified by the registrant or the Secretary of State’s ACP Division that the registrant is no longer a participant in the ACP program. The ACP Division will make best efforts to periodically notify County Recorders regarding registrants who have withdrawn, been removed from, or

²²⁴ [A.R.S. § 41-166\(E\)](#).

²²⁵ [A.R.S. § 16-153\(F\)](#). The County Recorder may coordinate with the County Assessor or County Treasurer to prevent duplication of notices. [A.R.S. § 16-153\(F\)](#).

failed to timely renew participation in the ACP program. Upon receipt of such information from a registrant or the ACP Division, a County Recorder should remove the secured status from the registrant's record and send all future correspondence to the registrant's actual residential address previously provided on their registration form (not the substitute address previously utilized for confidentiality purposes).²²⁶

1.11 SUSPENSION OF VOTER REGISTRATION PROCESSING DURING BOOKS CLOSED PERIOD

Except as outlined in this Section, a County Recorder should not make substantive changes to registration records that were requested after the last day to register to vote for an election.²²⁷

This is typically known as the "books closed" period, and is intended to ensure that the creation of signature rosters, e-pollbook rosters, and the verification of provisional ballots are based on records of eligible voters as of the last day to register to vote.

1.11.1 POLITICAL PARTY CHANGES

A County Recorder should not make political party changes to existing registrant records during the "books closed" period before a partisan primary.

1.11.2 ADDRESS CHANGES

Voters that registered prior to the voter registration deadline, but failed to notify the County Recorder of an address change prior to the date of the election, are eligible to vote a provisional ballot and may update their address at their new voting precinct.

However, if an existing registrant updates their residence address after the voter registration deadline but prior to the creation of the signature rosters or e-pollbook rosters, a County Recorder may update the registrant's record with the updated residence address. In this case, the existing registrant would be permitted to vote a regular ballot at his or her new voting precinct.

²²⁶ If a County Recorder receives returned mail from an ACP participant (especially returned mail with a Secretary of State timestamp), there is a possibility the registrant is no longer a participant in the ACP program. In this event, a County Recorder should contact the Secretary of State's ACP Division to confirm whether the registrant is a valid program participant before invoking the NVRA process.

²²⁷ This section does not preclude a County Recorder from entering changes that were requested before the voter registration deadline. For example, a County Recorder should incorporate changes from voter registration forms received from a voter registration assistance agency after the voter registration deadline if the registration forms were received by the underlying assistance agency before the registration deadline. *See* Chapter 1, Section 1.5 and Chapter 1, Section 1.12.1.3.1.

1.11.3 NAME CHANGES

If an existing registrant updates their name after the voter registration deadline but prior to the creation of signature rosters or e-pollbook rosters, a County Recorder may update the registrant's record with the new name.

1.11.4 DUPLICATE PROCESSING

Duplicate matching between counties in HEI should be suspended during the "books closed" period. If a new registration record is entered and HEI identifies a duplicate record in another county, the prior county must refrain from "matching" and cancelling the prior record during the "books closed" period.

1.11.5 CITIZENSHIP VERIFIED CHANGES

If a "federal only" voter provides satisfactory proof of citizenship to the County Recorder prior to the 29-day voter registration deadline, the registrant's status should be updated to reflect the status of a "full ballot" voter.²²⁸ However, failure to provide proof of citizenship prior to the voter registration deadline means that the registrant must remain a "federal only" voter for the election.

If a "federal only" voter attempts to provide proof of citizenship to the County Recorder after the voter registration deadline, the County Recorder must put a hold on citizenship verification until after the election. Promptly following the election, the County Recorder must release any citizenship verification holds and update a registrant's status to "full ballot" voter for all future elections.

1.12 ELIGIBILITY TO VOTE

Registration is not the only precondition to voting. To be eligible to vote, a registrant must be (1) a qualified elector in a particular jurisdiction and (2) be timely registered for a particular election.

In general, a "qualified elector" is a person who is:

1. Qualified to register to vote and is properly registered to vote in the jurisdiction in question; and
2. Will be at least 18 years old on or before the election day in question.²²⁹

²²⁸ See Chapter 1, Section 1.8.3.2.1.

²²⁹ [A.R.S. § 16-121\(A\)](#). "Qualified electors" may differ in property-based elections conducted pursuant to Title 48. For example, a qualified elector for the purpose of a domestic water improvement district or

A registrant remains a qualified elector unless the registrant moves to another jurisdiction or has his or her registration canceled.²³⁰

A registrant also must be registered in the jurisdiction at least 29 days before the election day in question.²³¹

1.12.1.1 AGE REQUIREMENTS TO VOTE IN THE NEXT ELECTION

To be eligible to vote in the next election held pursuant to [A.R.S. § 16-204](#), a registrant must be 18 years old on or before the date of that next election.²³²

If a registrant will be at least 18 years old on or before the next statewide general election, but will not be at least 18 by the next election that is held in a particular jurisdiction, the registrant remains qualified to register to vote but is not a qualified elector. For example, if a registrant will turn 18 years old before the general election but will be 17 years old at the time of the primary election, the registrant is not entitled to vote in the primary election.

If a County Recorder receives a voter registration form from a registrant that will be at least 18 years old on or before the next statewide general election, but will not be 18 years old at the time of the next election, the County Recorder must ensure the registrant is entered in the voter registration database and placed in a “suspense” status with a “registrant too young” reason.

The County Recorder must contact the registrant by mail within 10 business days of receipt to inform the registrant that his or her registration status will remain in “suspense” status until the registrant turns 18 years old and specify the next election where the registrant will be eligible to vote.²³³

The County Recorder must change the registrant’s status to “active” on or after the registrant’s 18th birthday to make registrant a qualified elector for the next election.

1.12.1.2 RESIDENCY REQUIREMENTS TO VOTE IN THE NEXT ELECTION

To be eligible to vote in the next election, a registrant generally must have residency within the boundaries (or proposed boundaries) of a particular jurisdiction for the 29-day period preceding

domestic waste water improvement district election is a natural person (not a company, corporation, LLC, trust, or other business entity) who owns property in the district and: (1) is registered to vote in the applicable county and resides within the district; (2) is registered to vote in the applicable county but does not reside in the district; or (3) is registered to vote in Arizona but does not reside in the applicable county or district. [A.R.S. § 48- 1012\(G\)](#).

²³⁰ [A.R.S. § 16-121\(A\)](#).

²³¹ [A.R.S. § 16-120\(A\)](#).

²³² [A.R.S. § 16-121\(A\)](#).

²³³ [A.R.S. § 16-101\(A\)\(2\)](#); [A.R.S. § 16-134\(B\)](#); [A.R.S. 16-152\(A\)\(15\)](#).

that election.²³⁴ For example, to vote in city or town elections, a registrant must be a resident of that city or town at least 29 days before the next election.²³⁵

However, residency does not guarantee that a registrant is a qualified elector for local elections if registrant did not provide satisfactory evidence of citizenship when registering.²³⁶

1.12.1.2.1 RESIDENCY REQUIREMENTS WHEN JURISDICTIONAL BOUNDARIES CHANGE

If jurisdictional boundaries change during the 29-day period preceding the next election, a registrant must have residency within the new boundaries in order to vote in the next election in that new jurisdiction. This applies to boundary changes brought about by annexation.

For example, a registrant who previously resided in a county island, but whose property was annexed into a city or town during the 29-day period preceding an election, is qualified to vote in the city or town's next election if the registrant resided in the city or town's new boundaries during the entire 29-day period.²³⁷

1.12.1.2.2 ELIGIBILITY TO VOTE WHEN REGISTRANT MOVES WITHIN 29-DAY PERIOD

If a registrant moves to a different precinct within the same county during the 29-day period preceding the next election, the registrant remains a qualified elector at the next election but is not eligible to vote in districts where he or she did not meet the 29-day residency requirement.²³⁸

A registrant that votes provisionally in his or her new precinct is required to affirm that he or she "is eligible to vote in the election,"²³⁹ but the County Recorder is not required to verify the registrant is eligible for the district, city, or town elections on the new precinct ballot.

If a registrant moves to a different county during the 29-day period preceding the next election, the registrant remains a qualified elector in the former county for that election.²⁴⁰

If a registrant moves to a different state during the 29-day period preceding the next election, the registrant is not a qualified elector (and is therefore ineligible to vote) in Arizona. However, a

²³⁴ [A.R.S. § 16-120\(A\)](#).

²³⁵ [A.R.S. § 9-822\(A\)](#).

²³⁶ [Ariz. Atty. Gen Op. I13-011 \(R13-016\) \(Oct. 7, 2013\)](#). See Chapter 1, Section 1.8.3.2 for requirements applicable to "federal only" voters.

²³⁷ [A.R.S. § 9-822\(B\)](#).

²³⁸ [A.R.S. § 16-122](#).

²³⁹ [A.R.S. § 16-584\(E\)](#).

²⁴⁰ [A.R.S. § 16-125](#).

registrant retains the right to vote in Arizona for President of the United States (and no other office) at the general election during a Presidential election year.²⁴¹

1.12.1.2.3 EXCEPTIONS TO THE 29-DAY RESIDENCY REQUIREMENT

1.12.1.2.3.1 MILITARY AND OVERSEAS VOTERS

Military and overseas registrants temporarily absent from the state are permitted to register and vote up until 7:00 p.m. on election day despite not physically residing in Arizona during the 29-day period preceding the next election.²⁴² This exemption also applies to a U.S. citizen who has never resided in the United States but whose parent is registered in Arizona and is a qualified elector for the next election.²⁴³

1.12.1.2.3.2 PUBLIC OFFICERS POSTED IN DIFFERENT COUNTY

If a state employee or officer is posted to a duty station in a county other than the county from which he or she was appointed or elected, the officer or employee (along with the employee's or officer's spouse and dependents that reside in the household) remain qualified electors in the county of appointment or election, even if they physically reside in the county where the duty post is located.²⁴⁴

1.12.1.3 DEADLINE REQUIREMENTS TO VOTE IN NEXT ELECTION

A registrant who registers to vote at least 29 days before the next election (and is otherwise a qualified elector in that jurisdiction) is entitled to vote at the next election.²⁴⁵

1.12.1.3.1 DATE OF RECEIPT OF VOTER REGISTRATIONS

For Online EZ Voter Registrations, a registration is timely received if the registrant completes the online registration by 11:59 p.m. on the last day to register to vote.²⁴⁶

For paper registrations conducted at a County Recorder's office, the Secretary of State's office, an MVD office or affiliate, a voter registration assistance agency, or an authorized voter registration volunteer's office, a registration is timely received if the registrant completes or

²⁴¹ [A.R.S. § 16-126](#). Requesting a presidential-only ballot requires the County Recorder to cancel the registrant's record "promptly" following the general election. [A.R.S. § 16-165\(A\)\(6\)](#).

²⁴² [A.R.S. § 16-103](#); [A.R.S. § 16-543.02\(B\)](#).

²⁴³ [A.R.S. § 16-103\(E\)](#).

²⁴⁴ [A.R.S. § 16-124](#).

²⁴⁵ [A.R.S. § 16-120\(A\)](#); [A.R.S. § 16-134\(C\)](#).

²⁴⁶ The time of registration is the time identified on the registrant's EZ Voter confirmation receipt.

delivers the registration form before the office closes for business on the last day to register to vote.²⁴⁷

For paper registration forms that are mailed to a County Recorder's office, a registration is timely received if:

- The registration form is postmarked on or before the voter registration deadline and received by the County Recorder by 7:00 p.m. on election day; or
- The registration form is dated on or before the voter registration deadline and received by the County Recorder within 5 calendar days after the voter registration deadline.²⁴⁸

For UOCAVA registrations using an FPCA or FWAB, a registration form is timely received if the registration form is received by the County Recorder's office or Secretary of State's office via email or fax by 7:00 p.m. on election day.

1.12.1.3.2 VOTER REGISTRATION FORM RECEIVED LESS THAN 29 DAYS BEFORE NEXT ELECTION

A registrant who registers to vote within 29 days of an election is eligible to vote at the election following the next election.²⁴⁹ For example, a person that registers 10 days prior to the primary election is not eligible to vote at the primary election but is eligible for the general election.

If the County Recorder receives a new voter registration form less than 29 days before an election, and the registrant is not a military or overseas voter using the FPCA or FWAB registration form, the County Recorder may either:

1. Enter the registrant's information in the voter registration database; or
2. Refrain from entering the registrant's information in the voter registration database until after the next election.

If a County Recorder receives a voter registration form less than 29 days before an election from an existing registrant, the County Recorder may update the record prior to election day if the

²⁴⁷ A County Recorder may designate a voter registration volunteer for purposes of accepting paper voter registration forms on the last day to register to vote and returning those completed forms to the County Recorder on the following business day. See Chapter 1, Section 1.5. The voter registration volunteer must avow that all registration forms were received by 11:59 p.m. on the last day to register to vote and must be returned to the County Recorder by the deadline established by the County Recorder. A County Recorder should publicize or otherwise list on its website which voter registration volunteers (including location and hours of operation) are authorized to accept voter registration forms on the voter registration deadline.

²⁴⁸ [A.R.S. § 16-134\(C\)](#).

²⁴⁹ [A.R.S. § 16-120\(A\)](#).

County Recorder is reasonably satisfied the registrant will be a qualified elector in the precinct where he or she resides.

1.12.1.3.3 ELIGIBILITY WHEN REGISTRATION DEADLINE FALLS ON A WEEKEND OR HOLIDAY

If the 29-day registration deadline falls on a weekend or state holiday (regardless of whether a particular county office is open for business), a registrant may timely register by the next business day for state government. For example, if the registration deadline falls on Columbus Day (a Monday), a registrant is qualified to vote if he or she registers on the following Tuesday (28 days before the next election).²⁵⁰

Notwithstanding any state deadline, the Secretary of State has the authority to move the voter registration deadline in order to maintain compliance with the federal National Voter Registration Act (NVRA).²⁵¹ Thus, the voter registration deadline must be moved closer to election day if the closure of State or Federal offices would cause a method of registration to be unavailable within the 30-day period preceding the next election.

For purposes of NVRA compliance, the registration deadline shall be applied uniformly across Arizona and is not subject to modification based on local business hours.²⁵²

1.13 ISSUANCE OF VOTER ID CARDS

A County Recorder must issue a voter ID card to any new registrant or an existing registrant who updates his or her name, address or political party preference.²⁵³ Voter ID cards should also be issued to any registrants affected by redistricting or reprecincting. A new voter ID card need not be issued if a registrant makes other changes to his or her registrant record, including opting into the electronic publicity pamphlet.

A voter ID card should be labeled “Voter Identification Card” and contain the following information:

- Registrant’s full name;
- Registrant’s residence address;
- Registrant’s political party preference
- Registrant’s date of registration (and/or effective date of change)

²⁵⁰ [A.R.S. § 16-120\(B\)](#); *see also* [A.R.S. § 1-303](#) (listing state holidays).

²⁵¹ [52 U.S.C. § 20507\(a\)\(1\)\(A\)-\(D\)](#); *Arizona Democratic Party v. Reagan*, No. CV-16-03618-PHX-SPL, 2016 WL 6523427, at *13 (D. Ariz. Nov. 3, 2016).

²⁵² *See Arizona Democratic Party v. Reagan* at *6.

²⁵³ [A.R.S. § 16-163\(B\)](#).

- Registrant’s voter ID number;
- Registrant’s precinct name and/or number, including precinct part;
- Registrant’s district information:
 - Congressional district (all registrants);
 - Legislative district (only “full ballot” voters) and
 - Any additional optional district information;
- County name;
- Contact information for the County Recorder; and
- If the registrant is a “federal only” voter, a clear indication of “federal only” voter status.

The mailer that accompanies the voter ID card should contain the same information on the card and the following additional information:

- Information stating that a new voter ID card is enclosed and instructions to discard the old card;
- Information on use of the voter ID card (*i.e.* proof of identity at the voting location);
- How to contact the County Recorder if information on the card is incorrect;
- Instructions how to find one’s voting location;
- If the registrant is a “federal only” voter, information about what “federal only” means and what limitations apply (including voting, signing petitions, etc.);
- Information about identification requirements at the voting location;
- Information about how to request an early ballot or be placed on the PEVL,²⁵⁴ and
- Outline of the reasons why a person would need to re-register.

The County Recorder should send a voter ID card within 30 days of when a new registrant’s information is entered into the voter registration database.²⁵⁵ Return of an undeliverable voter ID card may be grounds to initiate the “NVRA process.”²⁵⁶

²⁵⁴ A County Recorder may also include a PEVL request form in the voter ID card mailing.

²⁵⁵ [A.R.S. § 16-163\(B\)](#). A voter ID card issued to an existing registrant due to a name, address or political party change may be sent within 4-6 weeks.

²⁵⁶ [A.R.S. § 16-163\(C\)](#). See Chapter 1, Section 1.14.3.1.

1.14 VOTER REGISTRATION LIST MAINTENANCE

1.14.1 SECRETARY OF STATE LIST MAINTENANCE EFFORTS

The Secretary of State is responsible for importing information received from federal and state officials into Agency Central for the purpose of canceling registration records on the following limited bases:

1. The registrant is deceased;
2. The registrant was convicted of a felony in court; or
3. The registrant was adjudicated mentally incapacitated by a court.²⁵⁷

1.14.1.1 CANCELLATION OF DECEASED REGISTRANTS

The Arizona Department of Health Services (DHS) provides the Secretary of State with a text file each month (along with a combined text file each year) that contains the name, DOB, SSN, date of death, father's name (if available), mother's maiden name, and last known address of every deceased Arizona resident that passed away during the applicable period.²⁵⁸ DHS must provide all death records for Arizona residents regardless of whether the decedent passed away in Arizona or out-of-state.

Upon receipt, the Secretary of State uploads the deceased registrant text file into the Agency Central UAT environment to review for formatting errors. (A formatting error is typically identified by the message "error: file load unsuccessful: Unable to read file"). Any formatting errors must be sent back to DHS for review and resolution. Once the Secretary of State determines the DHS text file is properly formatted, the Secretary of State must upload the text file into the Agency Central production environment.

Agency Central performs two functions. First, Agency Central imports death records from the monthly DHS text file into the vital proxy table contained in the statewide voter registration system. The vital proxy table contains death records of every Arizona resident since VRAZ II implementation, but no verifications are currently conducted against this proxy table. Second, Agency Central initiates a matching process against the statewide voter registration database.²⁵⁹

²⁵⁷ [A.R.S. § 16-165\(C\)-\(D\)](#).

²⁵⁸ [A.R.S. § 16-165\(D\)](#).

²⁵⁹ The Secretary of State should not import recently deceased registrations into the statewide voter registration system during the "books closed" period. *See* Chapter 1, Section 1.11. For example, a registrant who passes away after casting a valid ballot is entitled to have his or her ballot tabulated, but that process is rendered more difficult if the registrant's record has been canceled. The Secretary of State therefore should use discretion which deceased registrant records are imported during the "books closed" period.

1.14.1.1.1 HARD MATCH CRITERIA FOR DECEASED REGISTRANT VERIFICATION

For the purpose of verifying deceased resident information against the statewide voter registration database, a “hard match” occurs if the first 3 letters of the first name, last name, DOB, and SSN4 match in both records.

If Agency Central finds a “hard match,” the registrant’s record is canceled automatically in the statewide voter registration database with a reason of “deceased-automatic resolution.” The County Recorder need not send any correspondence to the registrant confirming the cancellation.

1.14.1.1.2 SOFT MATCH CRITERIA FOR DECEASED REGISTRANT VERIFICATION

For the purpose of verifying deceased resident information against the statewide voter registration database, a “soft match” occurs if the first 3 letters of the first name, last name, and DOB match in both records.

If Agency Central finds a “soft match” against the statewide voter registration database, Agency Central will populate the registration record and death record information into HEI for comparison purposes. A County Recorder will receive an email notification that records are ready for review in HEI. Upon logging into HEI, a County Recorder must conduct an individualized inquiry and determine whether a “true match” exists between the records.

If a County Recorder determines that a “true match” exists, the County Recorder must select “match” in HEI. The registrant’s record automatically will be updated to “canceled” status with a reason “deceased” in the statewide voter registration database. The County Recorder need not send any correspondence to registrant confirming the cancellation.

If the County Recorder determines that a “true match” does not exist, the County Recorder must select “no match” in HEI. The registrant’s record will remain in its existing status without being canceled in the statewide voter registration database.

1.14.1.2 CANCELLATION OF REGISTRANTS CONVICTED OF A FELONY

The Secretary of State is responsible for receiving felony conviction information from federal and state officials and processing this information through the statewide voter registration system.

1.14.1.2.1 SOURCES OF FELONY CONVICTION INFORMATION

The Secretary of State electronically receives monthly batch files from Arizona Superior Courts (and quarterly batch files from the Maricopa County Superior Court) containing the name, DOB, and SSN4 of Arizona residents recently convicted of a felony in that jurisdiction. Upon receipt, the Secretary of State tests the file in the Agency Central UAT environment to ensure the records

are properly formatted and thereafter imports the file into the Agency Central production environment.

The Secretary of State receives additional felony conviction information from Arizona Superior Courts and the U.S. Department of Justice in various non-electronic formats. Upon receipt, the Secretary of State converts these records into the proper electronic format and imports these files into the Agency Central UAT and production environments.

1.14.1.2.2 PROCESSING FELONY CONVICTION INFORMATION

Upon import, Agency Central transfers felony conviction records to a proxy table in the statewide voter registration system for retention purposes. New voter registration records are not compared against this proxy table.

Agency Central also compares the felony conviction records against the statewide voter registration database for potential cancellation.

A “hard match” occurs when the first 3 letters of the first name, last name, DOB, and SSN4 match an existing record in the statewide voter registration database. In this case, the registrant’s record is automatically canceled with the reason “felon – automatic resolution.”

A “soft match” occurs when the first 3 letters of the first name, last name, and DOB match an existing record in the statewide voter registration database (or there is a “hard match” against more than 1 existing record in the database). In this case, the record is populated to HEI for the applicable County Recorder to resolve on individualized basis.²⁶⁰ The record may be canceled if the County Recorder finds a “true match,” using the reason “felon.”

The County Recorder must send a letter to the registrant confirming any cancellation. For counties using the statewide voter registration database, this correspondence is automatically queued for generation in the “Generate Notices” module.

1.14.1.3 CANCELLATION OF REGISTRANTS FOUND MENTALLY INCAPACITATED

The Secretary of State is responsible for receiving mental incapacitation information from state officials and processing this information through the statewide voter registration system.

²⁶⁰ A “soft match” can be deemed a “true match” by comparing the non-matching information between records and (for example) determining the mismatch is due to a data entry error such as a missing or transposed letter or digit in one of the records. In cases where the County Recorder cannot confirm a “soft match,” the County Recorder should send a letter to the registrant asking to confirm the information.

1.14.1.3.1 SOURCES OF MENTAL INCAPACITATION RECORDS

The Secretary of State electronically receives monthly batch files from Arizona Superior Courts (or quarterly batch files from the Maricopa County Superior Court) containing the name, DOB, and SSN4 of Arizona residents recently found mentally incapacitated by a court of law in that jurisdiction. Upon receipt, the Secretary of State tests the file in the Agency Central UAT environment to ensure the records are properly formatted and thereafter imports the file into the Agency Central production environment.

The Secretary of State receives additional mental incapacitation information from Arizona Superior Courts in various non-electronic formats. Upon receipt, the Secretary of State converts these records into the proper electronic format and imports these files into the Agency Central UAT and production environments.

1.14.1.3.2 PROCESSING MENTAL INCAPACITATION RECORDS

Upon import, Agency Central transfers mental incapacitation records to a proxy table in the statewide voter registration system for retention purposes. New voter registration records are not compared against this proxy table.

Agency Central also compares the mental incapacitation records against the statewide voter registration database for potential cancellation.

A “hard match” occurs when the first 3 letters of the first name, last name, DOB, and SSN4 match an existing record in the statewide voter registration database. In this case, the registrant’s record is automatically canceled with the reason “declared incompetent – automatic resolution.”

A “soft match” occurs when the first 3 letters of the first name, last name, and DOB match an existing record in the statewide voter registration database (or there is a “hard match” against more than 1 existing record in the database). In this case, the record is populated to HEI for the applicable County Recorder to resolve on individualized basis.²⁶¹ The record may be canceled if the County Recorder finds a “true match,” using the reason “declared incompetent.”

A County Recorder should follow the same procedures if the county directly receives incapacitated information from a court instead of the Secretary of State.

²⁶¹ A “soft match” can be deemed a “true match” by comparing the non-matching information between records and (for example) determining the mismatch is due to a data entry error such as a missing or transposed letter or digit in one of the records. In cases where the County Recorder cannot confirm a “soft match,” the County Recorder should send a letter to the registrant asking to confirm the information.

The County Recorder must send a letter to the registrant confirming any cancellation. For counties using the statewide voter registration database, this correspondence is automatically queued for generation in the “Generate Notices” module.

A County Recorder may reinstate a registrant’s record if the registrant was canceled by reason of mental incapacitation, but the registrant retained the right to vote by court order.²⁶²

1.14.2 SECRETARY OF STATE DUTIES TO FORWARD REGISTRANT INFORMATION

The Secretary of State periodically receives registrant information that must be processed and forwarded to County Recorders for final resolution.

1.14.2.1 REQUESTS/INFORMATION RECEIVED FROM OUT-OF-STATE JURISDICTIONS

The Secretary of State occasionally receives correspondence from out-of-state jurisdictions seeking or providing information about Arizona registrants. Regardless of whether the out-of-state jurisdiction is acting pursuant to its obligations under an interstate agreement involving voter registration, the Secretary of State must promptly forward the correspondence to the applicable County Recorder(s) by email. The Secretary of State may not cancel any registration records or otherwise initiate any process through the statewide voter registration system based on the out-of-state correspondence.

Upon receipt of out-of-state correspondence provides information about registrants who may have moved out of Arizona (whether forwarded by the Secretary of State or received directly from the out-of-state jurisdiction), a County Recorder must treat the information as a “soft match” and conduct an individualized inquiry before cancelling any registration record.²⁶³ If the out-of-state correspondence request information about registrants for official purposes, the County Recorder should respond to the information request and provide registrant records in a reasonably prompt manner (and regardless of whether the out-of-state jurisdiction is a signatory to a multi-state compact).

1.14.2.2 INFORMATION RECEIVED THROUGH MULTI-STATE COMPACTS

The Secretary of State is responsible for acquiring, sorting, and distributing registrant information directly received through the Interstate Voter Registration Cross Check program (“Cross Check”).²⁶⁴

²⁶² See Chapter 1, Section 1.4.6.1.

²⁶³ See Chapter 1, Section 1.6.4 and Chapter 1, Section 1.14.2.2.2. For example, the County Recorder should compare voter registration forms and other instances of the voter’s signature in both states in order to determine whether a “soft match” should be treated as a “true match.”

²⁶⁴ The Secretary of State is also authorized to participate in the Cross Check program for the purpose of reviewing and comparing voter history records to preliminarily identify registrant who may have voted

In consultation with County Recorders, the Secretary of State is authorized to enter into and participate in similar multi-state compacts involving registrant information, including the Electronic Registration Information Center (ERIC). Any procedures for implementing a new multi-state compact will be described on the Secretary of State's website at <https://www.azsos.gov/elections/arizona-election-laws-publications>.

1.14.2.2.1 SECRETARY OF STATE PROCEDURE TO PROCESS CROSS CHECK INFORMATION

After providing the statewide voter registration database containing all active and inactive registrants, the Secretary of State receives data from the Cross Check program that presumptively identifies Arizona registrants who also may be registered (and potentially voted) in another state. The Secretary of State office receives this data comparison from each state that participates in the Cross Check program.

After the Secretary of State receives the data, the Secretary of State separates the data into two lists: (1) persons that are registered in Arizona and another state; and (2) persons that voted in Arizona and another state.

With respect to potential duplicate registrations, the Secretary of State performs the following actions to prepare the list for county processing. First, the Secretary of State removes registrants from the registration list whose more recent date of registration or effective date of change is Arizona. This is intended to isolate the registrants that likely moved out of Arizona and registered in another state. Second, the Secretary of State sorts the data by Arizona county. Finally, the Secretary of State inserts a column called "match types" and sorts each county's data according to the following categories:

- Type 1: The registrant's first name, last name, DOB, and SSN4 match in both states;
- Type 2: The registrant's first name, last name, and DOB match in both states; the Arizona record does not contain SSN4 but other state's record does contain SSN4;
- Type 3: The registrant's first name, last name, and DOB match in both states; the Arizona record contains SSN4 but other state's record does not contain SSN4; and

more than once in the same election. [A.R.S. § 16-1016\(2\)-\(4\)](#). In that case, the Secretary of State must determine the presumptive list of multiple voters by relying only on "Type 1" match criteria as outlined in Section 1.14.2.2.1. Thereafter the Secretary of State must seek registrant records (including proof of voting) from the applicable County Recorder and corresponding out-of-state jurisdiction. A County Recorder must provide the requested records to the Secretary of State in a reasonably prompt manner. If the Secretary determines there is sufficient evidence to substantiate that a registrant unlawfully voted in multiple elections, the Secretary of State must forward the information to the Attorney General for further enforcement. [A.R.S. § 16-1016\(2\)-\(4\)](#).

- Type 4: The registrant’s first name, last name, and DOB match in both states, but the provided SSN4s do not match in both records.

Once the data has been organized and formatted in accordance with the above procedures, the Secretary of State separates the list into county lists and distributes those lists to individual counties. The Secretary of State is not permitted to import registrant information from the Cross Check program into the statewide voter registration database for purpose of canceling registration records through a “hard match” process.

1.14.2.2.2 COUNTY RECORDER PROCEDURE TO PROCESS CROSS CHECK INFORMATION

Upon receipt of Cross Check registrant information from the Secretary of State, a County Recorder must treat all potential duplicate registrations as “soft matches.”²⁶⁵

At minimum, a “soft match” requires a County Recorder to request the registration card or record from the other jurisdiction in order to compare the registrant’s signature and possibly other information such as place of birth, mother’s maiden name, father’s name, Alien Registration Number, prior address, or other identifying information common to both registrations.

A County Recorder may cancel the registrant’s Arizona record only if this individualized investigation leads the County Recorder to reasonably conclude that a “true match” exists for that particular registrant record. In that case, the County Recorder must change the registrant’s status to “canceled” with a reason “moved out of jurisdiction.” The County Recorder must also send a letter to the registrant’s Arizona address to inform the registrant of the cancellation.

If a County Recorder cannot reasonably confirm a “true match,” the County Recorder must either (1) leave the record unchanged or (2) send a letter to the registrant’s Arizona address (and optionally to the out-of-state address) to inquire whether the registrant has moved. In the latter case, if the registrant does not respond to the letter, the County Recorder must follow the NVRA process and send a follow up notice before placing the registrant in inactive status.²⁶⁶

1.14.2.3 JUROR DISCLOSURE OF FELONY CONVICTION OR NON-CITIZENSHIP

Election officials periodically receive court records or information regarding prospective jurors that acknowledged a felony conviction or non-citizenship status on a juror questionnaire.

If a County Recorder receives such information, the County Recorder must cancel any registrant record that is “true match” against the juror information, using the reason code “involuntary

²⁶⁵ See Chapter 1, Section 1.6.4.

²⁶⁶ [A.R.S. § 16-166\(A\)](#). See Chapter 1, Section 1.14.3.1.

cancellation.”²⁶⁷ The County Recorder must also send a letter informing the registrant of the cancellation.

A County Recorder must ensure that a registration is not canceled twice for the same felony conviction.²⁶⁸

1.14.3 COUNTY RECORDER LIST MAINTENANCE EFFORTS

1.14.3.1 CANCELLATION THROUGH NVRA PROCESS DUE TO ADDRESS CHANGES

One of the principal ways to ensure the accuracy of registration records is to update records based on a registrant’s change of address.²⁶⁹ A County Recorder receives address change information in various ways: directly from the registrant, from the U.S. Post Office’s National Change of Address (NCOA) service, or through returned mail from the U.S. Post Office. A County Recorder may update (and in some cases cancel) a registration record depending on the circumstances.

Returned mail alone is not sufficient to cancel a registrant’s record. Rather, a County Recorder generally must send two official election mailings to the registrant, and only if a registrant does not respond to those mailings or vote during a specified period after those mailings were sent, is the County Recorder permitted to cancel the record. These conditions are outlined in NVRA and the process is known here as the “NVRA process.”

To invoke the NVRA process, a County Recorder must complete the following steps:

1. Send an official election mailing by non-forwardable, first-class mail marked with a statement required by the U.S. Post Office to receive an address correction notification (the “First Notice”).
2. If the election mail is returned undeliverable, the County Recorder must send a follow-up notice to the registrant within 21 days after the mail is returned to the County Recorder (the “Final Notice”). If the returned mail contains a forwarding address for the registrant, the County Recorder must send the Final Notice to the new address. Otherwise, the County Recorder must send the Final Notice to the same address used for the initial mailing.

²⁶⁷ [A.R.S. § 16-165\(A\)\(4\)](#).

²⁶⁸ For example, the Secretary of State might have canceled the registration upon being notified of the felony conviction through court records pursuant to Chapter 1, Section 1.14.1.2, and the registrant could have re-registered (following restoration of his or her civil rights) before the juror questionnaire information was provided to the County Recorder about the same felony conviction. Thus, before canceling a registration record based on a juror questionnaire, the County Recorder should confirm that the registrant did not have a prior registration record recently canceled on account of a felony conviction.

²⁶⁹ [52 U.S.C. § 20507\(a\)\(4\)\(B\)](#).

3. The Final Notice must contain a State Form for the purpose of having the registrant update his or her address. The Final Notice also must warn the registrant that if a new voter registration form is not returned within 35 days, the registrant will be placed in “inactive” status.
4. If the registrant does not submit a new voter registration form by the 35-day deadline, the County Recorder must change the registrant’s status to “inactive” with the reason “NVRA inactive address.”²⁷⁰

The registrant may be canceled through the NVRA process if, during the period between the date of the Final Notice and the day after the second federal/statewide general election that occurs after the Final Notice was issued, the registrant:

1. Does not timely respond to the Final Notice by submitting a new registration form; and
2. Fails to vote in the county of registration.²⁷¹

If the preceding conditions have been met under NVRA, the registrant’s record may be canceled promptly following the second general election.

1.14.3.1.1 METHODS TO INITIATE THE NVRA PROCESS

The NVRA process may be initiated only if the First Notice to the registrant is an official election mailing from the County Recorder, which includes but is not limited to:

- A voter ID card;
- A 90-day notice to PEVL registrants issued pursuant to [A.R.S. § 16-544\(D\)](#);
- A mailed ballot issued pursuant to [A.R.S. § 16-542](#) or [A.R.S. § 16-544](#);
- Any other first-class, non-forwardable official election mail.

1.14.3.1.2 SPECIAL PROCEDURES APPLICATION TO NCOA NOTICES

A County Recorder is permitted, but not required, to utilize the U.S. Post Office’s National Change of Address (NCOA) service to preliminarily identify registrants that have moved.²⁷²

²⁷⁰ [A.R.S. § 16-166\(A\), \(C\), \(E\)](#); [A.R.S. § 16-544\(E\)](#); [52 U.S.C. § 20507\(b\)\(2\), \(d\)\(1\)\(B\), \(d\)\(2\)](#).

²⁷¹ [A.R.S. § 16-165\(A\)\(7\)](#); [A.R.S. § 16-166\(E\)](#); [52 U.S.C. § 20507\(b\)\(2\), \(d\)\(1\)\(B\), \(d\)\(2\)](#). A County Recorder has the option to cancel certain inactive registrants after the passage of 4 years in lieu of completion of the second federal/statewide general election that occurs after a Final Notice is sent. [A.R.S. § 16-166\(C\)](#). However, registrants placed in inactive status because of an *NCOA mailing* must be canceled after the second federal/statewide general election and therefore a County Recorder may not utilize the longer 4-year period for these inactive registrants. [A.R.S. § 16-166\(E\)](#). See Chapter 1, Section 1.14.3.1.2.

Since NCOA data reflects actual change-of-address information the registrant has provided to the U.S. Post Office, NVRA authorizes a special process to be utilized for list maintenance purposes.²⁷³

The County Recorder must send a notice prescribed by this Section on or before May 1st of a general election year but may send additional notices after May 1st.²⁷⁴

1.14.3.1.2.1 NCOA INDICATES OUT-OF-COUNTY MOVE

If NCOA data indicates that the registrant moved outside the county, the County Recorder must send a notice to new address by forwardable mail informing the registrant how to remain eligible to vote.²⁷⁵ The notice must:

- Enclose a postage prepaid and preaddressed return card by which the registrant may confirm the intent to cancel his or her registration;
- Advise the registrant to re-register if he or she moved to another county; and
- Advise the registrant to update the County Recorder within 29 days of the letter if the registrant's change-of-address was only temporary.²⁷⁶

This letter serves as a Final Notice in the NVRA process.²⁷⁷

1.14.3.1.2.2 NCOA INDICATES IN-COUNTY MOVE

If the NCOA data indicates that the registrant moved within the county, the County Recorder must supplement the registrant's record with the unconfirmed address obtained through NCOA.²⁷⁸ The County Recorder also must send a notice to the new address by forwardable mail to provide the registrant an opportunity to confirm the address change.²⁷⁹ The notice must:

- Advise the registrant that the County Recorder updated the registrant's record with the new address;

²⁷² [52 U.S.C. § 20507\(c\)\(1\)\(A\)](#); [A.R.S. § 16-166\(E\)](#).

²⁷³ The acquisition of NCOA data serves the same function as a First Notice that is returned undeliverable. Thus, a County Recorder need only send one notice to invoke the NVRA process.

²⁷⁴ [52 U.S.C. § 20507\(c\)\(2\)\(A\)](#); [A.R.S. § 16-166\(E\)](#). Sending this notice by May 1st also allows a County Recorder to simultaneously send a 90-day notice to Permanent Early Voting List (PEVL) voters for the primary election in the same mailing. [A.R.S. § 16-544\(D\)](#).

²⁷⁵ [52 U.S.C. § 20507\(c\)\(1\)\(B\)\(ii\), \(d\)\(2\)\(B\)](#); [A.R.S. § 16-166\(E\)](#).

²⁷⁶ [52 U.S.C. § 20507\(c\)\(1\)\(B\)\(ii\), \(d\)\(2\)\(B\)](#); [A.R.S. § 16-166\(E\)](#).

²⁷⁷ See Chapter 1, Section 1.14.3.1.

²⁷⁸ [A.R.S. § 16-166\(E\)](#).

²⁷⁹ [A.R.S. § 16-166\(E\)](#).

- Enclose a postage prepaid and pre-addressed return card by which the registrant may confirm the address change;
- Advise the registrant that if he or she does not confirm the new address within 35 days, the registrant will be placed in “inactive” status.²⁸⁰

This letter serves as a Final Notice in the NVRA process.²⁸¹

1.14.3.1.3 NVRA RECORDKEEPING RESPONSIBILITIES

A County Recorder must track all Final Notices sent to a registrant, along with any communication from the registrant received in response to a Final Notice, with a registrant’s record in the voter registration database.²⁸²

1.14.3.2 DEATH NOTICES

A County Recorder may cancel a registrant’s record if the County Recorder reasonably determines that the registrant is deceased.²⁸³ A County Recorder may rely on (but is not limited to) the following sources of information to make the determination:

- Newspaper or online obituaries;
- Death notices recorded with the County Recorder’s office;
- An affidavit of death from the registrant’s next of kin.

A County Recorder should match as much information as possible before cancelling a registrant, including first name, last name, maiden name (if applicable), year of birth, place of birth, and city or town of residence.²⁸⁴

1.14.3.3 REVIEWING REGISTRANT RECORDS FOR ERRORS

A County Recorder should periodically (at least once a year) review registrant records for obvious data entry errors, including but not limited to:

²⁸⁰ [A.R.S. § 16-166\(E\)](#).

²⁸¹ See Chapter 1, Section 1.14.3.1.

²⁸² [52 U.S.C. § 20507\(i\)\(2\)](#). A County Recorder should also document the sending of the Final Notice in the registrant’s record.

²⁸³ [A.R.S. § 16-165\(A\)\(2\)](#).

²⁸⁴ In cases where the County Recorder cannot confirm a “soft match,” the County Recorder should send a letter to the registrant asking to confirm the information. In cases where the registrant is allegedly deceased, a return letter (whether from the next of kin, a new resident at the address, or otherwise) expressly indicating that the registrant is deceased is sufficient to confirm the registrant’s status for cancelation purposes.

- Illogical birth dates;
- Insufficient characters in AZ DL / ID #s;
- Numbers or special characters that appear in lieu of letters; or
- Data entry errors identified through the Cross Check program, ERIC program, or any similar multi-state compact.

1.14.3.4 PROHIBITION ON SYSTEMATIC CANCELLATIONS WITHIN 90 DAYS OF ELECTION

A County Recorder must complete any program to systematically cancel registration records at least 90 days before a primary or general election.²⁸⁵ Systematic programs include the cancellation of records through the NVRA process described in Chapter 1, Section 1.14.3.1. However, the 90-day prohibition does not preclude cancellation of records based on the following:

- Automatic cancellations through the statewide voter registration system based on death, felony conviction, or mental incapacitation;
- Cancellation of duplicate records (whether manual or automatic);
- Cancellation at the request of the registrant;
- Cancellation of records added to the voter registration database in error;
- Cancellation based on a “true match” with an out-of-state registration record identified through the Cross Check program, ERIC program, or any similar multi-state compact.²⁸⁶

1.15 REPORTING VOTER REGISTRATION STATISTICS

1.15.1 REPORTING ACTIVE AND INACTIVE REGISTRANTS

Each County Recorder must report to the Secretary of State the number of active and inactive county registrants as of the following dates in even-numbered years:

- January 1st
- The last day to register to vote for the March presidential preference election;
- March 1st

²⁸⁵ [52 U.S.C. § 20507\(c\)\(2\)\(A\).](#)

²⁸⁶ [52 U.S.C. § 20507\(c\)\(2\)\(B\).](#)

- The last day to register to vote for the August primary election; and
- The last day to register to vote for the November general election.²⁸⁷

Each County Recorder must also report to the Secretary of State the number of active and inactive county registrants as of the following dates in odd-numbered years:

- January 1st;
- April 1st;
- July 1st; and
- October 1st.²⁸⁸

The reports must be broken down by political party and according to precinct, legislative district and congressional district.²⁸⁹ For reporting purposes, political parties are limited to the Republican Party, Democratic Party, Libertarian Party, Green Party, “other” political parties,²⁹⁰ and any other statewide recognized political party that qualifies for continued representation on the ballot at the time of the report.

These totals should be reported to the Secretary of State as soon as practicable following the applicable cutoff dates.²⁹¹ The report must be electronically transmitted to the Secretary of State.

For reports prepared as of a registration cutoff date, the County Recorder should ensure that the same active and inactive registration numbers reported to the Secretary of State match any active registration statistics reported to the officer in charge of elections for purposes of determining voter turnout.

As soon as practicable upon receipt of all 15 county reports, the Secretary of State must prepare, publish, and retain a statewide summary of the voter registration statistics.²⁹²

²⁸⁷ [A.R.S. § 16-168\(G\)\(1\)](#).

²⁸⁸ [A.R.S. § 16-168\(G\)\(2\)](#). A County Recorder must also provide all voter registration statistic reports to the officer in charge of elections during the same time periods.

²⁸⁹ [A.R.S. § 16-168\(G\)](#). In addition, registration reports must be provided to the Secretary of State as the registration deadline for any special election.

²⁹⁰ The “other” total reported to the Secretary of State should collectively include all registrants who are registered as “other,” “independent,” or any other non-recognized political party.

²⁹¹ [A.R.S. § 16-168\(H\)](#). A County Recorder should not enter new registration forms dated after the reporting cutoff periods until the reports have been transmitted to the Secretary of State.

²⁹² [A.R.S. § 16-168\(H\)](#).

1.15.2 REPORTING FEDERAL ONLY REGISTRANTS

At the same time a County Recorder issues the reports outlined in Chapter 1, Section 1.15.1, a County Recorder must report to the Secretary of State the following “federal only” registration statistics for the prior reporting period:

- Total number of Federal Forms received:
 - Total number of Federal Forms that represent new registrations;
 - Total number of Federal Forms that represent amendments to existing registrations;
- Number of Federal Forms that included proof of citizenship where the registrant was placed in “active” status;
- Number of Federal Forms that did not include proof of citizenship where the registrant was placed in “active” status;
- Number of Federal Forms that resulted in the registrant being placed in “suspense” status pending receipt of additional information;
- Number of Federal Forms that were rejected or not added to the registration rolls; and
- Number of “federal only” registrants by precinct and precinct part.

1.16 PROVISION OF REGISTRATION INFORMATION TO THIRD PARTIES

1.16.1 PRECINCT LISTS TO RECOGNIZED POLITICAL PARTIES

Each County Recorder must provide a list of active and inactive registered voters to the State and County Chairmen of the recognized political parties at no cost.²⁹³

1.16.1.1 CONTENT OF POLITICAL PARTY PRECINCT LISTS

The precinct list must contain the following information about each registrant:

1. Registrant’s full name, which includes first name, middle name, last name, and suffix in different columns;
2. Party preference;
3. Date of registration;

²⁹³ [A.R.S. § 16-168\(C\)-\(D\)](#). A County Recorder need only provide a precinct list at no cost to a State or County Chairman of a recognized political party that is entitled to continued representation on the ballot pursuant to [A.R.S. § 16-804](#).

4. Residence address;
5. Mailing address (if different from residence address);
6. Zip code;
7. Telephone number (if available);
8. Birth year;
9. Occupation (if available);
10. Voting history for the past 4 years, including which party ballot was issued and method of voting (polling place, early, or provisional);²⁹⁴
11. Whether the registrant is on the PEVL;
12. Voter ID number; and
13. Registrant’s registration status and status reason.²⁹⁵

The list must be created in alphabetical order (by registrant last name) and be organized by precinct. The list must be provided in an electronic format uniform across all counties.²⁹⁶

1.16.1.2 TIMING OF POLITICAL PARTY PRECINCT LISTS

Each County Recorder must create the precinct lists as of the following dates in even-numbered years:

- January 1st
- The last day to register to vote for the March presidential preference election;
- March 1st
- The last day to register to vote for the August primary election; and
- The last day to register to vote for the November general election.²⁹⁷

Each County Recorder must also create the precinct lists as the following dates in odd-numbered years:

²⁹⁴ “Voting history” is defined as a designation or indication whether the registrant voted in each election in which the registrant was eligible. A County Recorder need only report the type of party ballot issued at the registrant’s voting location if the poll worker recorded the type of party ballot issued to the registrant and this information is tracked in the voter registration database.

²⁹⁵ See Chapter 1, Section 1.6.1. The list must include all registrants in active and inactive status. A County Recorder may divide the active and inactive registrants into two separate lists.

²⁹⁶ [A.R.S. § 16-168\(C\)](#). A qualified State or County Chairman may request the precinct list be provided on paper. A.R.S. § 16-168(C).

²⁹⁷ [A.R.S. § 16-168\(C\)-\(D\), \(G\)\(1\)](#).

- January 1st;
- April 1st;
- July 1st; and
- October 1st.²⁹⁸

Precinct lists developed for the primary and general election must be provided within 8 days after the close of registration.²⁹⁹ Otherwise, the remaining precinct lists must be provided within 10 business days after the applicable reporting dates.³⁰⁰

1.16.1.3 EXCLUSIVITY OF POLITICAL PARTY PRECINCT LISTS

In order to receive precinct lists at no cost, a recognized political party must seek precinct lists from the applicable County Recorder during the timeframes outlined in Chapter 1, Section 1.16.1.2.³⁰¹

A recognized political party may seek precinct lists from the Secretary of State only if the applicable County Recorder refuses to provide the list in accordance with Chapter 1, Section 1.16.1.2.³⁰² In this case, the Secretary of State may charge the County Recorder a fee to produce the records as outlined in Chapter 1, Section 1.16.2.1.³⁰³

1.16.2 PUBLIC RECORDS REQUESTS BY THIRD PARTIES

Any person or organization may make a public records request for registrant information to a County Recorder or the Secretary of State.³⁰⁴ A County Recorder or the Secretary of State may require a properly-completed public records request form to be submitted as a condition of responding to the public records request.

1.16.2.1 FEES FOR REGISTRANT RECORDS

For a public records request involving an authorized, non-commercial use, copies of registrant records provided by a County Recorder or the Secretary of State are subject to the following fees:

²⁹⁸ [A.R.S. § 16-168\(C\)-\(D\), \(G\)\(2\).](#)

²⁹⁹ [A.R.S. § 16-168\(C\).](#) However, a County Recorder need not provide this precinct list for the primary or general election if the recognized political party will have less than 4 partisan candidates (other than presidential electors) on that county's ballot.

³⁰⁰ [A.R.S. § 16-168\(D\).](#)

³⁰¹ [A.R.S. § 16-168\(L\).](#)

³⁰² [A.R.S. § 16-168\(L\).](#)

³⁰³ [A.R.S. § 16-168\(E\), \(L\).](#)

³⁰⁴ [52 U.S.C. § 20507\(D\); A.R.S. § 16-168\(E\), \(K\); A.R.S. § 39-121.](#)

- For 1 to 124,999 records, \$93.75 plus \$0.0005 per record.
- For 125,000 to 249,999 records, \$156.25 plus \$0.000375 per record.
- For 250,000 to 499,999 records, \$203.13 plus \$0.00025 per record.
- For 500,000 to 999,999 records, \$265.63 plus \$0.000125 per record.
- For 1 million or more records, \$328.13 plus \$0.0000625 per record.³⁰⁵

The County Recorder or Secretary of State may deny a public records request intended for a commercial purpose.³⁰⁶

Copies of registrant records may be provided exclusively in electronic format, including via a password-protected File Transfer Protocol (FTP) site, Virtual Private Network (VPN), or other secured method of electronic transmission. In addition to the fees outlined above, the County Recorder or the Secretary of State may charge for the cost of an electronic storage medium in which to deliver the records in a password-protected format.

If a person or organization requests to inspect registrant records in lieu of requesting copies, a County Recorder or the Secretary of State may establish how and under what conditions the records may be inspected.³⁰⁷

1.16.2.2 SCOPE OF REGISTRANT RECORDS NOT SUBJECT TO DISCLOSURE

The following components of a registrant’s record are confidential and may not be viewed, accessed, reproduced, or disclosed to a member of the public:³⁰⁸

- Month and day of birth;
- Social security number (or any portion thereof);
- Driver’s license number or non-operating identification license number;

³⁰⁵ [A.R.S. § 16-168\(E\)](#). Records should be produced within 30 days of receipt of a proper request. [A.R.S. § 16-168\(E\)](#).

³⁰⁶ [A.R.S. § 16-168\(E\)](#). The sale of precinct lists or registrant records to a candidate or political committee for a political or campaign use does not constitute a prohibited commercial purpose. [A.R.S. § 16-168\(E\)](#).

³⁰⁷ [A.R.S. § 16-168\(E\)](#).

³⁰⁸ Such information may be viewed, accessed or reproduced by the registrant (if the information pertains to the registrant’s own record), an authorized government official in the scope of the official’s duties, a voter registration assistance agency, or pursuant to a court order. [A.R.S. § 16-168\(F\)](#). If requested for news gathering purposes by a person engaged in newspaper, radio, television, or reportorial work, a County Recorder may condition release of such confidential information (other than secured records) upon execution of a non-disclosure agreement.

- Indian census number;
- Father’s name;
- Mother’s maiden name;
- State or country of birth;
- Signature;
- Email address;
- Public assistance or disabilities agency source of registration;
- Any documents submitted as proof of citizenship; or
- Any secured record.³⁰⁹

A registrant’s signature may be viewed or accessed by a member of the public only for purposes of verifying signatures on a candidate, initiative, referendum, recall, new party, or other similar petitions.³¹⁰ A County Recorder may establish the conditions under which the signature may be viewed or accessed, including prohibition of photography.

1.16.2.3 PERMISSIBLE USES OF REGISTRANT RECORDS

Registrant records may only be used for political or political party activity, a political campaign or election, for revising district boundaries or any other purpose specifically authorized by law.³¹¹

A person or organization in possession of a precinct list or other registrant information may not allow the list or information to be used, sold or otherwise transferred for any purpose except those authorized above, including posting to the internet.³¹²

³⁰⁹ [A.R.S. § 16-168\(F\)](#). See Chapter 1, Section 1.10.

³¹⁰ [A.R.S. § 16-168\(F\)](#). Signature review for the purpose of verifying candidate filings (including statements of organization, financial disclosure statements, or nomination papers) are also permitted reasons to view or access a registrant’s signature. [A.R.S. § 16-168\(F\)](#). Otherwise, there are no other authorized “election purposes” for which confidential components of a registrant’s record may be disclosed. See [A.R.S. § 16-168\(F\)](#).

³¹¹ [A.R.S. § 16-168\(E\), \(N\)](#).

³¹² [A.R.S. § 16-168\(F\)](#).

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CHAPTER 2 Early Voting

Any election in Arizona, including special taxing district elections, must provide for early voting.³¹³

2.1 REQUESTING EARLY BALLOTS

A voter may request to vote by early ballot on a one-time basis or a permanent basis.

A voter need not provide a reason for requesting an early ballot.

2.1.1 ONE-TIME REQUESTS TO RECEIVE AN EARLY BALLOT

A voter may request an early ballot for a specific election, which may include a simultaneous request for both a primary and general election ballot.³¹⁴

2.1.1.1 ELIGIBILITY TO REQUEST AN EARLY BALLOT

Any qualified elector may request an early ballot.³¹⁵

2.1.1.2 TIME PERIOD TO REQUEST AN EARLY BALLOT

A voter may request an early ballot be mailed to them between 11 and 93 days before the election.³¹⁶

2.1.1.3 METHODS TO REQUEST AN EARLY BALLOT

A voter may request an early ballot orally or in writing. This may include an in-person request, telephone request, email request, fax request, online request, or request by mail.³¹⁷

³¹³ [A.R.S. § 16-541](#). A ballot by mail election incorporates aspects of early voting, but is subject to the specific requirements outlined in Chapter 3.

³¹⁴ [A.R.S. § 16-542\(A\)](#). A registrant is authorized to make an early ballot request to the County Recorder or the other officer in charge of elections.

³¹⁵ [A.R.S. § 16-541](#). A qualified elector is only entitled to receive an early ballot containing the races in which he or she is eligible to vote. *See* Chapter 1, Section 1.8.3.2.2 and Chapter 1, Section 1.12.

³¹⁶ [A.R.S. § 16-542\(A\), \(E\)](#). A voter may simultaneously request both a primary and general election early ballot as long as the request is made between 11 and 93 days before the primary election. However, UOCAVA voters are subject to different deadlines to request a mailed ballot in advance of the election. *See* Chapter 2, Section 2.4.2.1.

³¹⁷ A voter may not update his or her registration record through an oral one-time early ballot request. *See* Chapter 2, Section 2.1.1.8.

2.1.1.4 EARLY BALLOT REQUEST FORM

For written or online requests, an early ballot request form must contain the following elements:

- The title “Early Ballot Request”;
- The county name;
- Entry fields for:
 - The voter’s name;
 - The voter’s residential address or residence location;
 - The voter’s mailing address where the one-time early ballot should be sent;
 - One of the following pieces of identifying information:
 - The voter’s date of birth;
 - The voter’s state or country of birth; or
 - Another piece of information that, if compared to the voter’s record, would confirm the voter’s identity.
 - The voter’s telephone number (paper forms only);
 - The voter’s signature (paper forms only);
 - The voter’s email address (optional);
 - The election or election date(s) for which an early ballot is being requested;
- If the voter is party-unaffiliated and is requesting a primary election ballot, an entry field for the registrant to specify the political party ballot being requested;
- A method to indicate whether the voter would like to update his or her registration record with the information provided in the early ballot request form; and
- A notice that the completed early ballot request must be received by the County Recorder by 5:00 p.m. on the second Friday preceding the election.

A voter may use any other substantially similar written document (other than the County Recorder’s official paper or online form) to request an early ballot.

2.1.1.5 MINIMUM REQUIREMENTS FOR REQUESTING EARLY BALLOT

In order for the County Recorder to process an early ballot request, the request must contain at least the following information:

- The voter’s name;
- The voter’s residential address

- The voter’s mailing address where the one-time early ballot should be sent;
- The voter’s date of birth;
- The political party ballot selected (for party-unaffiliated voters seeking an early ballot for a partisan primary election); and
- At least one of the following:
 - The voter’s state or country of birth; or
 - Another piece of information that, if compared to the voter’s record, would confirm the voter’s identity.³¹⁸

2.1.1.6 REQUESTING POLITICAL PARTY BALLOT FOR PRIMARY ELECTION

If a voter requests a one-time early ballot for a primary election, but the voter is not registered with a recognized political party, the voter must designate a recognized political party ballot in order to receive an early ballot for that election.³¹⁹ Requesting a political party ballot does not change the voter’s political party preference in his or her registration record. Once a County Recorder mails the requested ballot, a voter may not request or receive a different party ballot.

In lieu of requesting a party ballot for the partisan primary, a party-unaffiliated voter may request a non-partisan ballot if a non-partisan election is being conducted at the same time as the partisan primary.

2.1.1.7 INCOMPLETE EARLY BALLOT REQUESTS

If an early ballot request does not contain the voter’s name, residential address, mailing address, date of birth, party ballot designation (for party-unaffiliated voters only), or other verifying information,³²⁰ the County Recorder must contact the voter (by mail, telephone or email) within a reasonable period if the County Recorder has sufficient contact information to do so.

If the voter does not provide the missing information within the time period established by the County Recorder, the voter will not receive an early ballot until he or she makes a complete request.

2.1.1.8 EARLY BALLOT REQUEST AS AMENDMENT TO VOTER REGISTRATION RECORDS

A voter may use an early ballot request form to update his or her registration record.³²¹

³¹⁸ [A.R.S. § 16-542\(A\), \(E\)](#).

³¹⁹ [A.R.S. § 16-542\(A\)](#). The voter may request only one political party ballot for each election.

³²⁰ See Chapter 2, Section 2.1.1.5.

³²¹ See Chapter 1, Section 1.2.

2.1.1.9 PRESERVING EARLY BALLOT REQUESTS

A County Recorder must document a voter's one-time early ballot request in the voter's registration record.

2.1.2 REQUESTS TO PERMANENTLY RECEIVE AN EARLY BALLOT (PEVL)

A voter may permanently receive an early ballot for all elections he or she is eligible by requesting to be placed on the Permanent Early Voter List (PEVL).³²²

Unless a PEVL voter notifies the County Recorder at least 45 days before an election that the voter does not wish to receive a ballot, a County Recorder will automatically mail an early ballot to the voter.³²³ However, for an open partisan primary election, the County Recorder will not mail an early ballot to a party-unaffiliated voter for that election unless the voter timely selected a political party ballot.³²⁴

2.1.2.1 ELIGIBILITY FOR PLACEMENT ON THE PEVL

Any voter may request to be placed on the PEVL.³²⁵

A "federal only" voter may be placed on the PEVL, but only if the voter proved his or her identity prior to making the PEVL request.³²⁶

A UOCAVA voter also may request to be placed on the PEVL, however ballots are transmitted to these voters at least 45 days before the election.³²⁷ If a PEVL voter loses his or her UOCAVA status, the voter's Arizona address should be utilized for purposes continuing to receive early ballots.

2.1.2.2 TIME PERIOD TO REQUEST PLACEMENT ON THE PEVL

A voter may request to be placed on the PEVL at least 45 days before the election.³²⁸

³²² [A.R.S. § 16-544\(A\)](#).

³²³ [A.R.S. § 16-544\(F\)](#).

³²⁴ [A.R.S. § 16-544\(G\)](#). See Chapter 2, Section 2.2.1. The voter will continue to automatically receive early ballots for all elections other than the primary.

³²⁵ [A.R.S. § 16-544\(A\)](#).

³²⁶ See Chapter 1, Section 1.8.3.3.

³²⁷ [A.R.S. § 16-544\(J\)](#). See Chapter 2, Section 2.4.2.1.

³²⁸ [A.R.S. § 16-542\(A\), \(E\)](#). A voter may simultaneously request both a primary and general election early ballot as long as the request is made between 11 and 93 days before the primary election. However, UOCAVA voters are subject to different deadlines to request a mailed ballot in advance of the election. See Chapter 2, Section 2.4.2.1.

If a voter requests to be placed on the PEVL between 11 and 45 days before the election, the voter's request is treated as a one-time early ballot request and the voter's PEVL status will be activated for the following election.

2.1.2.3 METHODS TO REQUEST PLACEMENT ON THE PEVL

A voter may request to be placed on the PEVL by:

- Selecting the PEVL request box on the State Form;³²⁹
- Making a PEVL request through an Online EZ Voter Registration;³³⁰
- Completing a form issued by a County Recorder; or
- Making any other written request that contains the minimum required information for a PEVL request.³³¹

If a registrant makes a request to be added to the PEVL other than through a voter registration form, the County Recorder must confirm the signature on the request matches the signature in the registrant's record before adding the voter to the PEVL.³³²

If a voter makes a valid PEVL request, the voter's registration record must be updated to reflect PEVL status.

2.1.2.4 PEVL REQUEST FORM

A PEVL request form must contain the following elements:

- The title "Permanent Early Voter List Request";
- The county name;
- Entry fields for:
 - The voter's name;
 - The voter's residential address or residence location;
 - The voter's mailing address in the county of residence;
 - The voter's date of birth;
 - The voter's signature;

³²⁹ See Chapter 1, Section 1.2.

³³⁰ See Chapter 1, Section 1.2.

³³¹ [A.R.S. § 16-544\(B\)](#). See Chapter 2, Section 2.1.2.5.

³³² [A.R.S. § 16-544\(C\)](#).

- A method to indicate whether the voter would like to update his or her registration record with the information provided in the PEVL request form;
- A statement that the voter is attesting that he or she is a registered voter who is eligible to vote in the county of residence; and
- The statement “I authorize the County Recorder to add my name to the permanent early voting list and by doing so the County Recorder will automatically mail an early ballot to me for each election for which I am eligible.”

A County Recorder may add any additional language to a PEVL request form.

A voter may use any other substantially similar written document (other than the County Recorder’s official form) to request PEVL status.

2.1.2.5 MINIMUM REQUIREMENTS FOR REQUESTING PLACEMENT ON THE PEVL

A valid written PEVL request must contain at least:

- The voter’s name;
- The voter’s residence address;
- The voter’s mailing address in the county of residence;
- The voter’s date of birth; and
- The voter’s signature.³³³

The voter may not list an out-of-state address unless the voter is a uniformed or overseas voter pursuant to UOCAVA.³³⁴

2.1.2.6 INCOMPLETE REQUESTS FOR PLACEMENT ON THE PEVL

If the PEVL request does not contain the voter’s name, residence address, mailing address in the county of residence, date of birth, or signature, the County Recorder must contact the voter (by mail, telephone or email) within a reasonable period if the County Recorder has enough information to do so. If the voter does not provide the missing information within the time period established by the County Recorder, the voter may not be added to the PEVL.

³³³ [A.R.S. § 16-544\(B\)](#).

³³⁴ [A.R.S. § 16-544\(B\)](#); *see* Chapter 1, Section 1.8.4.3 and Chapter 1, Section 1.8.5.3. Although a UOCAVA voter may be placed on the PEVL, a County Recorder must issue the voter’s early ballot at least 45 days before the election until the voter’s UOCAVA status lapses. *See* Chapter 1, Section 1.8.4.4.

If the voter provides an out-of-state residence or mailing address and does not qualify for UOCAVA status, the voter may not be added to the PEVL.³³⁵

2.1.2.7 REMOVAL FROM THE PEVL

A voter is removed from the PEVL under the following circumstances:

- The voter makes a written request to be removed from the PEVL, which includes the voter's name, residence address, date of birth, and signature;
- The 90-day notice is returned as undeliverable and the County Recorder is unable to contact the voter to confirm the voter's continued desire to remain on the PEVL,³³⁶ or
- The voter's registration record is placed in an "inactive" or "canceled" status.³³⁷

Upon receipt of voter's request to be removed from the PEVL, the County Recorder must remove the voter as soon as practicable.³³⁸

A County Recorder may not remove a voter from the PEVL list for failure to vote.³³⁹

2.1.2.8 PRESERVING PEVL REQUESTS

A County Recorder must document the PEVL request in the voter's registration record.

2.1.2.9 THIRD-PARTY USE OF PEVL REQUEST FORMS

Candidates, political committees or other organizations are permitted to distribute PEVL request forms to voters.³⁴⁰ The request forms must seek all the information required under Chapter 2, Section 2.1.2.4.

If a candidate, political committee, or other organization receives a completed PEVL request form, the candidate, political committee or other organization must return the request form to the applicable County Recorder within 6 business days of receipt or 11 days before election day, whichever is sooner.³⁴¹ Failure to timely return completed request forms may result in a civil penalty of \$25 per day for each form withheld.³⁴² Any person who knowingly fails to return

³³⁵ [A.R.S. § 16-544\(B\)](#).

³³⁶ See Chapter 2, Section 2.2.2.

³³⁷ [A.R.S. § 16-544\(H\)-\(I\)](#).

³³⁸ [A.R.S. § 16-544\(I\)](#).

³³⁹ [A.R.S. § 16-544\(K\)](#).

³⁴⁰ [A.R.S. § 16-544\(L\)](#).

³⁴¹ [A.R.S. § 16-544\(M\)](#).

³⁴² [A.R.S. § 16-544\(M\)](#).

completed PEVL request forms by the submission deadline may be guilty of a class 6 felony as well.³⁴³

If the request forms include a printed return address, the address must be the County Recorder's office in the political subdivision that will conduct the election.³⁴⁴ Failure to use the County Recorder's return address may result in a civil penalty up to three times the cost of the production and distribution of the PEVL request form.³⁴⁵

2.2 NOTICE TO PEVL VOTERS IN ADVANCE OF ELECTION

A County Recorder must mail a notice to all eligible PEVL voters at least 90 days before any polling place election scheduled in March or August.³⁴⁶

The notice must be sent by non-forwardable mail (with a request to receive an address correction notification) and include the following information:

- A statement that "Our records indicate that you are on the Permanent Early Voting List";
- The dates of the elections that are the subject of the notice;
- The expected mailing date of the voter's ballot;
- The voter's mailing address;
- The statement "Below is the address where the ballot(s) will be mailed," above the voter's mailing address;
- A notice indicating the voter's party affiliation, if any;
- A checkbox to allow the voter to remove the voter's name from the PEVL; and
- A checkbox to request that the early ballot not be mailed for the elections listed on the notice.

The notice must include a postage prepaid means for the voter to:

- Designate a political party ballot (only if the upcoming election is an open partisan primary and the voter is party-unaffiliated);³⁴⁷

³⁴³ [A.R.S. § 16-544\(M\)](#).

³⁴⁴ [A.R.S. § 16-544\(L\)](#).

³⁴⁵ [A.R.S. § 16-544\(L\)](#).

³⁴⁶ [A.R.S. § 16-544\(D\)](#). A polling place election is an election not conducted as a ballot by mail election. See Chapter 3. A County Recorder may not issue a combined 90-day notice for the March and August elections, but may issue a combined 90-day notice for a March/May election or an August/November election.

- Change the mailing address to another location in the county of residence;
- Update the voter’s residence address in the county of residence; and
- Request that the voter not be sent a ballot for the upcoming election or elections indicated in the notice.

If an election is not formally called within 120 days of the scheduled election, the County Recorder is not required to send a 90-day notice.³⁴⁸

2.2.1 90-DAY NOTICE TO PEVL VOTERS WITHOUT DESIGNATED POLITICAL PARTY

If the upcoming election is an open partisan primary election and the PEVL voter is not registered with a recognized political party, the 90-day notice must include a means for the voter to designate a political party ballot.³⁴⁹ Requesting a party ballot does not change the voter’s political party preference in his or her registration record.

If the voter does not designate a party ballot within 45 days of the election, the voter will not be automatically sent an early ballot for that primary election but the voter's name will remain on the PEVL for future elections. In order to vote early for that election, the voter must make a one-time early ballot request pursuant to Chapter 2, Section 2.2.1 and designate a party ballot at that time.³⁵⁰

In general, once a County Recorder mails the requested party ballot, a voter may not request or receive a different party ballot. If a voter re-registers to vote with a recognized political party between 29 and 45 days before the election, however, the voter must be sent a party ballot that corresponds to the new party. If the voter had requested a different party ballot prior to re-registering to vote, the prior ballot should not be mailed (or if already mailed, should be voided out).

In lieu of requesting a party ballot for the partisan primary, an eligible PEVL voter may request a non-partisan ballot if a non-partisan election is being conducted at the same time.

2.2.2 90-DAY NOTICE RETURNED UNDELIVERABLE

If the 90-day notice is returned undeliverable to the County Recorder, the County Recorder must contact the PEVL voter (if the County Recorder has the means to do so) to attempt to update the voter’s address.

³⁴⁷ See Chapter 2, Section 2.2.1.

³⁴⁸ [A.R.S. § 16-544\(D\)](#).

³⁴⁹ [A.R.S. § 16-544\(D\)](#).

³⁵⁰ [A.R.S. § 16-542](#); [A.R.S. § 16-544\(G\)](#).

An undeliverable 90-day notice also serves as a First Notice under the “NVRA process.”³⁵¹ If the voter is moved to “inactive” status as a result of the “NVRA process,” the voter must be removed from the PEVL.³⁵² The voter may be placed back on the PEVL only if a new PEVL request form is completed.³⁵³

2.3 CREATION AND PREPARATION OF EARLY BALLOTS

2.3.1 RESPONSIBILITY FOR CREATING AND PREPARING EARLY BALLOTS

The County Board of Supervisors is responsible for preparing early ballots to be used in federal, statewide, legislative, and countywide elections.³⁵⁴ The Board of Supervisors may delegate this responsibility to the officer in charge of elections.

2.3.2 COMPONENTS OF THE EARLY BALLOT MAILING

An early ballot must be identical to a polling place ballot in content and format, except an early ballot must have the word “early” printed in the ballot header.³⁵⁵

An early ballot must be mailed by first-class, non-forwardable mail. The envelope containing the early ballot must also include a postage prepaid return envelope and instructions for voters.

Only official election materials, as determined by the County Recorder, are permitted to be included in the early ballot mailing. Lists of official write-in candidates or withdrawn candidates may not be included in the early ballot mailing.

Additional requirements with respect to the early ballot return envelope and voter instructions are discussed in more detail below.

2.3.2.1 REQUIRED RETURN ENVELOPE

The postage prepaid return envelope must:

- Contain the County Recorder’s name, official title, and the post office address of the County Recorder (or other officer in charge of elections) on the front side of the return envelope;³⁵⁶

³⁵¹ See Chapter 1, Section 1.14.3.1.

³⁵² [A.R.S. § 16-544\(E\)](#). See Chapter 1, Section 1.14.3.1.

³⁵³ [A.R.S. § 16-544\(E\)](#).

³⁵⁴ [A.R.S. § 16-405](#); [A.R.S. § 16-503\(A\)](#); [A.R.S. § 16-545\(B\)\(1\)](#).

³⁵⁵ [A.R.S. § 16-545\(A\)](#).

- Contain a statutorily-prescribed voter affidavit on the back side of the return envelope (see below);³⁵⁷
- Be tamper evident when properly sealed;³⁵⁸
- Contain any required statement by the U.S. Post Office for election mail; and
- Be opaque so as not to reveal the voter’s vote choices.³⁵⁹

The voter affidavit must substantially contain at least the following language:³⁶⁰

I declare the following under penalty of perjury: I am a registered voter in _____ county Arizona, I have not voted and will not vote in this election in any other county or state, I understand that knowingly voting more than once in any election is a class 5 felony and I voted the enclosed ballot and signed this affidavit personally unless noted below.

If the voter was assisted by another person in marking the ballot, complete the following:

I declare the following under penalty of perjury: At the registered voter's request I assisted the voter identified in this affidavit with marking the voter's ballot, I marked the ballot as directly instructed by the voter, I provided the assistance because the voter was physically unable to mark the ballot solely due to illness, injury or physical limitation and I understand that there is no power of attorney for voting and that the voter must be able to make their selection even if they cannot physically mark the ballot.

Name of voter assistant: _____

Address of voter assistant: _____³⁶¹

A County Recorder may add additional language to the early ballot affidavit.³⁶²

³⁵⁶ [A.R.S. § 16-547\(A\)](#).

³⁵⁷ [A.R.S. § 16-547\(A\)](#). The voter affidavit may be shifted or reformatted to maintain compliance with the Americans with Disabilities Act.

³⁵⁸ [A.R.S. § 16-545\(B\)\(2\)](#). “Tamper evident” means an envelope that contains one or more indicators which, if breached or missing, can reasonably be expected to provide visible evidence that tampering has occurred.

³⁵⁹ [A.R.S. § 16-545\(B\)\(2\)](#).

³⁶⁰ For ballot by mail elections, the County Recorder or other officer in charge of elections may supplement the early ballot affidavit with additional language required for issuance of replacement ballots pursuant to [A.R.S. § 16-558.02\(A\)](#). See Chapter 3, Section 3.5.2.

³⁶¹ [A.R.S. § 16-547\(A\)](#). The affidavit may also request an optional telephone number or email address to enable the County Recorder to contact the voter in case there is a deficiency with the early ballot.

In lieu of printing the ballot affidavit on the exterior of the return envelope, a County Recorder may also include a postage prepaid secrecy envelope. In this circumstance, the voter is directed to place his or her marked ballot in the standard return envelope that contains the early ballot affidavit on the reverse side; the voter must then place the standard return envelope inside the postage prepaid secrecy envelope. This method ensures that the voter's signature (or other personally identifying information) will not be visible on the exterior of the postage prepaid envelope transmitted through the mail.

2.3.2.2 REQUIRED INSTRUCTIONS TO VOTERS

A County Recorder must supply printed instructions in both English and Spanish³⁶³ that:

- Direct voters to sign the voter affidavit, mark the ballot, and return the voted ballot in the enclosed return envelope;
- Include a website address where the following information will be posted:
 - The official write-in candidates and withdrawn candidates for all jurisdictions on the ballot;³⁶⁴ and
 - The official locations where early ballots may be deposited.
- Informs voters that no votes will be counted for a particular office if they overvote (vote for more candidates than permitted) and therefore the County Recorder should be contacted to receive a new ballot in case of an overvote;
- Recommends that voters mail an early ballot at least 5 calendar days before the election to best ensure the ballot will be timely received by 7:00 p.m. on Election Day;
- Informs voters regarding the appropriate marking devices to be used when marking the ballot; and
- Must contain the following language:
 1. In order to be valid and counted, the ballot and affidavit must be delivered to the office of the County Recorder or other officer in charge of elections or may be deposited at any polling place in the county no later than 7:00 p.m. on Election Day; and
 2. WARNING-It is a felony to offer or receive any compensation for a ballot.³⁶⁵

³⁶² The prescribed early ballot affidavit is deemed to substantially comply with FVAP-suggested designs for a UOCAVA return envelope affidavit. [A.R.S. § 16-547\(B\)](#); *see also* [52 U.S.C. § 20301\(b\)\(4\)](#); <https://www.fvap.gov/eo/overview/sending-ballots/creating-envelopes>.

³⁶³ A County Recorder in a covered jurisdiction must also include instructions in any additional written language required under the federal Voting Rights Act. *See* Chapter 4, Section 4.1.6.1.6.

³⁶⁴ [A.R.S. § 16-343\(G\)](#).

2.4 MAILING EARLY BALLOTS

2.4.1 METHODS OF TRANSMITTING EARLY BALLOTS

An early ballot must be mailed to voters by first-class, non-forwardable mail. The early ballot must be accompanied by an early ballot affidavit, instructions to voters, and a postage prepaid return envelope.³⁶⁶ Each requirement is addressed in further detail below.

UOCAVA ballots may be transmitted by mail, fax, email, or other secure method of online transmittal, in accordance with the delivery method selected by the voter on the FPCA.³⁶⁷ UOCAVA mailing requirements apply to all elections, not just federal elections.³⁶⁸

2.4.2 TIME PERIOD FOR MAILING EARLY BALLOTS

Voters who make an early ballot request at least 27 days before the election are entitled to be mailed an early ballot between 24 and 27 days³⁶⁹ before the election.³⁷⁰

Voters who make an early ballot request between 11 and 26 days before the election are entitled to be mailed a ballot within 2 business days of the request.³⁷¹

Early ballot requests made 10 days or less before the election are considered untimely.³⁷²

³⁶⁵ [A.R.S. § 16-547\(C\)](#). The County Recorder may substitute “vote center” for “polling place” if the county uses vote centers. If applicable, the County Recorder may add additional ballot drop-off locations to the statutorily-prescribed language.

³⁶⁶ See Chapter 2, Section 2.3.2.

³⁶⁷ [A.R.S. § 16-543\(A\)](#).

³⁶⁸ [A.R.S. § 16-543\(A\)](#).

³⁶⁹ [A.R.S. § 16-542\(C\)](#) allows early ballots to be mailed as late as 24 days before the election, but also requires ballots be mailed “within five days after receipt of the official early ballots from the officer charged by law with the duty of preparing ballots pursuant to section 16-545.” In the event a County Recorder cannot mail early ballots within 5 days of receipt, a County Recorder remains in compliance with [A.R.S. § 16-542\(C\)](#) if early ballots are mailed no later than the 24th day before the election.

³⁷⁰ [A.R.S. § 16-542\(C\)](#); [A.R.S. § 16-545\(B\)\(1\)](#); [A.R.S. § 16-544\(F\)](#). The County Recorder need not mail an early ballot to a party-unaffiliated PEVL voter that has not timely selected a political party ballot for a partisan primary election. [A.R.S. § 16-544\(G\)](#).

³⁷¹ [A.R.S. § 16-542\(D\)-\(E\)](#). Requests must be made by 5:00 p.m. on the 11th day before the election. [A.R.S. § 16-542\(E\)](#). The request must be fulfilled within 48 hours, excluding weekends and legal holidays. [A.R.S. § 16-542\(D\)](#).

³⁷² Early ballot requests must be made by 5:00 p.m. on the 11th day before the election. [A.R.S. § 16-542\(E\)](#).

2.4.2.1 SPECIAL TIME PERIOD FOR TRANSMITTING UOCAVA BALLOTS

If a UOCAVA voter registered to vote with an FPCA³⁷³ at least 48 days before an election, a County Recorder must transmit an early ballot to the voter at least 45 days before the election.³⁷⁴

If a UOCAVA voter registers less than 48 days before the election, a County Recorder must transmit the early ballot within one business day of the registration.³⁷⁵ Requests made within 48 hours of election day should be further expedited to the extent possible.

2.4.2.1.1 EFFECT OF INCOMPLETE FPCA REGISTRATION

If a UOCAVA voter submits an incomplete FPCA (or attempts to register to vote using a registration form other than an FPCA) within 48 days of the election, the County Recorder must transmit a blank FPCA along with an early ballot to the voter within one business day of receipt.³⁷⁶ If the voter does not return a new completed FPCA by 7:00 p.m. on election day, any voted early ballot form that voter will not count.

2.4.2.1.2 SECRETARY OF STATE AUTHORITY TO SEEK UOCAVA TRANSMITTAL WAIVER

In exceptional circumstances, the Secretary of State has authority to seek a waiver of the 45-day UOCAVA ballot transmission deadline from the U.S. Department of Defense as a result of undue hardship.³⁷⁷ An “undue hardship” may be found if:

- A county has suffered a delay in generating ballots due to a legal contest;
- Arizona’s primary election date prohibits counties from meeting the 45-day mailing requirement; or

³⁷³ If a County Recorder receives a FWAB sufficiently in advance of the election, the County Recorder should transmit an FPCA and early ballot to the registrant. If the voter returns the FPCA and voted early ballot, the County Recorder should void out the FWAB.

³⁷⁴ [A.R.S. § 16-543\(A\)](#); [52 U.S.C. § 20302\(a\)\(8\)](#). A UOCAVA voter that registers to vote using a FWAB pursuant to [A.R.S. § 16-543.02\(D\)](#) must simultaneously write-in his or her vote choices for federal candidates, and therefore is not entitled to receive an early ballot. There no limit how early a ballot may be transmitted to a UOCAVA voter, however in practice such ballots are cannot be prepared until shortly before the 45-day mailing deadline.

³⁷⁵ [A.R.S. § 16-543\(A\)](#). If the voter registers using an FPCA, the request must be fulfilled within 24 hours excluding weekends and legal holidays. [A.R.S. § 16-543\(A\)](#); *see also* [A.R.S. § 16-542\(D\)](#).

³⁷⁶ [A.R.S. § 16-543\(A\)](#).

³⁷⁷ [52 U.S.C. § 20302\(g\)](#); <https://www.fvap.gov/eo/waivers>. The Under Secretary of Defense for Personnel & Readiness is the Presidential designee charged with evaluating such requests. *See* Executive Order 12642; DOD Directive 1004.04.

- The Arizona Constitution prohibits counties from complying with the 45-day mailing requirement.³⁷⁸

If a county experiences (or believes it will experience) an undue hardship, the County Recorder or other officer in charge of elections must contact the Secretary of State as soon as possible and provide sufficient information to enable the Secretary of State to make a timely waiver request.

The Secretary of State's waiver request must include:

- An explanation of the undue hardship;
- A recognition that the original purpose of the 45-day mailing requirement was to allow UOCAVA voters to have enough time to vote in a federal election;
- The number of days prior to the election that Arizona law requires early ballots to be transmitted to UOCAVA voters;³⁷⁹
- The State's plan to ensure that UOCAVA voters are able to receive and return their early ballot in order to be counted for the election. This includes the specific steps the county or counties will take, why the plan will give the UOCAVA voters enough time to vote, and factual information explaining how the plan gives sufficient time for this to occur.³⁸⁰

The Secretary of State is generally required to submit a waiver request at least 90 days before the election, which the Department of Defense must act upon within 25 days.³⁸¹ If the undue hardship results from a legal contest, however, the Secretary of State must submit the waiver request as soon as practicable, which the Department of Defense must act upon within 5 business days.³⁸²

2.4.3 ISSUING REPLACEMENT EARLY BALLOTS

A County Recorder may issue a replacement early ballot to a voter upon request.

The County Recorder must ensure that only one early ballot for a particular voter is verified and transmitted to the officer in charge of elections for tabulation.³⁸³

³⁷⁸ [52 U.S.C. § 20302\(g\)\(2\)\(B\)](#). Arizona's primary election date or constitutional provisions are unlikely to inhibit counties' ability to timely transmit UOCAVA ballots.

³⁷⁹ [A.R.S. § 16-543\(A\)](#) (45 days).

³⁸⁰ [52 U.S.C. § 20302\(g\)\(1\)](#); *see also* https://www.fvap.gov/uploads/FVAP/EO/2012_waiver_guidance.pdf.

³⁸¹ [52 U.S.C. § 20302\(g\)\(3\)\(A\)](#).

³⁸² [52 U.S.C. § 20302\(g\)\(3\)\(B\)](#).

³⁸³ *See* Chapter 2, Section 2.9.

2.5 REPORTING UOCAVA TRANSMISSION STATISTICS

Each County Recorder must timely confirm UOCAVA compliance to the Secretary of State, which must include information about:

- How many UOCAVA ballots were validly requested;
- How many UOCAVA ballots were transmitted in accordance with the 45-day deadline based on valid requests received before that date; and
- How many UOCAVA ballots were transmitted after the 45-day deadline based on valid requests received before that date.

UOCAVA reports must be emailed or electronically submitted to the Secretary of State within 1 business day of the UOCAVA ballot transmission deadline.

The Secretary of State must consolidate the county reports and promptly report Arizona's aggregated statistics to the U.S. Department of Justice following each primary and general election for federal office.³⁸⁴

2.6 ON-SITE EARLY VOTING

A County Recorder may establish on-site early voting locations throughout the county where voters may personally appear and vote an early ballot.³⁸⁵

A voter must cast the ballot at the on-site early voting location. An early ballot must be issued even if the voter previously requested or received an early ballot.

On-site early voting may be conducted beginning 27 days before the election and (absent emergency circumstances³⁸⁶) must end by 5:00 p.m. on the Friday before the election.³⁸⁷

2.6.1 POSTING NOTICE OF WRITE-IN AND WITHDRAWN CANDIDATES

A County Recorder must post a Notice of Withdrawal and Notice of Official Write-In Candidates at each on-site early voting location.³⁸⁸

Information about write-in and withdrawn candidates also must be posted to the County Recorder's or officer in charge of elections' website.³⁸⁹

³⁸⁴ See <https://www.justice.gov/crt/statutes-enforced-voting-section#uocava>.

³⁸⁵ [A.R.S. § 16-246\(C\)](#); [A.R.S. § 16-542\(A\)](#).

³⁸⁶ See Chapter 2, Section 2.6.4.

³⁸⁷ [A.R.S. § 16-542\(C\), \(E\)](#).

³⁸⁸ [A.R.S. § 16-312\(E\)](#); [A.R.S. § 16-343\(G\)](#).

2.6.2 REQUIREMENTS FOR ACCESSIBLE VOTING DEVICES

An on-site early voting location must have at least one certified accessible voting device available for voters with disabilities.³⁹⁰

2.6.3 APPLICABILITY OF VOTER ID REQUIREMENTS

Paper early ballots cast at an on-site early voting location are processed and tabulated in the same manner as mailed early ballots. Therefore, the voter's signature on the early ballot affidavit will be used to verify the voter's identity in lieu of the identification requirements outlined in [A.R.S. § 16-579\(A\)](#).³⁹¹

2.6.3.1 APPLICABILITY OF VOTER ID REQUIREMENTS FOR ACCESSIBLE VOTING EQUIPMENT

If a county's accessible voting equipment does not independently tabulate votes (*i.e.* the equipment marks and/or produces a paper ballot that will be tabulated using different voting equipment), the voter must place the voted early ballot in a return envelope and sign the early ballot affidavit.

If accessible voting equipment independently tabulates the votes cast on that equipment (*i.e.* the votes are tabulated by the equipment itself and later uploaded to the Election Management System (EMS)), there will be no paper ballot to place in a return envelope. In this case, the County Recorder must implement one of two methods to prove identity through signature verification.

Under the first method, the County Recorder may provide access to voter registration records with signature images at the on-site early voting location. The voter must sign an early ballot affidavit, and if the affidavit signature matches the voter's signature in his or her registration record, the voter will be allowed to cast his or her vote on the accessible voting equipment. The early ballot affidavit must be retained but otherwise separated from early ballot envelopes that contain marked ballots.

Under the second method, if the on-site early voting location lacks access to voter registration records with signature images, the voter must sign an accessible voting device affidavit. The voter must vote a provisional ballot in the accessible voting equipment, which must be capable of being tied to the accessible voting device affidavit. If the County Recorder confirms the voter's

³⁸⁹ [A.R.S. § 16-343\(G\)](#). See Chapter 9, Section 9.2.1.2.

³⁹⁰ [A.R.S. § 16-552\(A\)](#). An accessible voting device must be approved by the Secretary of State's Equipment Certification Committee and successfully pass logic & accuracy testing prior to deployment for on-site early voting. See Chapter 4, Section 4.1.9.4 and Chapter 10.

³⁹¹ See Chapter 2, Section 2.9; Chapter 4, Section 4.2.4.

eligibility to cast the ballot and the affidavit signature matches the voter's signature in his or her registration record, the voter's provisional ballot in the accessible voting equipment must be counted.

2.6.4 EMERGENCY EARLY VOTING

In exceptional circumstances, through use of a Special Election Board, a County Recorder may allow a voter to receive and cast an early ballot during the 10-day period before the election if the voter experiences an emergency that would otherwise prevent him or her from voting on Election Day.³⁹²

Special Election Boards are further discussed in Chapter 4, Section 4.3.1.

2.7 DEADLINE TO RETURN EARLY BALLOTS

An early ballot (with completed affidavit) must be delivered to the County Recorder, the officer in charge of elections, an official ballot drop-off site, or any polling place in the county no later than 7:00 p.m. on Election Day.³⁹³

2.8 REPORTING EARLY BALLOT REQUESTS AND RETURNS

At the request of a state or county political party chairman before an election, a County Recorder must provide the following information at no cost to the political party:

- A listing of registrants who have requested an early ballot. This information must be provided daily Monday through Friday, beginning 33 days before the election and through the Friday before the election;³⁹⁴
- A listing of registrants who have returned their early ballot, which must be provided daily in Maricopa and Pima Counties and weekly in all other counties.
 - Daily information in Maricopa and Pima Counties must be provided Monday through Friday, beginning the first Monday after early voting commences and ending the Monday before the election;
 - Weekly information in all other counties must be provided beginning on the Friday after early voting commences and ending on the Friday before the election.³⁹⁵

³⁹² [A.R.S. § 16-549\(D\)](#).

³⁹³ [A.R.S. § 16-547\(C\)](#); [A.R.S. § 16-551\(C\)](#). The early ballot deadline also applies to UOCAVA ballots, regardless of the method of transmission to the election official.

³⁹⁴ [A.R.S. § 16-168\(D\)](#).

³⁹⁵ [A.R.S. § 16-168\(D\)](#).

Early ballot request and return reports should contain the following minimum information:

- Registrant's name;
- Voter ID number;
- Residential address;
- Mailing address (if different);
- Political party;
- Whether PEVL or one-time request (early ballot request reports only); and
- Date of request (early ballot request reports only) (one-time requests only).³⁹⁶

The first early ballot request report should contain all PEVL registrants and registrants that made a one-time early ballot request through the date of the report. Subsequent early ballot request reports should include new one-time early ballot requests that have been made since the last report.

2.9 PROCESSING AND TABULATING EARLY BALLOTS

Upon receipt of the return envelope with an early ballot and completed affidavit, a County Recorder must compare the signature on the affidavit with the voter's signature in the voter's registration record.³⁹⁷ If the signatures reasonably appear to have been made by the same person, the County Recorder must forward the early ballot (unopened in the return envelope) to the officer in charge of elections for tabulation.³⁹⁸

The officer in charge of elections may begin tabulating early ballots within 7 days of the election.³⁹⁹ Early ballot tabulation results may not be reported until election day, at the earlier of:

- The time when all ballots cast on election day at voting locations have been tabulated and publicly reported; or
- One hour after all polls under the jurisdiction of the officer in charge of elections have closed on election day.⁴⁰⁰

³⁹⁶ The reports should conform to the format established for precinct lists as nearly as practicable. *See* Chapter 1, Section 1.16.1.

³⁹⁷ [A.R.S. § 16-550\(A\)](#). A County Recorder must first compare the affidavit signature with the signature(s) from the voter's registration form(s). If the signature does not match, the County Recorder also may consult additional known voter signatures derived from other official election documents such as signature rosters or PEVL request forms.

³⁹⁸ [A.R.S. § 16-550\(A\)](#); [A.R.S. § 16-552\(B\)](#). *See* Chapter 4, Section 4.3.1.

³⁹⁹ [A.R.S. § 16-550\(B\)](#).

⁴⁰⁰ [A.R.S. § 16-551\(C\)](#); [A.R.S. § 16-552\(A\)](#). Polls presumptively close at 7:00 p.m. on election day unless extended by court order. [A.R.S. § 16-551\(C\)](#); [A.R.S. § 16-565\(A\)](#).

CHAPTER 3 - BALLOT BY MAIL ELECTIONS

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CHAPTER 3

Ballot By Mail Elections

“Ballot by mail” elections are elections in which a ballot is mailed to every qualified elector in a jurisdiction, regardless of whether the voter is on the PEVL. Ballot by mail elections also afford opportunities for voters to cast a ballot in person.

3.1 ELIGIBILITY TO HOLD AN BALLOT BY MAIL ELECTION

Cities, towns, school districts, and special taxing districts are the only jurisdictions permitted to conduct ballot by mail elections.⁴⁰¹

Ballot by mail elections must be conducted according to most of the same requirements applicable to early voting.⁴⁰²

3.2 APPROVAL TO HOLD AN BALLOT BY MAIL ELECTION

A city, town, school district, or special taxing district may conduct its own ballot by mail election.⁴⁰³ These jurisdictions must obtain approval of their own governing boards to conduct such election. Additionally, special taxing districts must obtain approval of the applicable County Board of Supervisors, even if the special taxing district will conduct its own election.⁴⁰⁴

If a city, town, school district, or special taxing district requests a county conduct the election on the jurisdiction’s behalf, the conduct of that election is generally subject to an agreement between the county and the jurisdiction.⁴⁰⁵ Among other things, the agreement may require that all local jurisdictions holding elections on a particular consolidated election date conduct a ballot by mail election in lieu of establishing voting locations on election day.⁴⁰⁶

⁴⁰¹ [A.R.S. § 16-409\(A\)](#); [A.R.S. § 16-558\(A\)](#). In addition, a County Recorder may send a Presidential Preference Election ballot to all qualified electors in precincts with 300 or less registered voters. [A.R.S. § 16-248\(H\)](#).

⁴⁰² [A.R.S. § 16-409\(A\)](#); [A.R.S. § 16-558\(B\)](#). See Chapter 2, Section 2.3 to Chapter 2, Section 2.9. Accessible voting equipment need not be made available for a ballot by mail election.

⁴⁰³ [A.R.S. § 16-409\(A\)](#); [A.R.S. § 16-558\(A\)](#).

⁴⁰⁴ [A.R.S. § 16-558\(A\)](#). If a special taxing district comprises more than one county, the governing board of the special taxing district must seek approval of the County Board of Supervisors in the county that contains the greater number of registered voters in the special taxing district. [A.R.S. § 16-558\(A\)](#). The special taxing district must obtain approval from the Board of Supervisors before it publishes a call of election. [A.R.S. § 16-558\(A\)](#); see also Chapter 3, Section 3.3 and Chapter 4, Section 4.1.4.3.

⁴⁰⁵ [A.R.S. § 16-205\(C\)](#).⁴⁰⁶ [A.R.S. § 16-205](#).

⁴⁰⁶ [A.R.S. § 16-205](#).

3.3 ADDITIONAL REQUIREMENTS FOR SPECIAL TAXING DISTRICT ELECTIONS

The governing body of a special taxing district⁴⁰⁷ must provide various public notifications before conducting any election that is not held concurrently with a general election, which includes ballot by mail elections.⁴⁰⁸ See Chapter 4, Section 4.1.4.3.

3.4 PREPARING AND MAILING BALLOTS

A County Recorder or other officer in charge of elections may use a unified ballot format that combines all candidates and issues on the same ballot in a ballot by mail election.⁴⁰⁹

Ballots utilized in a ballot by mail election must be prepared and transmitted in accordance with the requirements applicable to early ballots,⁴¹⁰ except:

- The County Recorder must mail the ballots between 15 and 27 days before the election;⁴¹¹
- If the ballot by mail election is consolidated with a partisan primary election, the County Recorder must mail a notice to all non-PEVL voters⁴¹² who are not registered with a recognized political party at least 33 days before the election;⁴¹³ and
- Return envelopes in ballot by mail election need not necessarily be postage pre-paid. The governing body of a city, town, school district, or special taxing district must determine whether the cost of return postage will be borne by the local jurisdiction or the voter.⁴¹⁴

⁴⁰⁷ A.R.S. §§ 16-225 to 16-229 outline various requirements for holding “nonpartisan” elections, but [A.R.S. § 16-226\(B\)](#) defines nonpartisan elections (for purposes of those statutes) to only include special taxing districts.

⁴⁰⁸ [A.R.S. § 16-226\(B\)](#); [A.R.S. § 16-227\(A\)](#).

⁴⁰⁹ [A.R.S. § 16-204\(G\)](#).

⁴¹⁰ See Chapter 2, Section 2.3 and Chapter 2, Section 2.4.

⁴¹¹ [A.R.S. § 16-409\(A\)](#); [A.R.S. § 16-558.01](#).

⁴¹² In lieu of sending separate notices to PEVL and non-PEVL voters, however, a County Recorder may send a notice to all eligible voters at least 90 days before the ballot by mail election. See Chapter 2, Section 2.2.

⁴¹³ The notice is intended to allow an unaffiliated voter to designate a political party ballot for the partisan election. (Requesting a party ballot does not change the voter’s political party preference in his or her registration record). If the voter does not designate a political party ballot by the deadline established by the County Recorder, the voter is only eligible to receive a nonpartisan ballot by mail for the city, town, school district, or special taxing district election. However, the voter is still permitted to vote a political party ballot in-person at a voting location.

⁴¹⁴ [A.R.S. § 16-409\(A\)](#); [A.R.S. § 16-558.01](#).

3.5 METHODS TO RETURN OR REPLACE BALLOTS

A city, town, school district, or special taxing district that conducts a ballot by mail election on its own behalf may establish voting locations on election day.⁴¹⁵

However, a county that conducts a ballot by mail election on behalf of a jurisdiction is not required to establish voting locations on election day.⁴¹⁶

3.5.1 BALLOT DROP-OFF SITES

In lieu of voting locations, a County Recorder or other officer in charge of elections may establish ballot drop off locations to receive voted ballots by 7 p.m. on Election Day.⁴¹⁷

3.5.2 BALLOT REPLACEMENT SITES

A County Recorder or other officer in charge of elections must establish at least one central location to issue ballot replacements in cases where the voter's mailed ballot was lost, spoiled, destroyed or not received.⁴¹⁸ The County Recorder or other officer in charge of elections may establish as many additional ballot replacement sites deemed necessary.

In order for the replacement ballot to count, the voter must sign a sworn statement that the original ballot was lost, spoiled, destroyed or not received.⁴¹⁹ Nonetheless, the County Recorder must ensure that only one early ballot for a particular voter is verified and transmitted to the officer in charge of elections for tabulation.⁴²⁰

A ballot replacement site is subject to the same voter identification requirements applicable to on-site early voting locations.⁴²¹

3.6 PROCESSING VOTED BALLOTS FROM A BALLOT BY MAIL ELECTION

Voted ballots returned to the County Recorder or other officer in charge of elections must be processed and tabulated in the same manner as early ballots.⁴²² Even if a city, town, school

⁴¹⁵ See Chapter 4, Section 4.1.10.2.

⁴¹⁶ [A.R.S. § 16-411\(D\)](#). See Chapter 3, Section 3.5.

⁴¹⁷ [A.R.S. § 16-411\(D\)](#).

⁴¹⁸ [A.R.S. § 16-409\(A\)](#); [A.R.S. § 16-558.02\(A\)](#).

⁴¹⁹ [A.R.S. § 16-409\(A\)](#); [A.R.S. § 16-558.02\(A\)](#). For ballot by mail elections, the County Recorder or other officer in charge of elections may incorporate the language required for issuance of replacement ballots into the early ballot affidavit prescribed by [A.R.S. § 16-547\(A\)](#). See Chapter 2, Section 2.3.2.1.

⁴²⁰ See Chapter 2, Section 2.4.3.

⁴²¹ See Chapter 2, Section 2.6.3.

⁴²² [A.R.S. § 16-409\(B\)](#); [A.R.S. § 16-558\(B\)](#). See Chapter 2, Section 2.9.

district, or special taxing district conducts its own election, the jurisdiction still must enter into an agreement with the applicable county (or counties) in order to conduct signature verification.⁴²³

If a special taxing district crosses county lines, the district must enter into an agreement with both counties in order to conduct signature verification. For example, the county with the larger number of registered voters may conduct the election on the special taxing district's behalf, and seek voter registration records from the smaller county in order to conduct signature verification for all district voters.

3.7 POST ELECTION REPORTING REQUIREMENTS

A city, town, or school district that conducts a ballot by mail election must report the following information to the Senate President and Speaker of the House of Representatives by January 1 of the year immediately following any ballot by mail election:

- Changes in voter turnout from the previous election (regardless of whether the previous election was a ballot by mail or traditional election);
- The cost of the ballot by mail election compared to previous traditional elections;
- Suggestions for improvements to the ballot by mail election system;
- The frequency and severity of irregularities in the ballot by mail process, if applicable;
- Perceived voter satisfaction with the ballot by mail election; and
- The number of the non-deliverable ballots in the ballot by mail election.⁴²⁴

⁴²³ Absent an agreement with the County Recorder, a local jurisdiction could conduct its own signature verification at a public terminal provided by the County Recorder during normal business hours.

⁴²⁴ [A.R.S. § 16-409\(B\)](#).

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CHAPTER 4 Election Day Voting

4.1 PRE-ELECTION DAY RESPONSIBILITIES

4.1.1 APPOINTMENT AND TRAINING OF POLL WORKERS

At least 20 days before a primary or general election, the Board of Supervisors must appoint at least the following poll workers for each polling place⁴²⁵ with more than 300 qualified electors and each vote center:

- One inspector;
- One marshal;
- Two judges; and
- As many clerks as deemed necessary.⁴²⁶

For polling places with less than 300 qualified electors, the Board of Supervisors must appoint at least an inspector and two judges.⁴²⁷

The inspector, judges, marshal (and clerks, if applicable) are collectively known as the “election board”⁴²⁸ for a particular voting location.⁴²⁹

The officer in charge of elections must provide a report containing each poll worker’s name, position, precinct, and political party to the Board of Supervisors.

⁴²⁵ Counties may conduct elections under one of two basic systems: (1) elections that require voters in a particular precinct to vote at a polling place specifically designated for that precinct (“polling place-assigned elections”); or (2) elections that permit voters to vote at any location within the county, regardless of which precinct the voter lives in (“vote centers”). See Chapter 4, Section 4.1.10. Collectively, polling places and vote centers are known as “voting locations” in this Manual.

⁴²⁶ [A.R.S. § 16-531\(A\)](#).

⁴²⁷ [A.R.S. § 16-531\(B\)](#).

⁴²⁸ Notwithstanding [A.R.S. § 16-531\(A\)](#)’s reference to judges and the inspector, Arizona statutes generally provide that the election board is comprised of all poll workers at a particular voting location. See e.g. [A.R.S. § 16-531\(G\)](#) (allowing students to be appointed to an election board as clerks). This Manual accordingly adopts the interpretation of “election boards” to include inspectors, judges, marshals, and clerks.

⁴²⁹ The statutory duties of a “tally board are combined in the duties of the election board.” See [A.R.S. § 16-531\(D\)](#).

Poll workers must be registered voters. In polling place-assigned elections, each poll worker (other than student poll workers) must be a registered voter in the precinct of assignment unless there are not enough poll workers that meet this residential requirement.⁴³⁰

Other than precinct committeemen, no candidate (nor the spouse, child or parent of a candidate) for any office on the ballot may serve as a poll worker during that election.

The officer in charge of elections should ensure, to the extent practicable, that the election board is comprised of individuals registered with different political party affiliations. At minimum, the (1) inspector and marshal and (2) both judges must be registered with different political parties when conducting a partisan election. An inspector, marshal or judge is ineligible to serve in that position if he or she has changed their political party registration since the last general election.⁴³¹

4.1.1.1 POLL WORKER DUTIES

The following duties must be performed by the election board.⁴³²

4.1.1.1.1 INSPECTOR

The inspector exercises authority over all election-related activities at the voting location, which includes the following.⁴³³

- Serve as chair of the election board;⁴³⁴
- Lead and assign duties to other poll workers;
- Maintain sufficient knowledge about election procedures and voting equipment;
- Act as the single point of contact with the officer in charge of elections, poll worker hotline, troubleshooters, or other entity designated by the officer in charge of elections to provide assistance on election day;
- Appoint a substitute judge, marshal or clerk if a poll worker fails to perform his or her duty on election day and no alternative poll worker is available.⁴³⁵

⁴³⁰ [A.R.S. § 16-531\(A\).](#)

⁴³¹ [A.R.S. § 16-531\(A\).](#)

⁴³² Although poll worker duties are normally assigned to the following specific election board members, the officer in charge of elections may assign these duties to different board members as deemed appropriate.

⁴³³ [A.R.S. § 16-515\(C\).](#)

⁴³⁴ [A.R.S. § 16-531\(D\); A.R.S. § 16-534\(A\).](#)

⁴³⁵ [A.R.S. § 16-534\(A\).](#)

- Implement measures to reduce voter wait time, including the authority to request or appoint additional poll workers upon approval of the officer in charge of elections;⁴³⁶ and
- Take any additional necessary or appropriate measures to ensure the voting location properly functions.

4.1.1.1.2 MARSHAL

The marshal is vested with the powers of a constable pursuant to A.R.S. § 22-131 for the purpose of preserving order at the voting location, which includes:

- Preventing any violation of election law, including voter intimidation;⁴³⁷
- Announcing the opening and closing of the polls;
- Ensuring no electioneering takes place within the 75-foot limit;
- Conduct voter education in line, including proof of identification requirements and checking to see if any voters possess a voted early ballot;
- Escorting disabled voters to the front of the line if requested by the voter;
- Notify the inspector if wait times have the potential to equal or exceed the 30-minute maximum allowable wait time;⁴³⁸
- Monitor the parking lot for security, parking availability, parking accessibility, etc.; and
- Take any additional necessary or appropriate measures to preserve order and manage voter lines.

4.1.1.1.3 JUDGE

Judges oversee the voting process itself, which includes:

- Issuing ballots to voters;
- Ensuring that voted ballots are deposited in the correct ballot box;
- Assisting voters in using accessible voting equipment;
- Assisting voters in marking the ballot (must include both judges);
- Examining seals and seal numbers on voting equipment prior to commencement of voting;
- Completing the provisional ballot affidavit and ensuring the voter signs.⁴³⁹

⁴³⁶ See Chapter 4, Section 4.1.11.

⁴³⁷ [A.R.S. § 16-535\(B\)](#); see Chapter 4, Section 4.2.3.

⁴³⁸ [A.R.S. § 16-535\(B\)](#); see Chapter 4, Section 4.1.11.

⁴³⁹ [A.R.S. § 16-531\(A\)](#).

4.1.1.1.4 CLERK

Clerks are responsible for checking-in voters, which includes:

- Maintaining the signature roster or e-pollbook;
- Checking for proof of identification;
- Issuing a ticket to the voter that corresponds to the correct ballot style (if applicable); and
- Directing voters in the wrong polling place to the correct polling place, including the specific address (for polling place-assigned elections only).⁴⁴⁰

4.1.1.2 BILINGUAL POLL WORKERS

The Board of Supervisors may appoint bilingual poll workers to the election board to provide translation services to voters at the voting location.

Alternatively, the officer in charge of elections may utilize the services of a bilingual translator at the election headquarters to provide support telephonically to inspectors at voting locations.

4.1.1.3 STUDENT POLL WORKERS

The Board of Supervisors may appoint a student to serve as a clerk on the election board if the student:

- Will be at least 16 years old at the time of the election;⁴⁴¹
- Will be a United States citizen at the time of the election; and⁴⁴²
- Provides written permission from a parent or guardian.⁴⁴³

A student poll worker must receive poll worker training and must be supervised by a trained adult poll worker at the voting location.⁴⁴⁴

⁴⁴⁰ [A.R.S. § 16-531\(A\)](#).

⁴⁴¹ [A.R.S. § 16-531\(G\)\(1\)](#).

⁴⁴² [A.R.S. § 16-531\(G\)\(2\)](#).

⁴⁴³ [A.R.S. § 16-531\(G\)\(5\)](#). In addition, the officer in charge of elections may require written permission from the student's school in order to serve as a student poll worker.

⁴⁴⁴ [A.R.S. § 16-531\(G\)\(3\)-\(4\)](#). A student's absence from school due to service as a student poll worker does not affect the school's average daily membership or count against any mandatory attendance requirements for the student. [A.R.S. § 15-901\(A\)\(1\)](#); [A.R.S. § 16-531\(D\)](#).

4.1.1.4 POLL WORKER TRAINING

Within 45 days before an election, the officer in charge of elections must commence poll worker training for inspectors, judges, and any other election board member deemed necessary by the officer in charge of elections.⁴⁴⁵ At least one poll worker training session should be conducted in-person during each election cycle, but additional training may be conducted online as deemed necessary. Additionally, the officer in charge of elections should develop a mechanism to assess individual poll workers' performance following the election.

Persons that conduct poll worker training must be:

- Conducted under the direction of a person certified by the Secretary of State as an election officer in accordance with [A.R.S. § 16-407](#);⁴⁴⁶ and
- Qualified through practical experience to teach poll worker training.⁴⁴⁷

Poll worker training must cover the following pre-election day topics, as applicable:

- Delivery of ballots and supplies to the voting location;
- Duties of each election board member;
- Ensuring proper political party representation among election board members;
- Conducting a pre-election meeting;
- Gaining building access;
- Inventorying supplies;
- Equipment setup and furniture arrangement;
- Voting equipment checks, including ensuring that equipment seals have not been tampered with and match the seal log;
- Conducting an official ballot count;
- Customer service responsibilities, including voter assistance, disabled voter assistance, and ensuring language accessibility; and
- Compensation of election board members.

Poll worker training must also cover the following election day topics, as applicable:

- Opening the voting location;

⁴⁴⁵ [A.R.S. § 16-532\(A\)](#).

⁴⁴⁶ [A.R.S. § 16-532\(A\)-\(B\)](#).

⁴⁴⁷ [A.R.S. § 16-532\(B\)](#).

- Hours the voting location will be open;
- Poll workers' hours;
- Establishing the 75-foot limit and enforcing non-electioneering and non-intimidation;
- Sharing voting locations with tribal elections;
- Procedures for checking identification;
- Provisional ballot processing;⁴⁴⁸
- Operation of voting equipment;
- Operation of accessible voting equipment;
- Operation of e-pollbooks;
- Troubleshooting;
- Any voter registration information deemed necessary;
- Who may vote in the election;
- Issuance of ballot styles (political party, FED only, etc.);
- Standard voting procedures;
- Recorder's Certificates;
- Spoiled ballot procedures;
- Procedure for early ballot drop off;
- Political party observers;
- Challenges;
- Kids Voting (when applicable);
- Closing the polls;
- Transmitting results and/or delivery of ballots;
- Completing a Certificate of Performance;⁴⁴⁹ and
- Preparing the official and unofficial envelope contents.⁴⁵⁰

⁴⁴⁸ Poll worker training may include specialized training for specific poll workers on how to handle provisional ballots and other complex issues in order to mitigate long lines at the polling place.

⁴⁴⁹ A Certificate of Performance must be signed by the election board to verify that various election duties were properly performed. *See* Chapter 4, Section 4.2.8.2.

⁴⁵⁰ [A.R.S. § 16-532\(A\)](#). *See* Chapter 4, Section 4.2.8.2.

The officer in charge of elections may require additional training for poll workers at any time.⁴⁵¹ Regardless of whether additional training is provided, however, poll workers must be notified in writing prior to election day of any changes in election law or procedure that became effective since the last poll worker training.⁴⁵²

4.1.1.5 PREMIUM TRAINING

The officer in charge of elections may institute an advanced method of instruction and testing for certain election board members known as premium training.⁴⁵³ The premium training course of instruction must include at least eight hours of training and a written examination on election law and procedures.⁴⁵⁴

Each election board member who completes this training and passes the test is certified as a “premium board worker.”⁴⁵⁵ Premium board workers are certified for a period of 30 months and, if approved by the Board of Supervisors, are entitled to additional compensation.⁴⁵⁶

4.1.1.6 CERTIFICATE OF QUALIFICATION

Upon successful completion of poll worker training, each election board member will receive a certificate of qualification from the Board of Supervisors or officer in charge of elections stating the worker’s name and the course of instruction completed.⁴⁵⁷

No inspector or judge (except those appointed to fill a vacancy) may serve on election day unless he or she has been issued a certificate of qualification.⁴⁵⁸

4.1.1.7 POLL WORKER COMPENSATION

The Board of Supervisors must fix the compensation of poll workers, which constitutes a county charge.⁴⁵⁹ Poll workers must be paid at least \$30 per day.⁴⁶⁰ The Board of Supervisors may approve additional compensation for premium board worker.⁴⁶¹

⁴⁵¹ [A.R.S. § 16-532\(E\)](#).

⁴⁵² [A.R.S. § 16-532\(E\)](#).

⁴⁵³ [A.R.S. § 16-532\(D\)](#).

⁴⁵⁴ [A.R.S. § 16-532\(D\)](#).

⁴⁵⁵ [A.R.S. § 16-532\(D\)](#).

⁴⁵⁶ [A.R.S. § 16-532\(D\)](#).

⁴⁵⁷ [A.R.S. § 16-532\(A\)](#).

⁴⁵⁸ [A.R.S. § 16-532\(A\)](#). See also [A.R.S. § 16-533](#) and [A.R.S. § 16-534](#) for exceptions to the requirement to possess a certificate of qualification.

⁴⁵⁹ [A.R.S. § 16-536](#). The Board of Supervisors may approve poll worker pay by virtue of approving the election director’s budget for the forthcoming election.

⁴⁶⁰ [A.R.S. § 16-536](#).

⁴⁶¹ [A.R.S. § 16-532\(D\)](#).

4.1.1.8 POLL WORKER MOBILITY

The officer in charge of elections may determine whether (and under what conditions) a poll worker may leave the voting location during election day, including:⁴⁶²

- Whether a poll worker may leave and return to the same voting location the worker was originally assigned; and
- Whether a poll worker may be shifted or transferred to another voting location on election day.

4.1.2 DESIGNATION OF POLITICAL PARTY OBSERVERS

Political party representatives are permitted to observe partisan elections. Observation at non-partisan elections may be permitted at the discretion of the officer in charge of elections.⁴⁶³

4.1.2.1 APPOINTMENT PROCESS

Upon appointment by a county political party recognized for continuous representation, political party observers may observe at each voting location during on-site early voting, at each voting location on election day, at the County Recorder's office (during signature verification and during the processing of early ballots in preparation for tabulation) and in the central count facility (at the time when tabulation begins prior to election day, on election day, or after election day until ballot tabulation is complete).⁴⁶⁴

The county chairman (or other county political party officer designated by the chairman) must appoint political party observers in writing on political party letterhead, but the observer's written appointment need not contain an original signature. In cases where there is no county political party officer available to timely make the appointment, the state political party chairman may appoint political party observers for that county.

All political party observers must be appointed to specific voting locations (for election day observation) or to a central count facility.⁴⁶⁵

Appointed political party observers need not be qualified electors in the precinct or county of observation.

⁴⁶² See Chapter 4, Section 4.1.11.3.

⁴⁶³ [A.R.S. § 16-590\(A\)-\(B\)](#).

⁴⁶⁴ [A.R.S. § 16-590\(A\)](#).

⁴⁶⁵ A political party observer may observe at multiple voting locations as long as the political party chairman has authorized the person to observe at those specific locations.

4.1.2.2 OBSERVER CREDENTIALS

For election day observation at a voting location, political party chairman or their designees must submit the names of political party observers and their assignment location(s) to the County Recorder or other officer in charge of elections at least 10 business days before the day of observation. For observation at an on-site early voting location, County Recorder's office, or central count facility, political party chairman or their designees must submit the names of political party observers and their assignment location(s) at least 1 business day before the day of observation.⁴⁶⁶

The notification from a political party chairman or their designee may be made by email. Last-minute substitutions may be allowed by the County Recorder or other officer in charge of elections for good cause on a case-by-case basis.

Recognized political parties should send political party observers to a training conducted by the Secretary of State.

The political party letter of appointment serves as the sole written credential necessary to conduct observation at a voting location or central count facility. The political party observer must present the political party appointment letter to the appropriate election official upon entering the voting location, County Recorder's office, or central count facility, and be prepared to show identification if requested.

The County Recorder or other officer in charge of elections may develop additional local procedures not in conflict with this Section. However, additional procedures must allow political party observers to effectively observe the election process and must be provided to the political parties in writing at least 10 days before the election.

4.1.2.3 OBSERVATION AT VOTING LOCATIONS

Political party observers may observe the following activities at a voting location on election day:

- Opening the voting location;
- Voting at the voting location (but may not observe in the voting booth);
- Closing the voting location;
- Transport of ballots from the voting location to a receiving site (using a separate vehicle); and/or

⁴⁶⁶ Credentials must be issued by the recognized political party; this authority may not be delegated to a candidate or candidate's agent.

- Any other significant voting or processing activities at the voting location.

Each recognized political party is presumptively entitled to have no more than one political party observer at a time at each voting location on election day.⁴⁶⁷

All political party observers are subject to removal by the County Recorder or other officer in charge of elections for failure to adhere to federal or state law, observer guidelines, or other rules established by the County Recorder or other officer in charge of elections.

4.1.2.4 OBSERVATION AT CENTRAL COUNT FACILITIES

Political party representatives may observe the following activities at a central count facility when voted ballots are present:

- Receiving the ballots at the County Recorder's office or central counting facility;
- Reviewing ballots by the write-in board;
- Duplicating ballots by the duplication board;
- Receiving electronic media or processing voting results by the data processing board;
- Tabulation of ballots; and/or
- Any other significant tabulation or processing activities at a central count facility.

4.1.2.5 OBSERVER GUIDELINES

The following observation guidelines govern all political party representatives:

- Unless a voter specifically requests assistance, a political party observer may not mark any ballot, place any type of material on a ballot, or otherwise touch a voted ballot during observation;
- Political party observers may not interfere with or impede the election procedures or staff.
 - If a political party observer has a question about the proceedings or seeks to raise an objection, the observer should speak solely to the inspector or other officer in charge;
 - The officer in charge of elections or inspector may prohibit political party observers from using electronic devices in the voting location if such use would interfere with or impede the election procedures or staff.

⁴⁶⁷ [A.R.S. § 16-590\(C\)](#).

- In cases where multiple ballots are dropped off at a voting location (including an on-site early voting location), within the 75-foot limit a political party observer may not:
 - Inspect, copy, or photograph the early ballot envelopes in an effort to discern voters' identities; or
 - Confront, question, or photograph the individual who dropped off the early ballots.
- If a political party observer is asked by the inspector or other officer in charge to cease an activity that interferes with the election process, the political party observer must comply or face possible ejection;
- A political party observer may not take pictures or record video in the voting location, central count facility, or within the 75-foot limit;⁴⁶⁸
- At a central count facility, all political party observers must check in with the County Recorder or other officer in charge of elections prior to being admitted and must log in and out of the facility each time they enter or leave;
- At a central count facility, the County Recorder or other officer in charge of elections may ensure that political party observers are given identifying badges to ensure that observers are clearly identifiable;
- Political party observers must be prepared to show their appointment credential immediately upon entering any voting location or central count facility or upon request by any election official; and
- Political party observers may enter and leave a voting location or central count facility as long as their activity does not interfere with or impede the election staff or procedures.

4.1.3 DESIGNATION OF HAND COUNT BOARD MEMBERS

At least 14 days prior to a countywide primary, special, general or presidential preference election, the officer in charge of elections must provide the county chairpersons of each recognized political party with notice to designate board members to conduct a post-election hand count audit.⁴⁶⁹ The officer in charge of elections should forecast the requisite number of board members (including alternate board members) based on the number of precincts/vote centers included in the hand count and/or the total number of ballots to be hand counted.

The county chairpersons must provide the names of hand count board members and alternates to the officer in charge of elections at least 7 days before the election. If there is no county chairperson available to make designation, the chairman of the applicable state political party may appoint the hand count board members.

⁴⁶⁸ See Chapter 4, Section 4.2.3.2.

⁴⁶⁹ See Chapter 4, Section 4.3.3.

The proposed board members and alternates:

- Must be registered to vote in Arizona;
- May not appear on the ballot, except for the office of precinct committeeman;
- Need not be registered members of the political party; and
- Are entitled to receive compensation; but not for lodging, meals, or travel.

The officer in charge of elections must notify a county chairperson the next morning (by 9:00 a.m. on the Wednesday before the election) if there is a shortage of required board members. The chairperson must respond by the next business day (by 5:00 p.m. on the Thursday before the election) by providing additional board member names.

There must be at least two recognized political parties that designated a sufficient number of board members to conduct the hand count. Thus, if an insufficient number of board members have been designated as of 5:00 p.m. on the Thursday before the election, the officer in charge of elections may cancel the hand count and inform the Secretary of State accordingly.⁴⁷⁰

4.1.4 ISSUING PRE-ELECTION DAY NOTICES

4.1.4.1 SECRETARY OF STATE NOTICES

4.1.4.1.1 120-DAY NOTICE OF OFFICES TO BE ELECTED

At least 120 days before a primary election, the Secretary of State must notify in writing each Board of Supervisors and officer in charge of elections of the federal, statewide, and legislative offices for which candidates will be nominated at the primary election.⁴⁷¹

4.1.4.2 COUNTY NOTICES

4.1.4.2.1 180-DAY NOTICE OF ELECTION TO LOCAL JURISDICTIONS

At least 180 days before each consolidated election date, the Board of Supervisors or officer in charge of elections must give written notice to each school district, community college district, city and town within the county's geographical boundaries.⁴⁷²

⁴⁷⁰ See Chapter 4, Section 4.3.3.1. Among other information, the notification to the Secretary of State must outline the steps taken by the officer in charge of elections to secure sufficient participation in the hand count.⁴⁷⁰

⁴⁷¹ [A.R.S. § 16-202.](#)

⁴⁷² [A.R.S. § 16-205\(A\).](#)

The Board of Supervisors or officer in charge of elections also must give written notice to all special taxing districts for whom the Board of Supervisors conducts elections, which include:⁴⁷³

- Fire districts;⁴⁷⁴
- County improvement districts;⁴⁷⁵
- Community park maintenance districts;⁴⁷⁶
- Special road districts;⁴⁷⁷
- Hospital districts;⁴⁷⁸
- Sanitary districts;⁴⁷⁹
- Pest abatement districts;⁴⁸⁰
- Health service districts;⁴⁸¹
- Stadium districts;⁴⁸²
- Special health care districts;⁴⁸³
- Public health services districts;⁴⁸⁴
- Multi-jurisdiction water facilities districts;⁴⁸⁵ and
- The Upper San Pedro water district.⁴⁸⁶

The notice must include:

⁴⁷³ [A.R.S. § 16-205\(A\)](#). Some special taxing districts conduct voter registration-based elections and therefore require the county to conduct an election on the special taxing district's behalf. [A.R.S. § 16-205\(C\)](#). Other special taxing districts conduct their own elections but are required to either notify the Board of Supervisors or obtain the Board of Supervisors' approval before conducting an election. [A.R.S. § 16-225\(D\)](#); [A.R.S. § 16-558\(A\)](#). Thus, a 180-day notice of election serves an important function for all special taxing districts.

⁴⁷⁴ [A.R.S. § 48-802](#) et seq.

⁴⁷⁵ [A.R.S. § 48-901](#) et seq.

⁴⁷⁶ [A.R.S. § 48-1201](#) et seq.

⁴⁷⁷ [A.R.S. § 48-1401](#) et seq.

⁴⁷⁸ [A.R.S. § 48-1901](#) et seq.

⁴⁷⁹ [A.R.S. § 48-2001](#) et seq.

⁴⁸⁰ [A.R.S. § 48-2101](#) et seq.

⁴⁸¹ [A.R.S. § 48-2202](#) et seq.

⁴⁸² [A.R.S. § 48-4201](#) et seq.

⁴⁸³ [A.R.S. § 48-5501](#) et seq.

⁴⁸⁴ [A.R.S. § 48-5801](#) et seq.

⁴⁸⁵ [A.R.S. § 48-5901](#) et seq.

⁴⁸⁶ [A.R.S. § 48-6401](#) et seq.

- The specific election date;⁴⁸⁷
- The deadline by which the local jurisdiction must inform the Board of Supervisors or officer in charge of elections whether an election will be held;⁴⁸⁸ and
- Any additional information deemed necessary by the Board of Supervisors or officer in charge of elections.

The notice may be mailed, emailed, or otherwise electronically transmitted.

4.1.4.3 SPECIAL TAXING DISTRICT NOTICES

The governing body of a special taxing district⁴⁸⁹ must provide various public notifications before conducting an election that is not held concurrently with a general election.⁴⁹⁰

4.1.4.3.1 CALLING THE ELECTION

A special taxing district must call an election at least 120 days in advance of an election.⁴⁹¹ “Calling” an election means the governing board of the special taxing district must officially inform the applicable Board of Supervisors or officer in charge of elections that the district intends to conduct an election.

4.1.4.3.2 ISSUING THE “CALL OF ELECTION”

In addition to calling an election in accordance with Chapter 1, Section 4.1.4.3.2, a special taxing district must also issue a “call of election” to the public.⁴⁹²

The governing body of the special taxing district may issue the call of election by one of two methods:

- Publish the call of election in a newspaper of general circulation that covers the jurisdiction. The call must be published at least 2 times (and at least 1 week apart) between 90 and 132 days before the election;⁴⁹³ or

⁴⁸⁷ [A.R.S. § 16-205\(A\)](#).

⁴⁸⁸ The deadline to inform the Board of Supervisors or officer in charge of elections should be set at or just after special taxing districts’ 120-day deadline to call an election pursuant to [A.R.S. § 16-226\(A\)](#).

⁴⁸⁹ A.R.S. §§ 16-225 to 16-229 outline various requirements for holding “nonpartisan” elections, but [A.R.S. § 16-226\(B\)](#) defines nonpartisan elections (for purposes of those statutes) to only include special taxing districts.

⁴⁹⁰ [A.R.S. § 16-226\(B\)](#); [A.R.S. § 16-227\(A\)](#).

⁴⁹¹ [A.R.S. § 16-226\(A\)](#).

⁴⁹² Compare [A.R.S. § 16-226\(A\)](#) with [A.R.S. § 16-227\(A\)](#).

- Mail the call of election to each household containing a qualified elector at least 90 days before the election.⁴⁹⁴ The mailing may be by postcard and marked “return service requested.”

The call of election (whether published or mailed) must include:

- The purpose of the election;
- The name of the jurisdiction holding the election;
- The date of the election;
- The last day for filing candidate nomination petitions (if candidates will be elected at the election);
- The date that ballots will be mailed; and
- The last date to register to vote for the election.⁴⁹⁵

The call of election must also include the proposed boundaries of the election district if a new special taxing district is sought to be established or annexed by the election.⁴⁹⁶

For all-mail elections, the call should also explain:

- That the election will be conducted as an all-mail election and that no voting locations will be utilized on election day;
- How to obtain a replacement ballot if a ballot is destroyed, lost, spoiled, or not received; and
- That election materials cannot be forwarded by mail.⁴⁹⁷

4.1.4.3.3 NOTICE OF ELECTION

A “notice of election” is intended to be the final public notice in advance of a special taxing district election.⁴⁹⁸

⁴⁹³ [A.R.S. § 16-227\(A\)](#).

⁴⁹⁴ [A.R.S. § 16-227\(B\)](#).

⁴⁹⁵ [A.R.S. § 16-227\(A\)\(1\)-\(5\)](#).

⁴⁹⁶ [A.R.S. § 16-227\(A\)\(6\)](#).

⁴⁹⁷ [A.R.S. § 16-227\(A\)\(7\)](#).

⁴⁹⁸ [A.R.S. § 16-228](#) specifies two types of notices of election, one of which specifically applies to “mail ballot elections . . . in the special district in which the election is being held.” [A.R.S. § 16-228\(C\)](#). A special taxing district that conducts a ballot by mail election need only issue the notice specified in [A.R.S. § 16-228\(C\)-\(D\)](#).

Much like a call of election,⁴⁹⁹ the governing body of the special taxing district may issue a notice of election by one of two methods: publishing the notice or mailing the notice to each household. However, the particular requirements differ according to whether the special taxing district will establish voting locations for in-person voting on election day or will conduct an all-mail election. Requirements also differ for fire districts and irrigation and water conservation districts that intend to hold a bond election.

4.1.4.3.3.1 NOTICE OF ELECTION: IN-PERSON VOTING

For an election that involves in-person voting at a voting location, the governing body of the special taxing district may:

- Publish the notice of election in a newspaper of general circulation that covers the jurisdiction. The notice must be published at least 2 times (and at least once a week) between 20 and 62 days before the election;⁵⁰⁰ or
- Mail the notice of election to each household containing a qualified elector, which must be delivered at least 27 days before the election.⁵⁰¹ The mailing may be by postcard and marked “return service requested.”

The governing body *must* mail the notice of election to any nonresident qualified electors for the election.⁵⁰²

A published notice of election must include:

- The name of the jurisdiction holding the election;
- The date of the election;
- The purpose of the election;
- The hours voting locations will be open; and
- The addresses for voting locations.⁵⁰³

A mailed notice must include the same information as a published notice, except a mailed notice must specify the polling place for that particular household (if a polling place-assigned election will be conducted).⁵⁰⁴

⁴⁹⁹ See Chapter 3, Section 3.3 and Chapter 4, Section 4.1.4.3.2.

⁵⁰⁰ [A.R.S. § 16-228\(A\)](#).

⁵⁰¹ [A.R.S. § 16-228\(B\)](#).

⁵⁰² [A.R.S. § 16-228\(B\)](#).

⁵⁰³ [A.R.S. § 16-228\(A\)](#).

⁵⁰⁴ [A.R.S. § 16-228\(B\)](#).

4.1.4.3.3.2 NOTICE OF ELECTION: BALLOT BY MAIL ELECTIONS

For a ballot by mail election, the governing body of the special taxing district may:

- Publish the notice of election in a newspaper of general circulation that covers the jurisdiction. The notice must be published at least 2 times (and at least once a week) between 30 and 44 days before the election;⁵⁰⁵ or
- Mail the notice of election to each household containing a qualified elector at least 45 days before the election.⁵⁰⁶ The mailing may be by postcard and marked “return service requested.”

The governing body *must* mail the notice of election to any nonresident qualified electors for the election.⁵⁰⁷

The notice of election (whether published or mailed) must include:

- The name of the jurisdiction holding the ballot by mail election;
- The date of the ballot by mail election;
- The date that ballots will be mailed;
- The deadline and location(s) for return of the ballots;
- The method for obtaining a replacement ballot if a ballot is destroyed, lost, spoiled, or not received;
- A statement that no polling place will be provided for the election; and
- The qualifications of electors for the ballot by mail election.⁵⁰⁸

4.1.4.3.3.3 NOTICE OF ELECTION: FIRE DISTRICT BOND ELECTIONS

For a fire district bond election, the district board (or alternatively the elected chief and secretary-treasurer) of a fire district may:

- Post the notice of election in 3 public places in the district at least 20 days before the date of the election; and if a newspaper of general circulation covers the jurisdiction, the

⁵⁰⁵ [A.R.S. § 16-228\(C\)](#).

⁵⁰⁶ [A.R.S. § 16-228\(D\)](#).

⁵⁰⁷ [A.R.S. § 16-228\(D\)](#).

⁵⁰⁸ [A.R.S. § 16-228\(C\)](#).

notice also must be published at least 3 times (and at least once a week) during the 21-day period before the election;⁵⁰⁹ or

- Mail the notice of election to each household containing a qualified elector, which must be delivered at least 35 days before the election.⁵¹⁰ The mailing may be by postcard and marked “return service requested.”

A posted and/or published notice of election must include:

- The maximum principal amount of bonds proposed;
- The maximum number of years bonds of any issue or series may run from their date of issuance (not exceeding 30 years);
- The purpose for which the bonds are to be issued;
- The bonds’ maximum rate of interest;
- The date of the election and hours that voting locations will be open; and
- The addresses for voting locations.⁵¹¹

A mailed notice must include the same information as a published notice, except a mailed notice must specify the polling place for that particular household (if a polling place-assigned election will be conducted).⁵¹²

4.1.4.3.3.4 NOTICE OF ELECTION: IRRIGATION & WATER CONSERVATION DISTRICTS

For an irrigation and water conservation district bond election, the district board of an irrigation and water conservation district may:

- Post the notice of election in 3 public places in the district for at least 20 days before the date of the election; and
- Publish the notice of election in a newspaper of general circulation in the county where the office of the district board is located. The notice must be published at least 3 times (and at least once a week) during the 21-day period before the election.⁵¹³

A notice of election must include:

⁵⁰⁹ [A.R.S. § 48-806\(A\)](#).

⁵¹⁰ [A.R.S. § 48-806\(C\)](#).

⁵¹¹ [A.R.S. § 48-806\(A\)](#).

⁵¹² [A.R.S. § 48-806\(C\)](#).

⁵¹³ [A.R.S. § 48-3190\(A\)](#).

- The maximum principal amount of bonds proposed;
- The purpose for which the bonds are to be issued;
- The bonds' maximum rate of interest;
- The date of the election and hours that voting locations will be open; and
- The addresses for voting locations.⁵¹⁴

4.1.4.3.4 PRE-ELECTION REPORTING REQUIREMENTS

A special taxing district must file an affidavit certifying compliance with federal and state law with the applicable Board of Supervisors at least 5 days before holding a nonpartisan election.⁵¹⁵

4.1.5 CONDUCTING AN ELECTION ON BEHALF OF LOCAL JURISDICTIONS

If a city, town, school district, or special taxing district requests a county conduct the election on the jurisdiction's behalf, the conduct of that election is generally subject to an agreement between the county and the jurisdiction.⁵¹⁶

4.1.6 PREPARATION OF BALLOTS

The County Board of Supervisors is responsible for preparing the official ballot to be used in federal, statewide, legislative, and countywide elections, along with any local ballots prepared in accordance with Chapter 4, Section 4.1.6.1.⁵¹⁷ The Board of Supervisors may delegate this responsibility to the officer in charge of elections.

4.1.6.1 OFFICIAL BALLOT FORMAT

4.1.6.1.1 FORM AND CONTENT OF THE BALLOT

4.1.6.1.1.1 REQUIREMENTS FOR ALL BALLOTS

The following is a summary of requirements for all official ballots.⁵¹⁸ Each requirement is described in more detail in the sections that follow.

⁵¹⁴ [A.R.S. § 48-3190\(A\)](#).

⁵¹⁵ [A.R.S. § 16-229](#).

⁵¹⁶ [A.R.S. § 16-205\(C\)](#). See Chapter 3, Section 3.2.⁵¹⁷ [A.R.S. § 16-405](#); [A.R.S. § 16-503\(A\)](#).

⁵¹⁷ [A.R.S. § 16-405](#); [A.R.S. § 16-503\(A\)](#).

⁵¹⁸ Accessible voting equipment must comply with the same ballot format and content requirements, except where expressly noted in Section 4.1.6.1.7. See Chapter 4, Section 4.1.9.4.6.1. The following requirements apply equally to English and Spanish ballots.

All official ballots must be printed with black ink on white paper of sufficient thickness to prevent the printing from being discernible on the reverse side the ballot.⁵¹⁹

The ballot must use the same font and color template throughout the ballot.⁵²⁰

The ballot must use the same font size within each category on the ballot,⁵²¹ which must be printed in no less than 8-point font.⁵²² However, the officer in charge of elections may cause the letters on a ballot to be printed close together or spaced apart in order to accommodate space limitations.

The ballot must contain sufficient spacing between races and sections to enable the voter to clearly understand the ballot.

On the front side, the ballot must be headed with the phrase “Official Ballot” in bold-faced plain letters, with a heavy rule above and below the heading.⁵²³ The ballot may not contain any other statement or matter printed above the “Official Ballot” header.⁵²⁴

Immediately below the “Official Ballot” heading, the following components must be printed in descending order:

- A subheading that specifies the type of election (general, primary or special), the election date, and the name of the county and state holding the election,⁵²⁵
- Instructions to the voter how to properly mark the ballot (see statutorily-prescribed instructions in Chapter 4, Section 4.1.6.1.2),⁵²⁶ and
- The various candidate names and/or ballot measures on the ballot.⁵²⁷

For candidate races, the official ballot:

- Must arrange the candidate names in column format, commencing with the left-hand column,⁵²⁸

⁵¹⁹ [A.R.S. § 16-468\(2\)](#); [A.R.S. § 16-502\(A\)](#).

⁵²⁰ [A.R.S. § 16-502\(A\), \(C\)](#). The only color exception is for a political party indicator or stripe to be printed on official ballots used for a partisan primary election. *See* Chapter 4, Section 4.1.6.1.1.2.

⁵²¹ For example, all candidate names for a particular race must be printed in the same font size.

⁵²² Ballot measure numbers must be printed in at least 12-point font. *See* Chapter 4, Section 4.1.6.1.5.

⁵²³ [A.R.S. § 16-502\(A\)](#).

⁵²⁴ [A.R.S. § 16-502\(A\)](#). Counties no longer print ballot stubs above the “Official Ballot” header. *See* [A.R.S. § 16-502\(A\)](#); *see also* [A.R.S. § 16-468\(7\)](#).

⁵²⁵ [A.R.S. § 16-502\(A\)](#).

⁵²⁶ [A.R.S. § 16-502\(A\)](#).

⁵²⁷ [A.R.S. § 16-502\(C\)](#).

⁵²⁸ [A.R.S. § 16-502\(C\), \(E\)](#).

- Must list the name of the office to be filled at the head of each applicable portion of the column;⁵²⁹
- Must list the district number, division number, or other jurisdictional name/number to the right of the office name to be filled, if applicable;⁵³⁰
- Must have the designation “Vote for not more than _____” below the name of each office to be filled to indicate the appropriate number to elect;⁵³¹
- Must list candidate names according to last name, followed by first name and any nickname;⁵³²
 - The officer in charge of elections may:
 - Shorten or truncate a candidate’s name (with the candidate’s consent) in order to fit the candidate’s name on the ballot; and/or
 - Decline to print a candidate’s requested nickname on the ballot:
 - If the nickname suggests any reference to professional, fraternal, religious or military titles;⁵³³ or
 - The nickname is deemed vulgar or obscene;
- Must contain a location for the voter to place a mark to vote for his or her candidate of choice to the right (and on the same line) of each candidate’s name;⁵³⁴
- Must contain the candidate’s political party designation in bold-faced letters next to the candidate’s name (for partisan races only);⁵³⁵ and
- Must contain blank lines that correspond to the number to elect placed below the last candidate name for a particular office, along with a location for the voter to place a mark next to his or her write-in candidate(s) of choice.⁵³⁶

Additionally, the ballot must contain (in a uniform position on all ballots) the name or number of the precinct (including precinct part) in which the ballot will be utilized.⁵³⁷

⁵²⁹ [A.R.S. § 16-502\(C\)](#).

⁵³⁰ [A.R.S. § 16-502\(D\)](#).

⁵³¹ [A.R.S. § 16-502\(F\)](#); [A.R.S. § 16-506\(B\)](#).

⁵³² [A.R.S. § 16-311\(G\)](#); [A.R.S. § 16-341\(C\)](#).

⁵³³ [A.R.S. § 16-311\(G\)](#).

⁵³⁴ [A.R.S. § 16-502\(G\)](#); [A.R.S. § 16-506\(A\)](#).

⁵³⁵ [A.R.S. § 16-502\(C\)](#).

⁵³⁶ [A.R.S. § 16-502\(G\)](#). “Upon the blank line the voter may write the name of any person for whom he desires to vote whose name is not printed, and next to the name so written he shall designate his choice by a mark as in the case of printed names.” [A.R.S. § 16-502\(G\)](#).

⁵³⁷ [A.R.S. § 16-502\(A\)](#).

4.1.6.1.1.2 ADDITIONAL REQUIREMENTS FOR PRIMARY ELECTION BALLOTS

In addition to the specifications outlined in Chapter 4, Section 4.1.6.1.1.1, primary election ballots must comply with the following additional requirements.

First, primary election ballots must be printed with a particular color to indicate the political party ballot.⁵³⁸ The ballot may be printed on colored stock or on white stock with a distinctive color indicator such as a stripe. The following colors represent the recognized political parties:

- Blue: Democratic Party
- Green: Green Party
- Yellow: Libertarian Party
- Red or Salmon: Republican Party

The officer in charge of elections may use varying hues of the requisite colors, but may not select entirely different colors as substitutes for the requisite colors.

Second, if the number of recognized party candidates in a particular race exceeds the number to elect, the officer in charge of elections must rotate candidate names in that particular race so that each candidate will substantially appear in each possible location across all primary election ballots.⁵³⁹ However, if the number of recognized party candidates in a particular race is less than or equal to the number to elect, the officer in charge of elections must list the candidates' names in alphabetical order by last name.⁵⁴⁰

If more persons file nomination petitions for the office of Precinct Committeeman than the number to elect in a particular precinct, the county officer in charge of elections must prepare a separate ballot for the office of Precinct Committeeman for the political party in that precinct. The ballot must conform as nearly as practicable to other primary election ballots but must be captioned as the “official ballot for electing precinct committeemen of the _____ party, primary election (date), _____ precinct, _____ county, state of Arizona.” This ballot must be provided to political party voters in the precinct in addition to the official party ballot for the primary election.⁵⁴¹

⁵³⁸ [A.R.S. § 16-461\(B\)](#). The ballot displayed in accessible voting equipment need not contain a political party stripe. *See* Chapter 4, Section 4.1.6.1.7.

⁵³⁹ [A.R.S. § 16-502\(H\)](#). *See also* [A.R.S. 15-424\(F\)](#) (requiring that “[p]osition of the names of candidates for each [school district governing board] office shall be rotated so that each candidate occupies each position on the ballot an equal number of times, insofar as is possible, for each ballot style”).

⁵⁴⁰ [A.R.S. § 16-502\(E\), \(H\)](#).

⁵⁴¹ [A.R.S. § 16-822\(C\)](#).

4.1.6.1.1.3 ADDITIONAL REQUIREMENTS FOR GENERAL ELECTION BALLOTS

In addition to the specifications outlined in Chapter 4, Section 4.1.6.1.1.1, general election ballots must comply with the following additional requirements.

For partisan candidate races, the official ballot must list candidates in a particular race in the following descending order:

- Candidates who are registered with a recognized political party that appeared on the gubernatorial ballot in the most recent general election for the office of governor, listed in the order that corresponds to the votes for each party's gubernatorial candidate in that county;⁵⁴²
- Candidates who are registered with a recognized political party that did not appear on the gubernatorial ballot in the most recent general election for the office of governor, listed in alphabetical order by last name;⁵⁴³ and
- Independent candidates who were nominated pursuant to [A.R.S. § 16-341](#) (along with a three-letter designation determined by the filing officer), listed in alphabetical order by last name.⁵⁴⁴

In general elections with a presidential candidate on the ballot, presidential electors' first and last names must be listed in alphabetical order (according to last name) in a bracketed list. The presidential and vice-presidential candidates' last names must be printed in bold and placed adjacent to the bracketed list of elector names, with the presidential candidate's name printed above the vice-presidential candidate's name.⁵⁴⁵

For ballot measures, the officer in charge of elections must use one of the following methods to describe the measure:⁵⁴⁶

- Print the full text of the measure on the ballot;
- Print a summary of the measure that contains a statutorily-prescribed heading, an official title, a descriptive title, and a summary that describes the measure's effect;⁵⁴⁷ or

⁵⁴² [A.R.S. § 16-502\(E\)](#).

⁵⁴³ [A.R.S. § 16-502\(E\)](#).

⁵⁴⁴ [A.R.S. § 16-502\(E\)](#). The filing officer has sole discretion how to translate the candidate's three-word designation in his or her nomination paper into a three-letter designation to be printed on the ballot in parenthesis. See [A.R.S. § 16-311\(A\)](#); [A.R.S. § 16-341\(C\)](#). However, the filing officer may not translate an independent candidate's three-word designation into a three-letter designation reserved for a recognized political party.

⁵⁴⁵ [A.R.S. § 16-502\(C\)\(1\)](#).

⁵⁴⁶ See Chapter 4, Section 4.1.6.1.5.1.

- Print a summary of the measure that contains an alternative heading and a summary that describes the measure’s effect, but omits the official title and descriptive title (see below for specific requirements).⁵⁴⁸

Finally, the ballot must contain the words “Yes” and “No” or “For ___” and “Against ___”, along with a space for the voter to mark his or her choice, below the description of the ballot measure.⁵⁴⁹

4.1.6.1.1.4 ADDITIONAL REQUIREMENTS FOR PPE BALLOTS

Similar to a partisan primary election ballot, a presidential preference election ballot must distinguish political party ballots by color and contain candidate names for only that political party.⁵⁵⁰ Otherwise, presidential preference election ballots must comply with the following specific requirements.

A presidential preference election ballot must contain the following information in descending order:

- The following header at the top of the ballot:
“Official Ballot of the _____ Party,
Presidential Preference Election (date),
County of _____,
State of Arizona”⁵⁵¹
- The title “_____ Party Candidates for President of the United States”;⁵⁵²
- The text “Vote for not more than one”;⁵⁵³ and
- The political party candidates certified to appear on the ballot.⁵⁵⁴

The ballot also may contain printed instructions to voters as prescribed for other elections (see below for specific instructions).⁵⁵⁵

⁵⁴⁷ [A.R.S. § 19-125\(C\)-\(D\)](#). See Chapter 4, Section 4.1.6.1.5.1.2 for an explanation what the summary must include.

⁵⁴⁸ [A.R.S. § 16-502\(M\)-\(N\)](#); [A.R.S. § 19-125\(E\)-\(F\)](#). See Chapter 4, Section 4.1.6.1.5.1.3 for more specific information.

⁵⁴⁹ [A.R.S. § 16-502\(L\), \(M\)\(4\)](#); [A.R.S. § 19-125\(D\), \(E\)\(4\)](#).

⁵⁵⁰ [A.R.S. § 16-245\(A\)](#). See Chapter 4, Section 4.1.6.1.1.2. Only recognized political parties and new political parties are eligible to participate in a presidential preference election. [A.R.S. § 16-244](#).

⁵⁵¹ [A.R.S. § 16-245\(A\)](#).

⁵⁵² [A.R.S. § 16-245\(B\)](#).

⁵⁵³ [A.R.S. § 16-245\(B\)](#).

⁵⁵⁴ [A.R.S. § 16-245\(B\)](#).

⁵⁵⁵ [A.R.S. § 16-245\(B\)](#).

Unlike all other ballots, candidate order is determined by lot drawn at a public meeting conducted by the Secretary of State.⁵⁵⁶ The officer in charge of elections must print candidate names in the order and format specified by the Secretary of State, without rotation of candidate names.⁵⁵⁷ Write-in votes are not permitted, and no other elections may be combined with a presidential preference election ballot.⁵⁵⁸

A presidential preference election ballot must comply with any other ballot format requirements in Chapter 4, Section 4.1.6.1.1.1 that are not inconsistent with this section.

4.1.6.1.2 BALLOT MARKING INSTRUCTIONS

Immediately below the subheading that specifies the type of election, the election date, and the name of the county and state holding the election,⁵⁵⁹ an official ballot must contain the following voter instructions for the partisan section of the ballot:

“Section One
Partisan Ballot

1. Put a mark according to the instructions next to the name of each candidate for each partisan office for whom you wish to vote.
2. If you wish to vote for a person whose name is not printed on the ballot, write such name in the blank space provided on the ballot or write-in envelope and put a mark according to the instructions next to the name so written.”⁵⁶⁰

Immediately below the partisan section of the ballot, an official ballot must contain the following voter instructions for the nonpartisan section of the ballot:

“Section Two
Nonpartisan Ballot

1. Put a mark according to the instructions next to the name of each candidate for each nonpartisan office for whom you wish to vote.
2. If you wish to vote for a person whose name is not printed on the ballot, write such name in the blank space provided on the ballot or write-in envelope and put a mark according to the instructions next to the name so written.

⁵⁵⁶ [A.R.S. § 16-245\(B\)](#).

⁵⁵⁷ [A.R.S. § 16-245\(B\)](#).

⁵⁵⁸ [A.R.S. § 16-241\(A\)](#); [A.R.S. § 16-247](#).

⁵⁵⁹ [A.R.S. § 16-502\(A\)](#). See Chapter 4, Section 4.1.6.1.1.1.

⁵⁶⁰ [A.R.S. § 16-502\(B\)](#).

3. Put a mark according to the instructions next to the word ‘yes’ (or for) for each proposition or question you wish to be adopted. Put a mark according to the instructions next to the word ‘no’ (or against) for each proposition or question you wish not to be adopted.”⁵⁶¹

The officer in charge of elections may add additional instructions to the partisan or nonpartisan section of the ballot.

4.1.6.1.3 ORDER OF CANDIDATE RACES AND BALLOT MEASURES

4.1.6.1.3.1 PARTISAN CANDIDATE OFFICES

The following candidate races must be listed in order in the partisan section of the ballot:⁵⁶²

- Presidential electors;
- U.S. Senator;
- U.S. Representative;
- Governor;
- State Senator;⁵⁶³
- State Representative;
- Secretary of State;
- Attorney General;
- State Treasurer;
- Superintendent of Public Instruction;
- State Mine Inspector;
- Corporation Commissioner;
- County Offices;⁵⁶⁴
- Clerk of the Superior Court;

⁵⁶¹ [A.R.S. § 16-502\(I\)](#).

⁵⁶² [A.R.S. § 16-502\(C\)](#). Candidate races not up for election must be omitted from the ballot. Presidential preference election ballots are subject to different requirements. *See* Chapter 4, Section 4.1.6.1.1.4.

⁵⁶³ [A.R.S. § 16-502\(D\)](#) requires legislative candidates’ names to appear directly below the gubernatorial candidates’ names. In election years where there are no gubernatorial candidates on the ballot, legislative candidates’ names must still appear before statewide offices.

⁵⁶⁴ The officer in charge of elections may determine the ballot order for County Supervisor, County Assessor, County Attorney, Clerk of the Superior Court, County Recorder, County School Superintendent, County Sheriff, and County Treasurer.

- Justice of the Peace ; and
- Constable .

Precinct Committeemen must appear on a separate ballot.⁵⁶⁵

4.1.6.1.3.2 NONPARTISAN CANDIDATE OFFICES

Subject to the exceptions outlined below, the following candidate races (without partisan designation) must be listed in order in the nonpartisan section of the ballot:⁵⁶⁶

- Governing Board Member of a County School District;
- Governing Board Member of a Community College District;
- Governing Board of a Joint Technical Education District;
- Governing Board Member of a Special Taxing District;
- City or Town Mayor;
- City or Town Council Member;
- Justice of the Supreme Court;
- Judge of the Court of Appeals (Division 1);
- Judge of the Court of Appeals (Division 2);
- Judge of the Superior Court (retention in Maricopa, Pima, and Pinal Counties); and
- Judge of the Superior Court (election in Apache, Cochise, Coconino, Gila, Graham, Greenlee, La Paz, Mohave, Navajo, Santa Cruz, Yavapai, and Yuma Counties).

Exceptions to candidate order in the nonpartisan candidate section:

- The officer in charge of elections may reasonably adjust the nonpartisan candidate order in order to avoid printing on the reverse side of the ballot, to achieve uniformity with the reverse side of the ballot, or to eliminate blank space;
- A recall election involving a candidate who was originally elected in a partisan race should be listed in the partisan section of the ballot, and (if applicable) in the section of the partisan ballot where candidate's race was originally positioned,⁵⁶⁷ and

⁵⁶⁵ See Chapter 4, Section 4.1.6.1.1.2.

⁵⁶⁶ [A.R.S. § 16-502\(J\)](#). Candidate races not up for election (or judicial offices not up for retention) should be omitted from the ballot.

⁵⁶⁷ [A.R.S. § 19-213](#).

- An election to fill the vacant unexpired term of a nonpartisan office (along with the expiration date of the term of the vacated office) must appear at the end of the nonpartisan candidate section.⁵⁶⁸

4.1.6.1.3.2.1 DETERMINING JUDICIAL OFFICES SUBJECT TO RETENTION

Supreme Court justices appear on the ballot for retention in all Arizona counties.⁵⁶⁹

Court of Appeals judges appear on the ballot for retention based on the judge's residency:⁵⁷⁰

- For the 16 judges in Division 1 of the Court of Appeals:⁵⁷¹
 - The 10 judges appointed from Maricopa County in Division 1 of the Court of Appeals must appear on the Maricopa County ballot for retention;⁵⁷²
 - The 5 judges appointed from Yuma County, La Paz County, Mohave County, Coconino County, Yavapai County, Navajo County or Apache County in Division 1 of the Court of Appeals must appear on these 7 counties' ballots for retention;⁵⁷³
 - Retention of the 16th judge in Division 1 of the Court of Appeals depends on the county of residence:
 - If the judge was appointed from Maricopa County, that judge must appear on the Maricopa County ballot for retention;⁵⁷⁴
 - If the judge was appointed from Yuma County, La Paz County, Mohave County, Coconino County, Yavapai County, Navajo County or Apache County, that judge must appear on these 7 counties' ballots for retention;⁵⁷⁵
- For the 6 judges in Division 2 of the Court of Appeals:⁵⁷⁶

⁵⁶⁸ [A.R.S. § 16-502\(K\)](#). See also [A.R.S. § 15-424\(F\)](#) (school district governing board candidate vacancies).

⁵⁶⁹ Following appointment, a justice or judge (including Superior Court judges in counties with a population that exceeds 250,000) serves an initial 2-year term before seeking retention in office. [Ariz. Const. Art. VI, § 37\(C\)](#). Thereafter, justice and judges serve 6-year terms between retention elections. [Ariz. Const. Art. VI, § 4](#); [Ariz. Const. Art. VI, § 37\(C\)](#); [A.R.S. § 12-101](#); [A.R.S. § 12-120.01\(B\)](#).

⁵⁷⁰ [A.R.S. § 12-120.10](#) (“The designated post of duty of judges of the court of appeals who are elected by the voters of the counties in division one, excluding Maricopa county, and in division two, excluding Pima county . . . shall be deemed to be their place of physical residence.”).

⁵⁷¹ Division 1 of the Court of Appeals consists of 16 total judges (consisting of 1 chief judge and 5 departments consisting of 3 judges) from Maricopa County, Yuma County, La Paz County, Mohave County, Coconino County, Yavapai County, Navajo County and Apache County. [A.R.S. § 12-120\(B\)-\(C\)](#).

⁵⁷² [A.R.S. § 12-120.02\(A\)](#).

⁵⁷³ [A.R.S. § 12-120.02\(A\)](#).

⁵⁷⁴ [A.R.S. § 12-120.02\(A\)](#).

⁵⁷⁵ [A.R.S. § 12-120.02\(A\)](#).

- The 4 judges appointed from Pima County in Division 2 of the Court of Appeals must appear on the Pima County ballot for retention;⁵⁷⁷ and
- The 2 judges appointed from Pinal County, Cochise County, Santa Cruz County, Greenlee County, Graham County, or Gila County in Division 2 of the Court of Appeals must appear on these 6 counties' ballots for retention.⁵⁷⁸

Superior Court judges appear on the ballot for retention in the county in which he or she was elected or appointed.⁵⁷⁹

The Arizona Commission on Judicial Performance must notify the Secretary of State which justices and judges are up for retention in a particular general election.⁵⁸⁰

4.1.6.1.3.3 BALLOT MEASURE ORDER

Below any nonpartisan candidate races, the following types of ballot measures must be listed in order in the nonpartisan section of the ballot:⁵⁸¹

- State constitutional amendments;⁵⁸²
- Statewide statutory initiatives;⁵⁸³
- Statewide referenda;⁵⁸⁴
- County ballot measures, including school district, joint technical education district, and community college district ballot measures;⁵⁸⁵
- City or town ballot measures;⁵⁸⁶ and
- Special taxing district ballot measures.

⁵⁷⁶ Division 2 of the Court of Appeals consists of Pima County, Pinal County, Cochise County, Santa Cruz County, Greenlee County, Graham County, and Gila County. [A.R.S. § 12-120\(B\), \(D\)](#).

⁵⁷⁷ [A.R.S. § 12-120.02\(A\)](#).

⁵⁷⁸ [A.R.S. § 12-120.02\(B\)](#).

⁵⁷⁹ [Ariz. Const. Art. 6, § 37\(B\)](#).

⁵⁸⁰ [A.R.S. § 19-123\(A\)\(5\)](#); [A.R.S. § 19-124.01](#).

⁵⁸¹ [A.R.S. § 16-502\(L\)](#). Ballot measures types that will not be voted on in the election should be omitted from the ballot.

⁵⁸² [A.R.S. § 19-125\(B\)](#).

⁵⁸³ [A.R.S. § 19-125\(B\)](#).

⁵⁸⁴ [A.R.S. § 19-125\(B\)](#).

⁵⁸⁵ The officer in charge of elections may determine the ballot order for county initiatives, county referenda, county school district bond measures, county school district budget overrides, community college district bond measures, community college district budget overrides, special taxing district bond measures, and special taxing district budget overrides. [A.R.S. § 16-502\(L\)](#).

⁵⁸⁶ The city or town clerk may determine the ballot order for city charter amendments, city or town initiatives, and city or town referenda. [A.R.S. § 16-502\(L\)](#).

4.1.6.1.4 POLITICAL PARTY DESIGNATIONS

In a partisan race where a candidate sought a political party nomination by primary, the officer in charge of elections must place a three-letter designation to the right of the candidate's name that corresponds to the political party designated in the candidate's nomination paper.⁵⁸⁷

The following three-letter designations correspond to the recognized political parties:

- DEM: Democratic Party
- GRN: Green Party
- LBT: Libertarian Party
- REP: Republican Party

In a partisan race where an independent candidate sought a nomination other than by primary, the officer in charge of elections must determine a three-letter designation based on the three-word designation in the candidate's nomination paper.⁵⁸⁸

A political party selection of "independent" must be designated as "IND" on the general election ballot. Otherwise, the officer in charge of elections has sole discretion how to translate other non-recognized political party selections into three-letter designations (except that independent candidates may not be designated as "DEM," "GRN," "LBT," or "REP" on the general election ballot).

4.1.6.1.5 SPECIAL PROVISIONS FOR BALLOT MEASURES

For any measure that has qualified for the ballot, the officer in charge of elections must assign a three-digit proposition or question number based on the ballot measure type:

- Constitutional Initiative: 100 series⁵⁸⁹
- Constitutional Referral: 100 series⁵⁹⁰
- Statutory Initiative: 200 series⁵⁹¹
- Statutory Referral: 300 series⁵⁹²

⁵⁸⁷ [A.R.S. § 16-311\(A\)](#).

⁵⁸⁸ [A.R.S. § 16-341\(D\)](#); [A.R.S. § 16-502\(E\)](#).

⁵⁸⁹ A "constitutional initiative" is brought about by petition and represents the citizens' effort to amend the Arizona Constitution.

⁵⁹⁰ A "constitutional referral" is a proposed constitutional amendment referred to the general election ballot by the Arizona Legislature.

⁵⁹¹ A "statutory initiative" is brought about by petition and represents the citizens' effort to amend, add, or strike a statute.

- Citizen Referendum: 300 series⁵⁹³
- Local charter amendment, initiative, referendum, bond measure, or budget override: 400 series

Propositions or questions within a jurisdiction must be numbered consecutively based on the order filed with the officer in charge of elections.⁵⁹⁴ Individual numbers continue from the last number used in the previous election and do not repeat until all one hundred numbers in that series have been used.⁵⁹⁵

The proposition or question number must be printed in reverse type in at least 12-point font.⁵⁹⁶ For example, a statutory initiative designated as Proposition 205 must be printed on the ballot as follows:

PROPOSITION 205

PROPOSICIÓN 205

4.1.6.1.5.1 PRINTING INITIATIVES AND REFERENDA ON THE BALLOT

The officer in charge of elections may use one of the three methods to print initiatives and referenda (including legislative referrals) on the official ballot:

- Print the full text of the measure on the ballot;
- Print a summary of the measure that contains a statutorily-prescribed heading, an official title, a descriptive title, and a summary that describes the measure’s effect (see below for specific requirements),⁵⁹⁷ or
- Print a summary of the measure that contains an alternative heading and a summary that describes the measure’s effect, but omits the official title and descriptive title (see below for specific requirements).⁵⁹⁸

4.1.6.1.5.1.1 FULL TEXT OF THE MEASURE

⁵⁹² A “statutory referral” is a statutory measure referred to the general election ballot by the Arizona Legislature.

⁵⁹³ A “citizen referendum” is brought about by petition and represents the citizens’ effort to veto a bill recently passed by the Arizona Legislature or other local government body.

⁵⁹⁴ [A.R.S. § 19-125\(B\)](#).

⁵⁹⁵ [A.R.S. § 19-125\(B\)](#).

⁵⁹⁶ [A.R.S. § 19-125\(C\)](#).

⁵⁹⁷ [A.R.S. § 19-125\(C\)-\(D\)](#). See Chapter 4, Section 4.1.6.1.5.1.2.

⁵⁹⁸ [A.R.S. § 16-502\(M\)-\(N\)](#); [A.R.S. § 19-125\(E\)-\(F\)](#). See Chapter 4, Section 4.1.6.1.5.1.3.

The officer in charge of elections may print the full text of a ballot measure on the ballot, followed by the words “yes” and “no” or “for _____” and “against _____” for the voter to mark his or her choice.⁵⁹⁹

4.1.6.1.5.1.2 SUMMARY OF THE MEASURE

In lieu of printing the full text of the measure, the officer in charge of elections may summarize the measure by printing a statutorily-prescribed heading, an official title, a descriptive title, and an analysis of the measure’s potential effect.⁶⁰⁰

First, below the proposition number, the officer in charge of elections must print one of the following headings, as applicable:

- Constitutional Initiative: “Proposed Amendment to the Constitution by the Initiative”
- Constitutional Referral: “Proposed Amendment to the Constitution by the Legislature”
- Statutory Initiative: “Proposed by Initiative Petition”
- Statutory Referral: “Referred to the People by the Legislature”
- Citizen Referendum: “Referendum Ordered by Petition of the People”⁶⁰¹

An official title must be printed below the prescribed heading.⁶⁰² The official title comprises a description of the constitutional or statutory provisions being amended, added, or deleted by the measure. This information is drawn from the introductory portion of the initiative or referendum itself.

Next, a descriptive title must be printed below the official title.⁶⁰³ The descriptive title constitutes a summary of the principal provisions of the measure, not to exceed 50 words.⁶⁰⁴

Finally, an analysis of the potential effect of a “yes” or “no” vote on the measure must be printed below the descriptive title.⁶⁰⁵ Each analysis must begin with following introductory phrases:

A “yes” vote shall have the effect of _____.

A “no” vote shall have the effect of _____.⁶⁰⁶

⁵⁹⁹ [A.R.S. § 16-502\(L\).](#)

⁶⁰⁰ [A.R.S. § 19-125\(C\)-\(D\).](#)

⁶⁰¹ [A.R.S. § 19-125\(C\).](#)

⁶⁰² [A.R.S. § 19-125\(D\).](#)

⁶⁰³ [A.R.S. § 19-125\(D\).](#)

⁶⁰⁴ [A.R.S. § 19-125\(D\).](#)

⁶⁰⁵ [A.R.S. § 19-125\(D\).](#)

⁶⁰⁶ [A.R.S. § 19-125\(D\).](#)

The “yes” line must be filled with a “brief phrase” that describes the essential change to existing law should an initiative or referral receive a majority of votes cast in the election.⁶⁰⁷ The “no” must be filled with a “brief phrase” that describes how the status quo will be maintained should the measure not receive a majority of votes.

In the case of a citizen referendum, a “yes” vote has the effect of approving the enactment passed by the Legislature and allowing the bill to go into effect, whereas a “no” vote retains existing law.⁶⁰⁸

Below the ballot measure analysis, the officer in charge of elections must print the words “yes” and “no” for the voter to mark his or her selection on the ballot.⁶⁰⁹

For statewide ballot measures, the heading, official title, descriptive title, and “yes/no” analysis are drafted by the Secretary of State and approved by the Attorney General before being provided to the officer in charge of elections for printing on the ballot.⁶¹⁰ For local ballot measures, the local jurisdiction is responsible for drafting the heading, official title, descriptive title, and “yes/no” analysis.

4.1.6.1.5.1.3 ALTERNATIVE SUMMARY OF THE MEASURE

In lieu of printing the standard summary of a measure that contains the official title and descriptive title, the officer in charge of elections may print an alternative summary on the ballot that contains the following information below the proposition number.⁶¹¹

- One of the following methods of designating the measure in the ballot header:
 - The standard header as prescribed in Chapter 4, Section 4.1.6.1.5.1.2:⁶¹²
 - Constitutional Initiative: “Proposed Amendment to the Constitution by the Initiative”
 - Constitutional Referral: “Proposed Amendment to the Constitution by the Legislature”
 - Statutory Initiative: “Proposed by Initiative Petition”
 - Statutory Referral: “Referred to the People by the Legislature”
 - Citizen Referendum: “Referendum Ordered by Petition of the People”; or

⁶⁰⁷ [A.R.S. § 19-125\(D\)](#).

⁶⁰⁸ [A.R.S. § 19-125\(D\)](#).

⁶⁰⁹ [A.R.S. § 19-125\(D\)](#).

⁶¹⁰ [A.R.S. § 19-125\(D\)](#); [A.R.S. § 19-141](#).

⁶¹¹ [A.R.S. § 16-502\(M\)](#); [A.R.S. § 19-125\(E\)](#).

⁶¹² [A.R.S. § 16-502\(M\)\(2\)](#); [A.R.S. § 19-125\(E\)\(2\)](#). See Chapter 4, Section 4.1.6.1.5.1.2.

- The word “Proposition,” “Question,” or “Charter Amendment” (as applicable), followed by the phrase “relating to _____” and inserting the subject matter of the measure;
- One of the following methods of explaining the effect of the measure:
 - An analysis of the potential effect of a “yes” or “no” vote on the measure as prescribed in Chapter 4, Section 4.1.6.1.5.2;⁶¹³ or
 - The full text of the measure;⁶¹⁴
 - The words “yes” and “no” for the voter to mark his or her selection on the ballot;⁶¹⁵ and
 - Instructions that direct the voter to the official title, descriptive title, and full text of the measure as printed on the sample ballot and posted in the voting location.⁶¹⁶

In other words, this alternative summary allows the officer in charge of elections flexibility to omit the official title, descriptive title, and full text of the measure from the official ballot due to space limitations.

The alternative heading and “yes/no” analysis are drafted by the Secretary of State and approved by the Attorney General before being provided to the officer in charge of elections for printing on the ballot.⁶¹⁷

4.1.6.1.5.2 PRINTING BOND MEASURES ON THE BALLOT

Local jurisdictions are required to supply the requisite ballot language to the officer in charge of elections, including a Spanish translation.⁶¹⁸ The local jurisdiction remains solely responsible for compliance with this section.

4.1.6.1.5.2.1 GENERAL RULES APPLICABLE TO BOND MEASURES

Unless governed by more specific rules, the following statements must be printed on the ballot when a political subdivision⁶¹⁹ seeks to issue bonds that will be repaid with secondary property taxes:⁶²⁰

⁶¹³ [A.R.S. § 16-502\(M\)\(3\)](#); [A.R.S. § 19-125\(E\)\(3\)](#). See Chapter 4, Section 4.1.6.1.5.2.

⁶¹⁴ [A.R.S. § 16-502\(M\)\(3\)](#); [A.R.S. § 19-125\(E\)\(3\)](#). See Chapter 4, Section 4.1.6.1.5.11. The full text of the measure need not be printed on the ballot itself, but may be printed on a separate insert (a “tablecloth”) that accompanies the sample ballot. The full text must be made available at each voting location as well.

⁶¹⁵ [A.R.S. § 16-502\(M\)\(3\)](#); [A.R.S. § 19-125\(E\)\(3\)](#).

⁶¹⁶ [A.R.S. § 16-502\(N\)](#); [A.R.S. § 19-125\(F\)](#). See Chapter 4, Section 4.1.6.3.3.

⁶¹⁷ [A.R.S. § 19-125\(D\)](#); [A.R.S. § 19-141](#).

⁶¹⁸ The officer in charge of elections is not required to use the local jurisdiction’s Spanish translation and therefore may (in the officer’s discretion) obtain an independent translation.

- The statement: “The issuance of these bonds will result in a property tax increase sufficient to pay the annual debt service on bonds.”⁶²¹
- The following statements:
 - “A ‘yes’ vote shall authorize the _____ governing body to issue and sell \$_____ of _____ bonds of the district to be repaid with secondary property taxes.”⁶²²
 - “A ‘no’ vote shall not authorize the _____ governing body to issue and sell such bonds of the district.”⁶²³
- The phrases “Bond Approval, Yes” and “Bond Approval, No,” followed by a space for the voter to mark his or her vote.⁶²⁴

If the political subdivision intends to use revenues other than secondary property taxes to pay the debt on the proposed bonds, the following statements must be printed instead:

- The statement: “The issuance of these bonds will result in a property tax increase sufficient to pay the annual debt service on bonds, unless the governing body provides for payment from other sources.”⁶²⁵
- The following statements:
 - “A ‘yes’ vote shall authorize the _____ governing body to issue and sell \$_____ of _____ bonds of the district.”
 - “A ‘no’ vote shall not authorize the _____ governing body to issue and sell such bonds of the district.”
- The phrases “Bond Approval, Yes” and “Bond Approval, No,” followed by a space for the voter to mark his or her vote.

⁶¹⁹ The political subdivisions expressly permitted to incur bond indebtedness include counties, multi-county water conservation districts, school districts, cities, towns, and other “similar municipal corporations.” [A.R.S. § 35-451\(A\)-\(C\)](#); [A.R.S. § 35-452\(A\)](#); [A.R.S. § 35-453\(B\)](#); [A.R.S. § 35-454\(B\)](#); [A.R.S. § 35-456\(B\)](#); [A.R.S. § 35-459\(A\)](#); [A.R.S. 35-460](#).

⁶²⁰ [A.R.S. § 35-454\(C\)](#).

⁶²¹ [A.R.S. § 35-454\(C\)](#). In addition, any written information provided by the political subdivision pertaining to the bond election must include financial information showing the estimated average tax rate for the proposed general obligation bond authorization. [A.R.S. § 35-454\(C\)](#).

⁶²² [A.R.S. § 35-454\(C\)](#).

⁶²³ [A.R.S. § 35-454\(C\)](#).

⁶²⁴ [A.R.S. § 35-454\(C\)](#).

⁶²⁵ [A.R.S. § 35-454\(D\)](#).

4.1.6.1.5.2.2 IRRIGATION AND AGRICULTURAL IMPROVEMENT DISTRICT, FIRE DISTRICT, AND MUNICIPAL IMPROVEMENT DISTRICT BOND MEASURES

When an irrigation and agricultural improvement district, fire district, or municipal improvement district seeks to issue bonds, the phrases “For the Bonds” and “Against the Bonds” must be printed on the ballot, followed by a space for the voter to mark his or her vote.⁶²⁶

4.1.6.1.5.3 PRINTING EXCESS EXPENDITURE MEASURES ON THE BALLOT

For any proposed election seeking authorization to exceed a county, city, town, community college district, or school district expenditure limit,⁶²⁷ the officer in charge of elections must print the following items on the ballot:⁶²⁸

- The official title and number of the measure to be voted on;⁶²⁹
- A statement that the excess expenditure vote is being referred to the ballot by the governing board of the applicable political subdivision;⁶³⁰ and
- A descriptive title containing a summary of the principal provisions of the measure to be voted upon, not to exceed fifty words.⁶³¹

4.1.6.1.5.4 PRINTING SCHOOL DISTRICT BUDGET OVERRIDE MEASURES ON THE BALLOT

⁶²⁶ [A.R.S. § 48-146](#); [A.R.S. § 48-685](#); [A.R.S. § 48-806\(D\)](#). Political subdivisions are not required to have voters mark a yes or no “square” next the bond measure if the political subdivision uses ballot styles that use something other than a square to mark one’s vote choices.

⁶²⁷ [Ariz. Const. Art. IX, § 20](#). Subject to certain exceptions, the Economic Estimates Commission (a component of the Arizona Department of Revenue) is responsible for calculating an annual expenditure limit for each county, city, town, and community college district in Arizona. [Ariz. Const. Art. IX, § 20\(1\), \(9\)](#); <https://www.azdor.gov/ReportsResearch/EconomicEstimatesCommission.aspx>. The Commission also calculates an aggregate expenditure limit for all school districts in Arizona. See <https://www.azdor.gov/ReportsResearch/EconomicEstimatesCommission.aspx>. A political subdivision must seek approval to exceed its prescribed expenditure limitation in a particular fiscal year. [Ariz. Const. Art. IX, § 20\(1\)](#). Except in cases precipitated by a natural or man-made disaster declared by the Governor, the political subdivision must seek voter approval to exceed the expenditure limitation. [Ariz. Const. Art. IX, § 20\(2\)](#).

⁶²⁸ Local jurisdictions are required to supply the requisite ballot language to the officer in charge of elections, including a Spanish translation. The local jurisdiction remains solely responsible for compliance with this section.

⁶²⁹ [A.R.S. § 41-563.02\(C\)\(1\)](#).

⁶³⁰ [A.R.S. § 41-563.02\(C\)\(2\)](#).

⁶³¹ [A.R.S. § 41-563.02\(C\)\(3\)](#). The descriptive title is prepared by the clerk of the Board of Supervisors, city clerk, or town clerk as applicable. [A.R.S. § 41-563.02\(C\)\(3\)](#).

For any proposed school district election seeking a budget override,⁶³² the officer in charge of elections must print the following items on the ballot:⁶³³

- The following statements:
 - “A ‘yes’ vote shall authorize the _____ School District Governing Board to adopt a budget which _____.”
 - “A ‘no’ vote shall not authorize the _____ School District Governing Board to adopt a budget which _____.”
- The amount of the proposed increase of the proposed budget over the alternate budget.⁶³⁴
- If applicable,⁶³⁵ a statement that the amount of the proposed increase will be based on a percentage of the school district’s revenue control limit in future years.⁶³⁶
- In cases where a new budget override is sought, the phrases “Budget Increase, Yes” and “Budget Increase, No,” followed by a space for the voter to mark his or her vote.⁶³⁷ In cases where continuation of a previous budget override is sought, the phrases “Budget Override Continuation, Yes” and “Budget Override Continuation, No,” followed by a space for the voter to mark his or her vote.⁶³⁸
- If the principal and interest of the budget override measures will be paid by a levy of property taxes, the bond measure on the ballot must contain the following statement:

“Any budget increase authorized by this election shall be entirely funded by a levy of taxes upon the taxable property within this school district for the year for which adopted and for ____ subsequent years, shall not be realized from monies furnished by the state and shall not be subject to the limitation on taxes specified in article IX, section 18, Constitution of Arizona. Based on the current net assessed valuation used for secondary property tax purposes, to fund the proposed increase in the school district's budget would require an estimated tax rate of _____ dollar per one hundred dollars of net assessed valuation used for secondary property tax purposes and is in addition to the school district's tax

⁶³² A school district that seeks to exceed its budgetary constraints, including its aggregate budget limit, revenue control limit, or district additional assistance, must conduct a budget override election in order to secure voter approval. [A.R.S. § 15-481](#); [A.R.S. § 15-482](#); [A.R.S. § 15-949](#).

⁶³³ Local jurisdictions are required to supply the requisite ballot language to the officer in charge of elections, including a Spanish translation. The local jurisdiction remains solely responsible for compliance with this section.

⁶³⁴ [A.R.S. § 15-481\(E\)-\(F\), \(I\)-\(J\), \(L\)-\(M\)](#).

⁶³⁵ [A.R.S. § 15-481\(P\)](#).

⁶³⁶ [A.R.S. § 15-481\(F\)\(2\)](#).

⁶³⁷ [A.R.S. § 15-481\(E\)](#); [A.R.S. § 15-949\(I\)-\(J\)](#).

⁶³⁸ [A.R.S. § 15-481\(BB\), \(CC\)](#).

rate which will be levied to fund the school district's revenue control limit allowed by law.”⁶³⁹

- If the principal and interest of the budget override measures will be fully funded by revenues from other than a levy of taxes on the taxable property within the school district must contain the following statement:

“Any budget override authorized by this election shall be entirely funded by this school district with revenues from other than a levy of taxes on the taxable property within the school district for the year for which adopted and for _____ subsequent years and shall not be realized from monies furnished by the state.”⁶⁴⁰

When different types of budget overrides are combined on one ballot, ballots must be prepared so that the voters may vote on each proposed budget increase separately and must contain the statements required as if each proposed increase were submitted separately.⁶⁴¹

4.1.6.1.6 BILINGUAL BALLOTS AND VOTING MATERIALS

All voting materials utilized in conjunction with Arizona elections must be printed and/or provided in both English and Spanish.⁶⁴² This requirement applies to the State and each county, school district, community college district, special taxing district, city, town or other political subdivision that conducts elections.

In addition, the following counties are “covered jurisdictions” under the Federal Voting Rights Act effective December 5, 2016 (and therefore have an independent obligation to print (in the case of written languages) and/or provide (in the case of oral languages) voting materials in additional languages for the following language minority groups:⁶⁴³

- Apache County: Navajo
- Coconino County: Navajo
- Gila County: Apache
- Graham County: Apache
- Maricopa County: Hispanic
- Navajo County: Navajo

⁶³⁹ [A.R.S. § 15-481\(E\), \(I\), \(L\)](#); [A.R.S. § 15-949\(I\)](#).

⁶⁴⁰ [A.R.S. § 15-949\(J\)](#); [A.R.S. § 15-481\(F\), \(J\), \(M\)](#).

⁶⁴¹ [A.R.S. § 15-481\(N\)](#).

⁶⁴² As of December 5, 2016, the State of Arizona is not a covered jurisdiction under the Federal Voting Rights Act, therefore the statewide Spanish language requirement is a function of state policy.

⁶⁴³ Voting Rights Act Amendments of 2006, Determinations Under Section 203, 81 FR 87532-01 (Dec. 5, 2016), available at <https://www.gpo.gov/fdsys/pkg/FR-2016-12-05/pdf/2016-28969.pdf>.

- Pima County: Hispanic
- Pinal County: Apache
- Santa Cruz County: Hispanic
- Yuma County: Hispanic⁶⁴⁴

A covered jurisdiction must determine which language, forms of languages, or dialects will be effective in meeting the requirements of the Voting Rights Act.⁶⁴⁵

The following sections describe the bilingual language requirements in greater detail.

4.1.6.1.6.1 TIME PERIOD FOR COVERAGE UNDER THE VOTING RIGHTS ACT

Coverage under the Voting Rights Act becomes effective once the Census Director’s notice is published in the Federal Register.⁶⁴⁶ Coverage continues for 5 years.⁶⁴⁷

A covered jurisdiction may terminate coverage earlier if a United States District Court grants a declaratory judgment that the illiteracy rate of the applicable language minority group is, in actuality, equal to or less than the national illiteracy rate.⁶⁴⁸

4.1.6.1.6.2 VOTING MATERIALS REQUIRED TO BE IN LANGUAGES OTHER THAN ENGLISH

⁶⁴⁴ A state or political subdivision is subject to the bilingual voting materials requirement of the Federal Voting Rights Act if the Director of the U.S. Census Bureau determines that the subdivision meets the following criteria:

- The illiteracy rate of citizens in the language minority group is higher than the national illiteracy rate; and
- One of the following is true:
 - More than 5 percent of the citizens of voting age are members of a single language minority and are limited-English proficient, unless the covered jurisdiction has less than 5 percent limited-English proficient citizens of voting age in each language minority;
 - More than 10,000 of the citizens of voting age are members of a single language minority and are limited-English proficient; or
 - More than 5 percent of Native American or Alaska Native citizens of voting age within a Native American reservation (that touches any part of a covered jurisdiction) are members of a single language minority and are limited-English proficient. [52 U.S.C. § 10503\(b\)\(2\)](#).

⁶⁴⁵ [28 C.F.R. § 55.11](#).

⁶⁴⁶ [28 C.F.R. § 55.4\(a\)\(2\)](#).

⁶⁴⁷ [52 U.S.C. § 10503\(b\)\(2\)\(A\)](#)

⁶⁴⁸ [52 U.S.C. § 10503\(d\)](#).

If a covered jurisdiction is required to provide language assistance other than in English, all materials distributed to (or provided for the benefit of) voters must be printed in the additional language,⁶⁴⁹ including:

- Registration and voting notices;
- Forms;
- Instructions;
- In-person assistance;
- Ballots (including accessible ballots and the accompanying audio translation); and
- Any other materials or information relating to the electoral process.⁶⁵⁰

A covered jurisdiction may attempt to use cost effective methods of compliance if they are equivalent in their effectiveness to more costly methods.⁶⁵¹ This may include implementing a system that provides bilingual voting materials to fewer than all registered voters, as long as the system is designed and implemented in a way that ensures language minority group members who need language materials and assistance can receive them.⁶⁵²

Where the language of the applicable minority group is oral or unwritten, the covered jurisdiction is permitted to orally furnish instructions, assistance, or other information relating to registration and voting.⁶⁵³

4.1.6.1.6.3 TYPES OF ELECTIONS REQUIRING BILINGUAL VOTING MATERIALS

All elections within a covered jurisdiction must provide bilingual voting materials,⁶⁵⁴ including the elections of each municipality, school district or special taxing district within the covered jurisdiction.⁶⁵⁵

For offices representing more than one county, bilingual voting material requirements are to be applied on a county-by-county basis. Accordingly, if an individual county is not a covered jurisdiction, that county does not need to provide bilingual voting materials in languages other than in Spanish.⁶⁵⁶

⁶⁴⁹ [28 C.F.R. § 55.19\(a\)](#).

⁶⁵⁰ [28 C.F.R. § 55.15](#).

⁶⁵¹ [28 C.F.R. § 55.16](#).

⁶⁵² [28 C.F.R. § 55.17](#).

⁶⁵³ [52 U.S.C. § 10503\(c\)](#).

⁶⁵⁴ [28 C.F.R. § 55.10\(b\)](#).

⁶⁵⁵ [28 C.F.R. § 55.10\(a\)](#); [28 C.F.R. § 55.9](#).

⁶⁵⁶ [28 C.F.R. § 55.10\(c\)](#).

4.1.6.1.6.4 ENFORCING THE BILINGUAL VOTING MATERIALS REQUIREMENT

The U.S. Attorney General enforces the bilingual voting materials requirements in the Voting Rights Act.⁶⁵⁷

The U.S. Attorney General generally measures compliance by determining if:

- Materials and assistance are provided in a way allowing members of applicable language minority groups to be effectively informed of (and participate effectively in) voting-connected activities; and
- The covered jurisdiction has taken all reasonable steps to achieve that goal.⁶⁵⁸

More specifically, the U.S. Attorney General considers whether:

- An effective targeting system has been developed to reach minority group members when materials provided by mail to registered voters generally are not all provided in the applicable minority language;⁶⁵⁹
- Public notices and announcements of electoral activities provide members of the applicable language minority group an effective opportunity to be informed about electoral activities;⁶⁶⁰
- Members of the applicable language minority group have an effective opportunity to register to vote;⁶⁶¹
- Members of the applicable language minority group have an effective opportunity to vote;⁶⁶²
- The covered jurisdiction has taken appropriate steps to publicize the availability of materials and assistance in the minority language;⁶⁶³
- The materials provided in the language of a language minority group are clear, complete and accurate;⁶⁶⁴
- The covered jurisdiction provides the English and minority language versions in the same document (the lack of bilingual preparation of ballots may give rise to the possibility or

⁶⁵⁷ [28 C.F.R. § 55.23.](#)

⁶⁵⁸ [28 C.F.R. § 55.2\(b\).](#)

⁶⁵⁹ [28 C.F.R. § 55.18\(a\).](#)

⁶⁶⁰ [28 C.F.R. § 55.18\(b\).](#)

⁶⁶¹ [28 C.F.R. § 55.18\(c\).](#)

⁶⁶² [28 C.F.R. § 55.18\(d\).](#)

⁶⁶³ [28 C.F.R. § 55.18\(e\).](#)

⁶⁶⁴ [28 C.F.R. § 55.19\(b\).](#)

appearance that the secrecy of the ballot will be lost if a separate minority language ballot or voting machine is used);⁶⁶⁵

- Clearly visible sample ballots identical in typeface, layout, and size to the English ballots are used in the voting booths in cases where voting machines cannot accommodate a bilingual ballot;⁶⁶⁶
- Sufficient attention has been given to language minority group members who cannot effectively read either English or the applicable minority language and/or to members of language minority groups whose languages are unwritten;⁶⁶⁷
- Announcements, publicity, and assistance are given in oral form to the extent needed to enable members of the applicable language minority group to participate effectively in the electoral process;⁶⁶⁸ and
- The covered jurisdiction provides adequate bilingual helpers to provide oral assistance.⁶⁶⁹

The U.S. Attorney General determines whether to enforce compliance through litigation based (among other factors)⁶⁷⁰ on the number of complaints received and the results of inquiries and surveys concerning compliance.⁶⁷¹

4.1.6.1.7 VOTING MATERIALS FOR VOTERS WITH DISABILITIES

Voters with impairments are entitled to receive voting materials (and access to the voting experience in general) that is equivalent to that provided to voters without impairments, including an audio translation in the appropriate language.⁶⁷² Thus, with few exceptions,⁶⁷³ ballots displayed in accessible voting equipment must follow the same content, format and rotational requirements as those applicable to printed ballots.⁶⁷⁴ For example:

- Voting screens must be in the same order of arrangement as provided for paper ballots as far as practicable, except that information printed in vertical or horizontal rows or on separate screens.⁶⁷⁵

⁶⁶⁵ [28 C.F.R. § 55.19\(c\)](#).

⁶⁶⁶ [28 C.F.R. § 55.19\(d\)](#).

⁶⁶⁷ [28 C.F.R. § 55.20\(b\)](#).

⁶⁶⁸ [28 C.F.R. § 55.20\(a\)](#).

⁶⁶⁹ [28 C.F.R. § 55.20\(c\)](#).

⁶⁷⁰ [28 C.F.R. § 55.2\(g\)](#).

⁶⁷¹ [28 C.F.R. § 55.14\(b\)](#).

⁶⁷² [A.R.S. § 16-442.01\(B\)\(1\)](#).

⁶⁷³ The ballot displayed in accessible voting equipment need not contain a political party stripe pursuant to [A.R.S. § 16-461\(B\)](#). See Chapter 4, Section 4.1.6.1.1.2.

⁶⁷⁴ [A.R.S. § 16-442.01\(A\)](#); [A.R.S. § 16-502\(A\)](#).

⁶⁷⁵ [A.R.S. § 16-466\(A\)](#).

- If there are more candidates for a particular race that can be displayed on one voting screen, the screen must indicate that the race is continued on the following screen, and the same number of candidates must be displayed on each screen as far as practicable.⁶⁷⁶

In addition, the officer in charge of elections must be prepared to print ballots in braille or large-print format to reasonably accommodate alternative voter requests.⁶⁷⁷ Requests must be made to the officer in charge of elections by the second Friday before the election.⁶⁷⁸

4.1.6.1.8 PROOFING BALLOTS

The officer in charge of elections must proof the official ballot (in all languages and in all formats, including ballots displayed in accessible voting equipment) prior to distributing the ballots for voting purposes.

4.1.6.1.9 SENDING BALLOT PROOFS TO CANDIDATES AND POLITICAL PARTIES

At least 60 days before a primary or general election (unless a shorter time is available due to the pendency of a lawsuit), the officer in charge of elections should send a proof of the official ballot to:

- Each candidate (or candidate’s agent) who will appear on the ballot; and
- The county chairman of each recognized political party that will have at least one candidate on the ballot.⁶⁷⁹

The officer in charge of elections may send the ballot proof by mail, email, or any other method of delivery.

The candidate/candidate’s agent and/or county chairman must inform the officer in charge of elections of any errors or omissions in the ballot proof within 5 calendar days after receipt.⁶⁸⁰

4.1.6.1.10 FINANCIAL RESPONSIBILITY FOR PRINTING BALLOTS

⁶⁷⁶ [A.R.S. § 16-466\(C\)](#).

⁶⁷⁷ [A.R.S. § 16-442.01\(B\)\(2\)](#).

⁶⁷⁸ See e.g. [A.R.S. § 16-549\(C\)](#).

⁶⁷⁹ By statute, the officer in charge of elections must send a proof of the official ballot at least 45 days before a primary or general election. [A.R.S. § 16-461\(A\)\(2\)-\(3\)](#); [A.R.S. § 16-510\(A\)](#). See also [A.R.S. § 16-503\(A\)](#) (requiring the officer in charge of elections to make the official ballot available for inspection by candidates or the agents 10 days before the election); [A.R.S. § 16-503\(A\), \(C\)](#) (requiring the governing body of a city, town, or special taxing district to make the ballot available 5 days before the election). The 60-day period has been selected to allow sufficient time to make changes to the ballot before the UOCAVA mailing deadline. See Chapter 2, Section 2.4.2.1.

⁶⁸⁰ [A.R.S. § 16-461\(B\)](#).

Official ballots used in federal, statewide, legislative, and county elections must be printed at county expense.⁶⁸¹

Expenses for ballots used in city, town, or special taxing district elections must be borne by the applicable city, town, or special taxing district.⁶⁸² For ballots that contain races from multiple jurisdictions, the officer in charge of elections may contract with a city, town, or special taxing district to reimburse the county for the proportional amount of printing expenses.

4.1.6.2 STORAGE AND SECURITY OF BALLOTS

The officer in charge of elections must implement security procedures to ensure that official ballots (including ballot stock)⁶⁸³ are properly secured prior to distribution to voting locations.

For security reasons, official ballots:

- Must be inventoried upon receipt and prior to distribution to voting locations;⁶⁸⁴
- Must be stored in a locked, secured location that prevents unauthorized access;⁶⁸⁵
- May be accessed by elections staff only to the extent necessary to perform their authorized task;
- Must be witnessed by two or more election staff members of different political parties when being moved or transferred, which includes an inventory of the ballots before and after the move or transfer.

4.1.6.3 SAMPLE BALLOTS

The officer in charge of elections must prepare sample ballots for each primary and general election.⁶⁸⁶ A sample ballot provides voters who intend to vote in-person on Election Day advanced notice of the candidates and issues that will appear on their ballot.

⁶⁸¹ [A.R.S. § 16-503\(B\)](#).

⁶⁸² [A.R.S. § 16-503\(B\)-\(C\)](#).

⁶⁸³ Ballot stock is blank paper to produce ballots with an on-demand printer at a voting location, including an on-site early voting or ballot replacement site.

⁶⁸⁴ Upon being printed, official ballots must be bound together and stored in blocks of at least 5 and no more than 100 ballots. [A.R.S. § 16-502\(A\)](#).

⁶⁸⁵ Access to ballots must be authorized by the officer in charge of elections. Access to the ballot storage location (the outer access area, not each individual cage) must be documented with a written log or with electronic key card access that indicates the date, time, and identity of the person accessing the ballots. The electronic log for key card access must be accessible but need not be printed out.

⁶⁸⁶ [A.R.S. § 16-461\(A\)](#); [A.R.S. § 16-510](#).

4.1.6.3.1 PREPARING SAMPLE BALLOTS

Sample ballots:

- May be printed on a single page or multiple pages;⁶⁸⁷
- May not indicate the name or identity of any public official who prepared the sample ballot or to whom the sample ballot must be returned;⁶⁸⁸
- Must be imprinted with the seal of the jurisdiction that corresponds to the highest-level office that appears on the ballot;⁶⁸⁹ and
- Must include the following warning in a conspicuous location on the ballot: “This is a sample ballot and cannot be used as an official ballot under any circumstances.”⁶⁹⁰

Primary election sample ballots are subject to additional requirements, as they must be printed with a different color (or contain a distinctive color indicator) that corresponds to the recognized political party appearing on that ballot.⁶⁹¹ For sample ballots to be mailed to voters who are not registered with a recognized political party, these sample ballots:

- May contain all political party candidates on the same sample ballot; and
- May be printed in alternative paper formats that do not conform to the same size as an official ballot, including a reduced size ballot.⁶⁹²

For a general election involving a ballot measure, the officer in charge of elections must print the official title and descriptive title on the ballot and include the full text of the measure with any mailing (see above for specific requirements).⁶⁹³

Ballots should be prepared in sufficient time for proofs to be transmitted to candidates at least 60 days before the election.⁶⁹⁴ If a county conducts an election on behalf of a local jurisdiction, the

⁶⁸⁷ [A.R.S. § 16-466\(F\)](#);

⁶⁸⁸ [A.R.S. § 16-461\(F\)](#). The public official’s name may only appear in the candidate section of the ballot, if applicable.

⁶⁸⁹ [A.R.S. § 16-461\(G\)](#). The Great Seal of the State of Arizona must be imprinted for elections involving a federal, statewide or legislative candidate or statewide ballot measure. Alternatively, the seal of the appropriate county, city or town (whichever corresponds to the highest-level jurisdiction with a candidate or measure on the ballot) may be imprinted in lieu of the state seal.

⁶⁹⁰ [A.R.S. § 16-461\(D\)](#).

⁶⁹¹ [A.R.S. § 16-461\(B\)](#). See Chapter 4, Section 4.1.6.1.1.2.

⁶⁹² [A.R.S. § 16-461\(B\)](#).

⁶⁹³ [A.R.S. § 16-502\(N\)](#); [A.R.S. § 19-125\(F\)](#). The full text of the measure need not be printed on the ballot itself, but may be printed on a separate insert (a “tablecloth”) that accompanies the sample ballot. See Chapter 4, Section 4.1.6.1.5.1.1.

officer in charge of elections may transmit the ballot proofs to the local filing officer, who in turn must forward the proofs to the applicable candidates for approval.

4.1.6.3.2 PRINTING AND MAILING OFFICIAL SAMPLE BALLOTS TO HOUSEHOLDS

At least 11 days before a primary or general election, the County Board of Supervisors is responsible for printing and mailing a sample ballot to each household containing at least one active registered voter who is not on the PEVL.⁶⁹⁵ The Board of Supervisors may delegate this responsibility to the County Recorder or other officer in charge of elections.

The sample ballot mailing:

- Must contain the appropriate sample ballot or ballots that correspond to the political party preference of the eligible voters in the household (for primary elections only);
- Must contain the words “Official Voting Materials” on the outgoing envelope or mailer face mailed to voters;⁶⁹⁶
- Must include the list of acceptable forms of identification to vote at a voting location; and
- Must contain the statement: “Have you moved? You **MUST** go to polling place designated by your **CURRENT RESIDENCE ADDRESS**. If you go to the **WRONG** polling place, your (provisional) ballot will **NOT COUNT**” (for polling place-assigned elections only).

4.1.6.3.3 SAMPLE BALLOTS AT VOTING LOCATIONS

The Board of Supervisors is responsible for printing and distributing at least 2 official sample ballots of each ballot style for use at polling places during the primary and general election.⁶⁹⁷ The sample ballots must correspond to the appropriate official ballots for the polling place and be contained in the precinct supplies for that location. The Board of Supervisors may delegate this responsibility to the officer in charge of elections.

Sample ballots need not be provided to vote centers, but must be printed upon request.

⁶⁹⁴ [A.R.S. § 16-461\(A\)](#). See Chapter 4, Section 4.1.6.1.9. For primary elections, the officer in charge of elections must transmit the ballot proofs to political parties as well. [A.R.S. § 16-461\(A\)\(2\)](#).

⁶⁹⁵ [A.R.S. § 16-461\(D\)](#); [A.R.S. § 16-510\(C\)](#); *see also* [A.R.S. § 16-193\(2\)](#). A sample ballot need not be mailed in conjunction with a ballot by mail election.

⁶⁹⁶ [A.R.S. § 16-461\(G\)](#).

⁶⁹⁷ [A.R.S. § 16-510\(B\)](#).

4.1.6.3.4 SAMPLE BALLOTS FOR GENERAL DISTRIBUTION

The officer in charge of elections must post a notice at voting locations that sample ballots are available upon request.⁶⁹⁸

4.1.6.3.5 FINANCIAL RESPONSIBILITY FOR PREPARING AND MAILING SAMPLE BALLOTS

The Board of Supervisors may seek reimbursement from the Secretary of State for each sample ballot mailed to a county household.⁶⁹⁹

4.1.7 PREPARATION OF SIGNATURE ROSTERS AND E-POLLBOOKS

Prior to a statewide primary or general election, the County Recorder must prepare paper signature rosters or e-pollbook data and distribute the rosters/data to the officer in charge of elections for use at each voting location on election day.⁷⁰⁰ A signature roster or e-pollbook serves as the official list of eligible voters (other than secured voters) for a particular voting location or election.⁷⁰¹

If a County Recorder uses paper signature rosters, the roster must be bound with a suitable cover and bear the title “signature roster _____ precinct, _____ county, Arizona” (if used in polling place-assigned elections).⁷⁰² The cover also must contain the following affidavit for the inspector to sign:

“I, _____, inspector of the board of election of _____ precinct, _____ county, Arizona hereby certify that the foregoing (excepting signatures in red) are true and correct signatures of all electors who voted in precinct on _____.

(date)

(inspector)”,⁷⁰³

If a Board of Supervisors approves the use of e-pollbooks in lieu of paper signature rosters, the County Recorder or other officer in charge of elections must provide a written implementation

⁶⁹⁸ [A.R.S. § 16-461\(B\)](#).

⁶⁹⁹ [A.R.S. § 16-510\(C\)](#). See Chapter 4, Section 4.3.7.3.

⁷⁰⁰ [A.R.S. § 16-168\(A\)-\(B\)](#); [A.R.S. § 16-169\(A\)](#); [A.R.S. § 16-583\(A\)](#).

⁷⁰¹ See Chapter 1, Section 1.10.4. For purposes of this Section, an e-pollbook includes a system whereby electronic tablets or computers are uploaded with voter registration data or are connected to a live voter registration database via a secure virtual private network (VPN) connection.

⁷⁰² [A.R.S. § 16-169\(B\)](#).

⁷⁰³ [A.R.S. § 16-169\(B\)](#).

plan to the Secretary of State for approval at least 60 days prior to the election in which the poll books will be used for the first time.

An e-pollbook must be accompanied by affidavit (equivalent to that specified for paper rosters) to be signed by the inspector on election day.

The County Recorder or other officer in charge of elections must have a contingency plan in case the e-pollbooks do not properly function on election day.⁷⁰⁴ The County Recorder or other officer in charge of elections must implement cybersecurity protocols to ensure the integrity of e-pollbook data when e-pollbooks are electronically connected to county systems.

A County Recorder should ensure the signature roster or e-pollbook contains the most up-to-date information prior to printing or distribution. In particular, a County Recorder should check the Systematic Alien Verification for Entitlements (SAVE) database to confirm eligibility for any registrant who submitted an Alien Registration Number, Naturalization Certificate Number, or Citizenship Certificate Number as proof of citizenship.⁷⁰⁵ If time does not permit, the County Recorder should be prepared to print a supplement to the signature roster or conduct a last-minute upload to the e-pollbooks. In cases where the roster or e-pollbook cannot be timely updated, the County Recorder may issue a Recorder's Certificate to any affected registrants.⁷⁰⁶

A signature roster or e-pollbook must contain the following information:

- Roster number, numbered consecutively⁷⁰⁷ (paper signature rosters only);
- Name;
- Birth year;
- Residence address;
- Mailing address (if different than residence address);
- Registration date;
- Ballot type/style, including political party ballot selected in a partisan primary;
- Signature block;⁷⁰⁸
- Voter ID number;
- "Federal only" voter status (if applicable);

⁷⁰⁴ [A.R.S. § 16-168\(C\)](#).

⁷⁰⁵ See Chapter 1, Section 1.4.1.2.4.2.

⁷⁰⁶ See Chapter 1, Section 1.4.1.2.4.2.2.

⁷⁰⁷ [A.R.S. § 16-579\(C\)](#).

⁷⁰⁸ An early ballot affidavit may serve as the signature block when conducting on-site early voting or a ballot by mail election.

- Barcode (paper signature rosters only);
- Party preference;
- Indicator if voter requested, received, or returned an early ballot, as applicable;
- A standardized oath that poll workers obtained valid proof of identification from every voter, or if identification was not presented, the provisional ballot envelope was marked appropriately.

A signature roster or e-pollbook may not contain secured registrants' information.⁷⁰⁹

For paper rosters, additional pages for inactive voters and voters who voted a provisional ballot must be included in any signature roster (either attached to the back of the roster, in a separate roster, or identified within the roster). If inactive voters are comingled with active voters on the signature roster, the inactive voters must be clearly identified and the officer in charge of elections must have the ability to identify and/or extract the inactive voter information after the election to update the voter registration record.⁷¹⁰ For provisional ballot voters, the roster must be numbered consecutively starting with "V-1," "V-2," etc.⁷¹¹

4.1.8 PREPARATION OF VOTING SUPPLIES

The following items should be included among supplies distributed to voting locations, as applicable:

- Election board worker supplies:
 - Board workers' checklists;
 - Signature rosters (if paper signature rosters are utilized);
 - Challenge lists;
 - Sample ballots (for polling place-assigned elections);⁷¹²
 - Relevant election laws and training guides;
 - Provisional ballot envelopes;
 - Ballot box keys; and

⁷⁰⁹ If a county uses a tablet or computer terminal that has a live access to the voter registration database via a secure virtual private network (VPN) connection, the system must be capable of shielding secured registrants' information from public view (or providing view access only to the secured registrant). *See* Chapter 1, Section 1.10.4.

⁷¹⁰ *See* Chapter 1, Section 1.6.1.

⁷¹¹ [A.R.S. § 16-584\(C\)](#).

⁷¹² *See* Chapter 4, Section 4.1.6.3.3.

- Demonstration ballots (ballots that contain marking instructions)
- Signs:
 - Arrows;
 - “Vote Here” signs;
 - “Instructions to Voters” notice;⁷¹³
 - “Right to Vote a Provisional Ballot” notice;⁷¹⁴
 - “Handicap Parking” signs (if no permanent signs are available);
 - “Curbside Voting Available” signs (as needed); and
 - Write-in candidate notice;⁷¹⁵
- Supply Bag:
 - Voting equipment manuals (if applicable);
 - Pens and/or pencils;
 - A method for measuring the 75-foot limit;
 - Masking tape; and
 - “I Voted” stickers (if available);
- Official returns envelope;⁷¹⁶
- Unofficial returns envelope (if necessary);⁷¹⁷
- Payroll supplies:

⁷¹³ See Chapter 4, Section 4.2.1.1.1.

⁷¹⁴ See Chapter 4, Section 4.2.1.1.2.

⁷¹⁵ See Chapter 4, Section 4.2.1 and Chapter 9, Section 9.4.3.2.

⁷¹⁶ Upon completion of the election, the official returns envelope must contain any spoiled ballots, a copy of the signature roster (paper jurisdictions only), and the challenge list (if applicable). The envelope must be sealed with a pressure-sensitive label, and the inspector and judges are required to sign across the seal and onto the envelope. [A.R.S. § 16-615](#). See Chapter 4, Section 4.2.8.2.

⁷¹⁷ By statute, upon completion of the election, the unofficial returns envelope must contain completed payroll vouchers and any other items directed by the officer in charge of elections. See [A.R.S. § 16-616](#) (requiring “one of the poll lists and one of the tally lists” to also be included in the unofficial returns envelope); see also [A.R.S. § 16-551\(D\)](#) (requiring “the necessary printed blanks for poll lists, tally lists, lists of voters, ballots, oaths and returns, together with envelopes in which to enclose the returns, ...[to] be furnished by the board of supervisors or the governing body of the political subdivision to the early election board for each election precinct at the expense of the county or the political subdivision.”). The unofficial returns must be made available for inspection for 6 months after the election. [A.R.S. § 16-616](#). However, the use of e-pollbooks or other technology may render an unofficial returns envelope unnecessary.

- Payroll voucher
- Miscellaneous supplies:
 - Magnifying sheets;⁷¹⁸
 - Precinct map (polling place-assigned elections only);⁷¹⁹
 - U.S. flag & stand;
 - Badges / name tags;
 - Secrecy sleeves;⁷²⁰
 - Ballot boxes with seals;
 - Tabulation equipment with seals (if applicable);
 - Accessible voting equipment with seals; and
 - Voting booths;
- Ballots of each required ballot style or blank ballot stock.

4.1.8.1 PROVISIONAL BALLOT ENVELOPE AND AFFIDAVIT

A provisional ballot envelope must contain an affidavit for the voter to complete the following information:⁷²¹

- First and last name;
- Current residence address;
- Current mailing address;
- Former name, if any;
- Former residence address, if any;

⁷¹⁸ A magnifying sheet may be placed over a ballot in order to magnify the typeface.

⁷¹⁹ In polling place-assigned elections, a poll worker may use the map to assist the voter in locating the correct polling place, but may also use an e-pollbook to identify the correct precinct or provide contact information (phone number or website) for the voter to contact the elections department. Alternatively, the poll worker may offer the option to vote a provisional ballot using the accessible voting equipment if the equipment is capable of displaying all ballot styles.

⁷²⁰ A secrecy sleeve may be utilized to protect the secrecy of the voter's choices when carrying the ballot in the voting location.

⁷²¹ A voted provisional ballot must be placed and sealed in a provisional ballot envelope. In order for the County Recorder to determine whether the provisional ballot will count, the voter and poll worker must complete an affidavit containing the information necessary for the County Recorder to process the ballot. The affidavit must be printed on or be accompanied with the provisional ballot envelope.

- Date of birth;
- Telephone number;
- AZ DL/ID # or SSN4;
- Date (if necessary); and
- A signature attesting to the following statement:

“I swear or affirm under penalty of perjury that the above information is correct, that I have resided in the precinct and/or district at least 29 days before the election, that I am eligible to vote in this election and that I have not previously voted in this election⁷²² .

I know that my provisional ballot will only be counted if I have voted in the correct precinct, which is based on where I currently live. **I understand that voting in the wrong precinct means that my ballot will not be counted.**”⁷²³

The provisional ballot envelope also must contain the following information for the poll worker to complete:⁷²⁴

- The reason why the voter was issued a provisional ballot;
- An indication of whether the voter presented proper or insufficient identification;
- Provisional ballot affidavit number;⁷²⁵
- Precinct number or voting location;
- Type of party ballot issued, if applicable; and
- The poll worker’s signature.

The provisional ballot envelope may contain an “Official Use Only” section for County Recorder use, which may include (but is not limited to) the following information:

- Voter ID number;

⁷²² [A.R.S. § 16-120\(A\)](#).

⁷²³ Counties may exhaust existing provisional ballot envelope affidavits before printing provisional ballot envelopes with the updated language. Elections conducted through vote centers are exempt from utilizing the statement applicable to out-of-precinct voting.

⁷²⁴ A provisional ballot envelope is not required if: (1) the voting location has live access to voter registration records that may be updated in real time; and (2) the officer in charge of elections captures, records and preserves all the information that would otherwise be printed on a provisional ballot envelope.

⁷²⁵ The provisional ballot envelope should contain a tear-off stub for the voter to retain. Both the envelope affidavit and tear-off stub should have matching provisional ballot affidavit numbers.

- Type of ID provided;
- Recorder staff member who processed provisional ballot;
- Whether ballot counted/not counted; and
- Reason for rejection.

4.1.9 PREPARATION OF VOTING EQUIPMENT AND ELECTION PROGRAMS

4.1.9.1 COMPONENTS OF AN ELECTRONIC VOTING SYSTEM

Election management and ballot tabulation must be conducted through an integrated electronic voting system. The Secretary of State must certify an electronic voting system prior to use in any Arizona election.⁷²⁶

An electronic voting system may consist of the following:

- Hardware
 - Electronic vote tabulating equipment;
 - Central count equipment;⁷²⁷
 - Precinct tabulating equipment;⁷²⁸ and
 - Accessible voting equipment;⁷²⁹
 - Election media;
 - Memory sticks;
 - Memory cards;
- Firmware;⁷³⁰ and

⁷²⁶ See Chapter 10.

⁷²⁷ Central count equipment is vote tabulating equipment utilized at the county's central count facility that is capable of reading/tabulating all ballot styles. Central count equipment may be optical equipment or digital equipment: optical equipment tabulates directly from the paper ballot fed through the machine, whereas digital equipment tabulates off digital images of the ballots.

⁷²⁸ Precinct voting equipment is deployed to a polling place and is programmed to tabulate ballots for a specific precinct. Like central count equipment, precinct tabulating equipment may be optical equipment or digital equipment.

⁷²⁹ Accessible voting equipment allows voters with disabilities to cast a ballot privately and independently, often using a touch screen or keypad. Accessible voting equipment that independently tabulates votes (*i.e.* the votes are tabulated by the equipment itself and later uploaded to the EMS) is known as direct recording equipment (DRE). Accessible voting equipment that does not independently tabulate votes (*i.e.* the equipment marks and/or produces a paper ballot that will be tabulated using different voting equipment) constitutes a ballot marking device.

- Software
 - Election management system (EMS) software and associated hardware components.⁷³¹

4.1.9.2 PROGRAMMING AN ELECTRONIC VOTING SYSTEM

In order to utilize electronic voting equipment, the officer in charge of elections must program the election management system (EMS) for a particular election.

Programming the EMS includes defining the districts or precincts that will be used in the election and inputting the candidates and measures that will appear on the ballot. In turn, the EMS will generate ballot styles with timing marks that may be read by the electronic voting equipment. The completed product constitutes the “election program” for that election.⁷³²

To program central count equipment, the officer in charge of elections must upload the election program to the central count equipment or identify the central count equipment to be used in the election when programming the election in the EMS.

For purposes of programming precinct voting equipment⁷³³ and accessible voting equipment, the officer in charge of elections must upload the election program: (1) to each machine via a secure memory stick or memory card or (2) to multiple machines through a closed network.

4.1.9.3 SECURITY MEASURES FOR ELECTRONIC VOTING SYSTEM

All components of the electronic voting system, including any e-pollbooks uploaded with voter registration information, must be secured in accordance with this section.

The officer in charge of elections must develop and implement a training plan to ensure that elections staff (along with any temporary workers) understand and comply with all security procedures applicable to the electronic voting system.

4.1.9.3.1 PHYSICAL SECURITY OF THE ELECTRONIC VOTING SYSTEM

Hardware components of the electronic voting system:

⁷³⁰ Firmware is software permanently embedded in voting equipment hardware.

⁷³¹ The EMS constitutes the centralized system that stores and manages data for an election, and is located in the central count facility.

⁷³² [A.R.S. § 16-444\(A\)\(4\)](#). All components of the electronic voting system must be integrated as a suite and be certified as such by the Secretary of State’s Equipment Certification Committee. *See* Chapter 10.

⁷³³ Precinct voting equipment includes tabulation equipment used at a vote center.

- Must be permanently labeled with a unique serial number for tracking and auditing purposes;
- Must be inventoried before and after an election;
- Must be stored in a locked, secured location that prevents unauthorized access;⁷³⁴
- Must be promptly loaded with any programmed election media;
- Must be sealed with tamper-resistant or tamper-evident seals once programmed;⁷³⁵
- Must be safeguarded from unauthorized access when being moved, transferred, serviced, programmed, or temporarily stored;
- May be accessed by elections staff only to the extent necessary to perform their authorized task; and
- Must be witnessed by two or more election staff members (of different political parties if possible) when being moved or transferred, which includes an inventory of the equipment before and after the move or transfer.

4.1.9.3.2 DATA SECURITY OF THE ELECTRONIC VOTING SYSTEM

Components of the electronic voting system:

- Must be password-protected (for voting system software);⁷³⁶
- May not be connected to the internet, any wireless communications device, or any external network (except for e-pollbooks);⁷³⁷
- May not modem election results, whether through analog, cellular or any similar transmission;
- May not contain remote access software or any capability to remotely-access the system;

⁷³⁴ Access to the electronic voting system (including voting equipment and the EMS) must be authorized by the officer in charge of elections. Access must be documented with a written log or with electronic key card access that indicates the date, time, and identity of the person accessing the system.

⁷³⁵ The seal number must be logged as corresponding with particular voting equipment and the election media that has been sealed in the voting equipment. The log should be preserved with the returns of the election. In the event of a recount or retally of votes, the officer in charge of elections should be prepared to submit an affidavit confirming that the election program and any election media used in the election have not been altered. [A.R.S. § 16-445\(C\)](#).

⁷³⁶ Passwords must: (1) contain mixed-cased and non-alphabetic characters, if possible; (2) be changed on a regular basis and may not be a vendor-supplied password; and (3) may be known only by authorized users.

⁷³⁷ An EMS must be a stand-alone system, attached only to components inside an isolated network. An EMS may only be installed on a computer that contains an operating system, the EMS software, and any necessary security software.

- Must match the software or firmware hash code on file with (1) the federal Voting System Test Laboratory (VSTL) that tested the software or firmware; (2) the Secretary of State at the time of certification of the electronic voting system, and (3) the officer in charge of elections prior to programming the election:⁷³⁸
- Must be observed by a designee of the Board of Supervisors who is not employed by the officer in charge of elections if the election program (or any software or firmware) is updated or modified.

In addition, the following protocols apply to any memory stick or removable electronic storage device used with the electronic voting system:

- A stick or device must be purchased from a reliable source;
- A stick or device may be transferred between an internet-connected system and a non-connected electronic voting system only if:
 - The stick or device was scanned with updated antivirus software prior to transfer; and
 - If the stick or device is not brand new, the stick or device must be reformatted (not simply emptied of any previous files) prior to reuse.
- If the individual file to be transferred between systems was electronically received (whether through download, by email, or any other electronic means), the individual file must be scanned with antivirus software prior to being placed on the stick or device. If any files were downloaded from an internet portal, the portal must be a secure portal for data transmission purposes. Regardless of the method of receipt, however, individual files should only be downloaded, transferred or otherwise utilized if they were received by a trusted third-party source.
- If a stick or device was received by mail:
 - The stick or device should only be accepted from a trusted, third-party source;
 - The stick or device must be encrypted by the third-party source, while the password to decrypt the stick or device may not be included with the mailing itself; and
 - Upon receipt, the stick or device must be scanned with antivirus software prior to opening or otherwise executing any file contained on the stick or device.

4.1.9.3.3 DEVELOPMENT AND IMPLEMENTATION OF CONTINGENCY PLANS

The officer in charge of elections, in consultation with the Board of Supervisors, must develop a written contingency plan in case election operations are significantly disrupted.

⁷³⁸ A “hash code” is a numeric value of fixed length that uniquely identifies data. A hash code is constructed in a way that if the underlying software or firmware is altered, the resulting hash code will differ from the original hash code.

A contingency plan should consider all potential sources of disruption, including but not limited to:

- Systemic equipment failures or malfunctions;
- Power outages;
- Natural disasters or infrastructure failure;
- Terror threats or other civil disturbances; and
- Unauthorized access, intrusion, or hacking into election facilities or equipment.

Among other things, a contingency plan must outline how the officer in charge of elections would ensure continuity in voting in case one or more voting locations becomes temporarily or permanently unusable on Election Day, which may include:

- Requesting voters return to the voting location after the problem has been resolved;
- Sending voters to an alternative voting location (whether new or existing); and/or
- Seeking a court order to extend voting hours.⁷³⁹

In advance of each election, the officer in charge of elections must review/update the contingency plan and ensure that key staff members have been briefed on the plan.

As necessary, the officer in charge of elections also should be prepared to review and/or execute the contingency plan in coordination with:

- The County Recorder;
- The Board of Supervisors;
- The County Attorney's office;
- The County Sheriff's office;
- The Presiding Judge of the Superior Court;
- The Secretary of State's office;
- The Arizona Counter Terrorism Information Center (ACTIC);
- The Arizona Department of Public Safety;
- The Attorney General's office;
- The Federal Bureau of Investigation;

⁷³⁹ The officer in charge of elections must implement any additional procedures necessary to ensure that voters are properly noticed and receive the correct ballot style.

- The U.S. Department of Homeland Security; and
- The U.S. Attorney’s office.

The officer in charge of elections also must file certain contingency information with the Secretary of State at least 10 days in advance of the election, including:

- A description of the officer’s contingency plan to tabulate ballots in case of central count equipment failure (see specific requirements below); and
- A copy of the county’s election program (see specific requirements below).

4.1.9.3.3.1 TABULATION CONTINGENCY PLAN

The Board of Supervisors must approve, and the officer in charge of elections must file with the Secretary of State, a tabulation contingency plan that identifies alternative voting equipment or facilities in case the county experiences a complete loss of its central count equipment or use of its central count facility.

The plan may include the transport of ballots across county lines. In that case, the ballots must be inventoried and safeguarded by the originating county’s employees in the same manner as if the ballots had not been transported.⁷⁴⁰ A county must exhaust all possible options (including the acquisition of additional voting equipment from the vendor) before invoking a contingency plan that involves transportation of ballots across state lines.

The officer in charge of elections must notify the Secretary of State (and the chairmen of the recognized political parties) if this contingency plan is invoked.

4.1.9.3.3.2 ELECTION PROGRAM CONTINGENCY PLAN

Any jurisdiction that conducts an election must file a copy of the election program with the Secretary of State prior to each election.⁷⁴¹ This copy may serve as a backup in case the original program is destroyed or rendered unusable.

The election program must be in a machine-readable format⁷⁴² and may be transmitted to the Secretary of State via a password-protected CD, DVD or FTP site.

If any subsequent changes are made to the election program, the officer in charge of elections must file the new copy with the Secretary of State within 48 hours of the change.⁷⁴³

⁷⁴⁰ See Chapter 4, Section 4.2.8.3.

⁷⁴¹ [A.R.S. § 16-445\(A\)](#).

⁷⁴² “Machine readable” means data in a format that can be read and processed by a computer.

⁷⁴³ [A.R.S. § 16-445\(B\)](#).

The Secretary of State must preserve election programs in escrow for 3 years. The Secretary of State must securely destroy any election program after this retention period has expired.⁷⁴⁴

4.1.9.4 LOGIC & ACCURACY (L&A) TESTING

A logic & accuracy (L&A) test is intended to confirm that votes are attributed to the correct candidates and ballot measures in the Election Management System (EMS) (the “logic” in an L&A test) and that each candidate and ballot measure receives the proper predetermined number of votes (the “accuracy” in an L&A test).

The Board of Supervisors or other officer in charge of elections is responsible for performing an L&A test on all voting equipment prior to each election.⁷⁴⁵ The conduct of the test must be overseen by at least two county elections staff members (of different political parties if possible).

For a primary or general election involving a federal, statewide, or legislative office, the Secretary of State is responsible for conducting an additional L&A test on selected equipment.⁷⁴⁶

4.1.9.4.1 TIMEFRAME TO CONDUCT L&A TESTING

4.1.9.4.1.1 ACCESSIBLE VOTING EQUIPMENT L&A TEST

In-person voting⁷⁴⁷ requires the deployment of accessible voting equipment for voters with disabilities.

The officer in charge of elections must test all accessible voting equipment prior to an election:

- For a ballot by mail election, equipment must be tested at least 15 days before the election;

⁷⁴⁴ [A.R.S. § 16-445\(A\)](#).

⁷⁴⁵ [A.R.S. § 16-449\(A\)](#).

⁷⁴⁶ [A.R.S. § 16-449\(A\)](#). The officer in charge of elections may offer recognized political parties the option of conducting an additional, limited L&A test under the following conditions: (1) the officer in charge of elections retains discretion whether and under what conditions the test may be conducted; (2) the political party made the request in a timely manner; (3) the political party pays the marginal cost to print additional test ballots and other supplies; and (4) the party test may not interfere with the other mandatory L&A tests required under this section. The officer in charge of elections retains the right to cancel (or simply not schedule) the test based on lack of political party participation, or may allocate the costs of running the test among all the participating political parties.

⁷⁴⁷ A voter may vote in-person either during on-site early voting or on election day at a voting location.

- For a city, town, school district, special taxing district, or county election, equipment must be tested at least 27 days before the election (prior to the commencement of early voting); and
- For a federal, statewide, or legislative election, equipment must be tested prior to the Secretary of State’s L&A test.

In the case of federal, statewide or legislative elections, the Secretary of State tests selected accessible voting equipment between 27 and 34 days before the election.

L&A tests for accessible voting equipment are a prerequisite for the County Recorder to open on-site early voting.⁷⁴⁸

4.1.9.4.1.2 OPTICAL AND DIGITAL EQUIPMENT L&A TEST

The officer in charge of elections must test precinct voting equipment and central count equipment within 30 days of an election. In the case of federal, statewide or legislative elections, the Secretary of State also must test selected equipment within 10 days before the election.⁷⁴⁹

However, if a county’s accessible voting equipment does not independently tabulate votes (*i.e.* the equipment marks and/or produces a paper ballot that will be tabulated using different voting equipment), the officer in charge of elections and Secretary of State may test all voting equipment (including precinct voting equipment and central count equipment) during the time period applicable to accessible device testing.⁷⁵⁰

4.1.9.4.2 RESCHEDULING L&A TESTS

The Secretary of State’s office must conduct its L&A tests after the officer in charge of elections has conducted county-level tests.

In the event the officer in charge of elections has not successfully conducted an L&A test prior the Secretary of State’s scheduled test, the officer in charge of elections should contact the Secretary of State to consider whether to postpone the Secretary’s L&A test pending further local testing.

If electronic voting equipment has not successfully passed the Secretary of State’s L&A test, the Secretary of State may reschedule a re-test for a later date. Re-testing may continue during the

⁷⁴⁸ [A.R.S. § 16-449\(B\).](#)

⁷⁴⁹ [A.R.S. § 16-449\(A\).](#)

⁷⁵⁰ [A.R.S. § 16-449\(C\)](#); *see also* Chapter 4, Section 4.1.9.4.1.1. If accessible voting equipment independently tabulates the votes cast on that equipment (*i.e.* the votes are tabulated by the equipment itself and later uploaded to the EMS), the accessible test must be conducted separately from the precinct equipment/central count equipment test.

early voting period and through the day prior to the election. However, the officer in charge of elections may not deploy any electronic voting equipment in a federal, statewide or legislative election that has not successfully passed the Secretary of State's L&A test.

4.1.9.4.3 PUBLIC NOTICE OF L&A TEST

The Board of Supervisors or other officer in charge of elections must publish notice of the time and place of each L&A test at least 48 hours in advance of the test.⁷⁵¹ The notice must be published at least once in a daily or weekly newspaper circulated in the county.⁷⁵²

If the Secretary of State must reschedule an L&A re-test, and the Board of Supervisors or other officer in charge of elections cannot reasonably comply with the 48-hour public notice requirement, the Board of Supervisors or other officer in charge of elections must:

- If the notice is capable of being published before the rescheduled test, publish notice of the rescheduled L&A test in a daily or weekly newspaper within the county as soon as possible;
- Post the notice on the county's website and distribute the notice through any other public communication or social media channel(s) regularly utilized by the county; and
- Provide notice by phone or email to all L&A test observers from the immediately preceding L&A test regarding the place and time of the rescheduled L&A test.

4.1.9.4.4 OBSERVERS FOR LOGIC & ACCURACY TEST

An L&A test must be observed by the officer in charge of elections.⁷⁵³ An L&A test also must be open to:

- Designated political party representatives;
- Candidates or candidate representatives;
- Government officials; and
- Members of the public and the media.⁷⁵⁴

For security reasons and to prevent disruption of election operations, the officer in charge of elections may specify a designated area where observers are permitted to view the L&A test.

⁷⁵¹ [A.R.S. § 16-449\(A\)](#).

⁷⁵² If no newspaper is published in the jurisdiction, notice must be published in any newspaper of general circulation. [A.R.S. § 16-449\(A\)](#).

⁷⁵³ [A.R.S. § 16-449\(A\)](#).

⁷⁵⁴ [A.R.S. § 16-449\(A\)](#).

4.1.9.4.5 PROCESS FOR CONDUCTING L&A TEST

4.1.9.4.5.1 SECRETARY OF STATE L&A TESTS

4.1.9.4.5.1.1 ACQUISITION OF PRECINCT INFORMATION AND VOTING EQUIPMENT

At least 8 weeks before a primary election,⁷⁵⁵ the officer in charge of elections must:

- Provide the Secretary of State a complete list of precincts, legislative and congressional districts; and
- Ensure the Secretary of State possesses the necessary precinct voting equipment to preliminarily verify the county's L&A test results.⁷⁵⁶

4.1.9.4.5.1.2 SELECTION OF PRECINCTS AND TEST BALLOTS

The Secretary of State must randomly select precincts that will be included in each type of L&A test.⁷⁵⁷

The Secretary of State generally selects 5-10 precincts for a small or medium-sized county and 10-20 precincts for a large county. In doing so, the Secretary of State must ensure:

- At least one precinct is selected in each congressional and legislative district; and
- Each federal, statewide, and legislative candidate will receive at least one test vote in the selected precincts.

The Secretary of State must also acquire test ballots from each county. For a primary election or presidential preference election, the officer in charge of elections must provide the Secretary of State the following test ballots from each pre-determined test precinct:

- 50 Democratic Party ballots;
- 50 Republican Party ballots;

⁷⁵⁵ In the case of a presidential preference election, the officer in charge of elections must provide the requisite information and/or resources at least 8 weeks before the election.

⁷⁵⁶ L&A test results are preliminarily verified at the Secretary of State's office. To conduct the pre-test, the Secretary of State may acquire the necessary voting equipment directly from equipment vendors if practicable. If multiple counties use the same type of voting equipment, the Secretary of State may preliminarily test multiple counties' ballots on the same piece of voting equipment without acquiring equipment from each county.

⁷⁵⁷ A total of 4 L&A tests are conducted by the Secretary of State: (1) an accessible voting equipment test for the primary election; (2) an optical/digital scan equipment test for the primary election; (3) an accessible voting equipment test for the general election; and (4) an optical/digital scan equipment test for the general election.

- 25 Green Party ballots;
- 25 Libertarian Party ballots; and
- 5 Federal Only ballots.⁷⁵⁸

For a general election, the officer in charge of elections must provide the Secretary of State the following test ballots from each pre-determined test precinct:

- 50 ballots; and
- 10 Federal Only ballots.

If a precinct contains a precinct split, the officer in charge of elections should ensure the above-referenced test ballots are distributed among each precinct split.⁷⁵⁹

The Secretary of State may vary the number of test ballots if necessary.

4.1.9.4.5.1.3 NOTIFICATION OF COMPLETION OF PROGRAMMING

Before each federal, statewide or legislative election, the officer in charge of elections must promptly notify the Secretary of State when the county has completed programming its election.

Within 1 business day of receiving this notification, the Secretary of State must confirm with the officer in charge of elections the date/time of the accessible/optical/digital tests and the conditions for each test.⁷⁶⁰

For an accessible voting equipment L&A test, the Secretary of State must:

- Request that all accessible voting equipment to be used during on-site early voting be made available for the L&A test and be pre-programmed with all precinct ballot styles;
- Identify the precincts randomly selected by the Secretary of State and request the accessible voting equipment to be utilized at those precincts be made available for the L&A test;
- Inform the officer in charge of elections that they must:
 - Utilize the actual election program for Election Day (not a copy);

⁷⁵⁸ The Secretary of State may request additional test ballots if necessary. The Secretary of State also may account for new political parties or the possibility that not all recognized political parties will participate in a presidential preference election.

⁷⁵⁹ If a county will use preprinted ballots and ballot through a ballot-on-demand printer, the officer in charge of elections must provide ballots generated through both printing methods.

⁷⁶⁰ The Secretary of State must inform the officer in charge of elections of the date/time of the L&A test as soon as practicable.

- Reset any vote totals from prior L&A tests and ensure equipment zero tapes are accessible for examination;
- Print a zero report from the county’s EMS and ensure the report is accessible for examination;
- Ensure that equipment operators are available to assist with the L&A test;
- Ensure the equipment is set up, set to run in “election mode,” and ready to vote upon the Secretary of State’s arrival.
- Ensure that voter card encoders will be available for all precincts (if applicable)
- Ensure political party observers have been contacted for the L&A test;
- Ensure that headphones and touchpads will be available for all equipment; and
- Ensure all equipment is capable of processing and outputting the testing results.

For an optical/digital scan equipment L&A test, the Secretary of State must:

- Request the requisite number of test ballots;⁷⁶¹
- Request the applicable memory cards or sticks in order to preliminarily verify L&A test results at the Secretary of State’s office;
- Request that all central count equipment be made available for the L&A test;
- Identify the precincts randomly selected by the Secretary of State and request the precinct voting equipment to be utilized at those precincts be made available for the L&A test;
- Inform the officer in charge of elections that he or she must:
 - Utilize the actual election program for Election Day (not a copy);
 - Reset any vote totals from prior L&A tests and ensure equipment zero tapes are accessible for examination;
 - Print a zero report from the county’s EMS and ensure the report is accessible for examination;
 - Ensure political party observers have been contacted for the L&A test;
 - Ensure that equipment operators are available to assist with the L&A test; and
 - Ensure the equipment is set up, set to run in “election mode,” and ready to vote upon the Secretary of State’s arrival.

⁷⁶¹ See Chapter 4, Section 4.1.9.4.5.1.2.

The officer in charge of elections must provide any requested materials or information to the Secretary of State in accordance with the deadline set forth in the Secretary of State's letter, but no later than 5 weeks before each election.

4.1.9.4.5.1.4 MARKING TEST BALLOTS AND CREATION OF TEST SCRIPT

The Secretary of State must create a script that outlines how each test ballot will be marked.

Votes must be randomly distributed in each of the selected precincts, ensuring that each federal, statewide, and legislative candidate and ballot measure receives at least one vote. In addition, various races and issues must be overvoted to test the optical/digital scan equipment's ability to notify the voter of an overvote.

Upon receipt of test ballots from the officer in charge of elections, the Secretary of State must mark the test ballots in accordance with the predetermined script.

The Secretary of State also must create a script for each accessible voting machine that specifies how many ballots will be cast on the machine and how the votes will be distributed during the accessible equipment L&A test.

Finally, the Secretary of State creates a summary report that aggregates the vote totals for each candidate and ballot measure.⁷⁶²

4.1.9.4.5.1.5 CONDUCTING THE L&A TEST

The Secretary of State must bring a sufficient number of personnel to conduct the L&A test.

Upon arrival, the Secretary of State must ensure that the selected voting equipment has zero recorded votes prior to commencing the L&A test. The Secretary of State then must test the selected voting equipment to ensure each machine reports the correct vote totals (and that the EMS reports the correct aggregate totals) in accordance with the prepared scripts.

The Secretary of State must review a sample of test ballots, and each ballot display on the accessible voting equipment, to confirm formatting, language, and audio requirements in the testing standards have been met (see testing standards below).⁷⁶³

⁷⁶² The Secretary of State must run the test ballots through the optical/digital scan equipment provided to the Secretary of State for preliminary verification purposes. The Secretary of State must ensure these test ballot results match the summary report.

⁷⁶³ See Chapter 4, Section 4.1.9.4.6.

4.1.9.4.6 L&A TESTING STANDARDS

The following standards must be evaluated during an L&A test.

4.1.9.4.6.1 ACCESSIBLE VOTING EQUIPMENT

Accessible voting equipment must:

- Display candidate races, ballot measures, and voter instructions in English and Spanish, at the voter's option;
- Produce an accurate audio translation in English and Spanish;
 - Contains an audio translation in the Navajo or Apache language in counties where such translation is also required;⁷⁶⁴
- Display the correct voting precinct;
- Display instructions how to use the equipment and mark the ballot;
- Display the ballot as nearly as practicable in accordance with the formatting requirements for paper ballots;⁷⁶⁵
- Display candidate names accurately, in accordance with the candidate's nomination paper;
- Display ballot measures accurately, in accordance with any certification from the Secretary of State;
- Sequentially advance from screen-to-screen;
- Perform the functions selected by the voter;
- Provide a warning to the voter if the voter attempts to overvote a particular race or issue, or prevent a voter from doing so;
- Increase or decrease the headphone audio volume in accordance with the voter's preferences;
- Contain a functioning keypad (whether standalone or incorporated into the accessible voting equipment screen);
- Allow the voter to write-in a candidate using a keypad;
- Display a summary screen at the conclusion of voting that matches the voter's selections; and

⁷⁶⁴ See Chapter 4, Section 4.1.6.1.6 .

⁷⁶⁵ See Chapter 4, Section 4.1.6.1; [A.R.S. § 16-468](#). Failure to meet formatting requirements is not cause for failing an L&A test, but the Secretary of State may make a record of the deficiency separately from issuing an L&A certificate.

- Tabulate the voter’s selections accurately, including:
 - Accurate tabulation in the EMS;
 - An accurate ballot in English and Spanish; and/or
 - An accurate voter verifiable paper audit trail (VVPAT).

4.1.9.4.6.2 OPTICAL AND DIGITAL VOTING EQUIPMENT

Optical and digital scan voting equipment must:

- Attribute votes to the correct candidates and ballot measures in the Election Management System (EMS)
- Attribute the correct number of votes to each candidate and ballot measure;
- Warn the operator of an overvote or outstack a ballot in the event of an overvote;
- Tabulate no votes in an overvoted race (precinct voting equipment and central count equipment);
- Accept ballot styles for that specific precinct and reject ballot styles from other precincts (precinct voting equipment only); and
- Accept ballot styles from the current election and reject ballot styles from a different election.

4.1.9.4.6.2.1 CERTIFICATION OF VOTING EQUIPMENT

The Secretary of State must certify the voting equipment if the equipment meets the requirements in the testing standards.⁷⁶⁶

If the voting equipment does not meet the mandatory requirements from the testing standards, the Secretary of State should work with the officer in charge of elections to determine the cause of the deficiency and whether it can be corrected in a timely manner.

If the error can be readily corrected, the voting equipment may be retested until the mandatory requirements have been met; otherwise, the L&A test must be rescheduled for a later time and date.

Voting equipment may not be deployed or used until the Secretary of State has certified the equipment.

⁷⁶⁶ See Chapter 4, Section 4.1.9.4.6.

4.1.9.4.6.3 COUNTY LOGIC & ACCURACY TESTING

The officer in charge of elections must substantially follow the L&A testing procedures applicable to the Secretary of State, except that all of the county’s deployable voting equipment must be tested.

The officer in charge of elections also must conduct a post-election L&A test.⁷⁶⁷

4.1.10 ESTABLISHING PRECINCTS AND VOTING LOCATIONS

4.1.10.1 ESTABLISHING PRECINCTS

The Board of Supervisors must establish a convenient number of election precincts within the county and define those precincts’ boundaries.⁷⁶⁸ If the Board of Supervisors seeks to change existing precinct boundaries, the Board must finalize those changes by December 1st in the year preceding a general election and deliver a complete description of those precincts to the County Recorder or other officer in charge of elections.⁷⁶⁹

The new precinct boundaries become effective on March 1st of the year of the general election.⁷⁷⁰

4.1.10.2 ESTABLISHING POLLING PLACES AND VOTE CENTERS

Upon approval of the Board of Supervisors, the officer in charge of elections may establish polling places on a precinct-by-precinct basis or may establish vote centers.⁷⁷¹ (Polling places and vote centers are collectively known as “voting locations” in this Manual). In either case, the Board of Supervisors (in consultation with the officer in charge of elections) have a duty to establish a reasonable and adequate number of voting locations for an election.⁷⁷²

If a county decides to conduct polling place-assigned elections, the Board of Supervisors must designate at least one polling place in each precinct.⁷⁷³ However, a Board of Supervisors may implement one of the following substitute plans:

⁷⁶⁷ See Chapter 4, Section 4.3.4.

⁷⁶⁸ [A.R.S. § 16-411\(A\)](#).

⁷⁶⁹ [A.R.S. § 16-411\(A\)](#).

⁷⁷⁰ [A.R.S. § 16-412](#).

⁷⁷¹ [A.R.S. § 16-411\(B\), \(B\)\(4\)](#).

⁷⁷² [A.R.S. § 16-411\(B\)\(3\)](#).

⁷⁷³ [A.R.S. § 16-411\(B\)](#). The Board of Supervisors is not required to designate a polling place for special district or ballot by mail elections, but must designate one or more sites for voters to deposit voted ballots through 7 p.m. on election day. [A.R.S. § 16-411\(D\)](#). See also Chapter 3, Section 3.5.

- If no suitable polling place is found within a precinct, the Board of Supervisors may designate a polling place in an adjacent precinct;⁷⁷⁴
- Based on projected high voter demand, precincts may be split for administrative purposes to allow a polling place to be established in each precinct split;⁷⁷⁵ or
- Based on projected low voter demand (specifically, a high number of PEVL voters), adjacent precincts may be combined for administrative purposes to allow multiple precincts to be serviced by the same polling place and same election board.⁷⁷⁶

Alternatively, the Board of Supervisors may establish vote centers in lieu of precinct-based polling places.⁷⁷⁷ A vote center typically allows voters from any precinct within the county to cast a ballot with the correct ballot style on election day.⁷⁷⁸ Vote centers must be established by a vote of the Board of Supervisors and in consultation with the County Recorder and officer in charge of elections.⁷⁷⁹

The Board of Supervisors also may establish hybrid vote centers, where voters in specific precincts are permitted to vote at any subset of vote centers established for those precincts. For example, voters in Precincts A, B, C and D may vote at any hybrid vote center established in one of those four precincts.

Except in cases of emergency,⁷⁸⁰ the Board of Supervisors must finalize all voting locations at least 20 days before a statewide primary or general election or 10 days before a special election.⁷⁸¹ Thereafter, the Board of Supervisors or officer in charge of elections must publicly post the names and/or locations of each voting location on the county’s website.⁷⁸²

⁷⁷⁴ [A.R.S. § 16-411\(B\)\(1\)](#). The Board of Supervisors must make a specific finding that there is no suitable polling place within the precinct and include that finding in a separate section of the order or resolution designating polling places for the election. [A.R.S. § 16-411\(B\)\(1\)](#).

⁷⁷⁵ [A.R.S. § 16-411\(B\)\(2\)](#). Arizona statute requires these polling places to “be listed in separate sections of the order or resolution” designating polling places for the election. [A.R.S. § 16-411\(B\)\(2\)](#).

⁷⁷⁶ [A.R.S. § 16-411\(B\)\(3\)](#). The Board of Supervisors must make a specific finding that a high number PEVL voters is likely to substantially reduce the number of voters appearing at one or more specific polling places on election day and include that finding in a separate section of the order or resolution designating polling places for the election. [A.R.S. § 16-411\(B\)\(3\)](#).

⁷⁷⁷ [A.R.S. § 16-411\(B\)\(4\)](#).

⁷⁷⁸ [A.R.S. § 16-411\(B\)\(4\)](#).

⁷⁷⁹ [A.R.S. § 16-411\(B\)\(4\)](#). Vote centers typically entail ballot tabulation exclusively at the central count facility, without use of precinct voting equipment that will warn voters of an overvote. In that case, the officer in charge of elections must: (1) establish a voter education program that notifies voters of the effect of casting multiple votes for an office; and (2) provides the voter with instructions on how to correct the ballot before it is cast (including instructions how to spoil the ballot and correct the error through issuance of a replacement ballot). [52 U.S.C. § 21081\(a\)\(1\)\(B\)](#).

⁷⁸⁰ See Chapter 4, Section 4.1.10.3.2.

⁷⁸¹ [A.R.S. § 16-411\(B\)](#).

⁷⁸² [A.R.S. § 16-411\(G\)](#).

4.1.10.2.1 FAILURE TO TIMELY ESTABLISH POLLING PLACES

In counties that conduct polling place-assigned elections, if a Board of Supervisors fails to designate a polling place in a particular precinct before a primary or general election (or if the election cannot be held at the polling place originally designated by the Board and the County Recorder/other officer in charge of elections has not designated an emergency polling place),⁷⁸³ the Justice of the Peace of the precinct may designate the polling place and post public notice 2 days before the election in at least 3 locations in the precinct.⁷⁸⁴

If the Justice of the Peace fails to do so (or there is no Justice of the Peace for the precinct), the appropriate election board must designate and give notice of the place for holding the election.⁷⁸⁵

4.1.10.2.2 CONSOLIDATION OF POLLING PLACES BASED ON LACK OF CANDIDATES

In counties that conduct polling place-assigned elections, if there are no candidates for elected office appearing on the ballot in a particular precinct, the Board of Supervisors may consolidate polling places and (consolidate the tabulation of results in combined precincts) if the following conditions apply:

- All affected voters are notified by mail of the change at least 33 days before the election;⁷⁸⁶
- Notice of the change in polling place includes notice of the new polling place, notice of the hours polls are open on election day, and notice of the telephone number to call for voter assistance;⁷⁸⁷ and
- All affected voters receive information on early voting, which includes information how to make a one-time early ballot request.⁷⁸⁸

4.1.10.3 FACTORS TO CONSIDER WHEN SELECTING VOTING LOCATIONS

The following factors should be considered when selecting voting locations:

- The location should be capable of being used in both the primary and general election;
- Buildings must be appropriately-sized based on projected voter turnout, among other predictive factors;⁷⁸⁹

⁷⁸³ See Chapter 4, Section 4.1.10.3.2.

⁷⁸⁴ [A.R.S. § 16-411\(C\)](#).

⁷⁸⁵ [A.R.S. § 16-411\(C\)](#).

⁷⁸⁶ [A.R.S. § 16-411\(C\)\(1\)](#).

⁷⁸⁷ [A.R.S. § 16-411\(C\)\(2\)](#).

⁷⁸⁸ [A.R.S. § 16-411\(C\)\(3\)](#).

- Property owners must be willing to grant permission to use the building for voting purposes on election day, including making the building available the day before election day, early morning on election day, and until after the polls close on election day;
 - Insurance considerations and payment of fees (if any) should be discussed with the property owner.
- Buildings should have easy ingress and egress to the parking lot, including a parking lot in close proximity to the building;
- Buildings must meet accessibility requirements (*see* Section 4.1.10.5 below);
- Buildings must have an adequate-sized room or hallway sufficient to meet the needs for setting up equipment and voter check-in stations, including adequate space for voters to wait in line;
- Buildings should have an adequate power source;
- The property should be located near major traffic arteries, including within walking distance of public transit where possible;
- The decision to locate a polling place or vote center at that location should have public support, especially through outreach to rural and underserved communities;
- In counties that conduct polling place-assigned elections, the polling place must be located within the applicable precinct;⁷⁹⁰
- Voters should not have to travel unreasonable distances to vote;
- The property must have sufficient parking for voters' use on election day; and
- If re-used, the voting location must have been successfully used in the past.

The elections staff should conduct a site visit to confirm the location's suitability for voting. The officer in charge of elections should also solicit community feedback (preferably through public hearings or forums) on all proposed voting locations.

4.1.10.3.1 USE OF SCHOOL FACILITIES FOR VOTING LOCATIONS

Upon request of the officer in charge of elections, a public school must provide sufficient space for use as a voting location in any statewide, county, city or town election.⁷⁹¹

The principal of a public school may deny the request to host a voting location if, within 2 weeks of receiving the request, the principal provides a written statement confirming: (1) the school

⁷⁸⁹ See Chapter 4, Section 4.1.11.

⁷⁹⁰ See Chapter 4, Section 4.1.10.2.

⁷⁹¹ [A.R.S. § 16-411\(E\)](#).

lacks sufficient space to host a voting location; or (2) the safety or welfare of students would be jeopardized by hosting a voting location.⁷⁹²

4.1.10.3.2 DESIGNATION OF EMERGENCY VOTING LOCATIONS

A County Recorder or other officer in charge of elections may establish an emergency voting location without Board of Supervisors' approval if either of the following occurs:

- An act of God renders a previously-established voting location unusable;⁷⁹³ or
- The County Recorder or other officer in charge of elections has exhausted all options and there are no suitable facilities that are willing to host a voting location unless the facility receives an emergency designation.⁷⁹⁴

At least 2 weeks before election day, the County Recorder or other officer in charge of elections must post on its website a list of emergency voting locations and must specify:

- The reason the emergency designation was granted; and
- The number of attempts made to find another voting location before granting an emergency designation.⁷⁹⁵

Electioneering and other political activity is not permitted at an emergency voting location, even outside the 75-foot limit.⁷⁹⁶ However, if the voting location is not listed on the jurisdiction's elections website as an emergency location, electioneering and other political activity must be permitted outside the 75-foot limit.⁷⁹⁷ If an emergency arises after the initial website posting, the County Recorder or other officer in charge of elections must:

- Update the website as soon as is practicable to include any new emergency voting locations;
- Highlight the new emergency voting location on the website; and
- Like other emergency locations, specify the reason the emergency designation was necessary and the number of attempts that were made to find a standard voting location before granting an emergency designation.⁷⁹⁸

⁷⁹² [A.R.S. § 16-411\(F\).](#)

⁷⁹³ [A.R.S. § 16-411\(I\)\(1\).](#)

⁷⁹⁴ [A.R.S. § 16-411\(I\)\(2\).](#)

⁷⁹⁵ [A.R.S. § 16-411\(H\).](#)

⁷⁹⁶ [A.R.S. § 16-411\(I\).](#)

⁷⁹⁷ [A.R.S. § 16-411\(H\).](#)

⁷⁹⁸ [A.R.S. § 16-411\(H\).](#)

4.1.10.4 REQUIREMENT TO ALLOW ELECTIONEERING OUTSIDE 75-FOOT LIMIT

Except in cases of an emergency designation,⁷⁹⁹ any voting location or ballot replacement site used on election day or during on-site early voting must permit persons to electioneer and engage in other political activity outside the 75-foot limit in public areas and parking lots used by voters.⁸⁰⁰

The following conditions apply:

- Electioneering or political activity may not result in voter intimidation;⁸⁰¹
- No temporary or permanent structure may be erected;⁸⁰² and
- Access to parking spaces may not be blocked or impaired.⁸⁰³

4.1.10.5 ENSURING ACCESSIBILITY AT THE VOTING LOCATION

Voting locations must comply with the current Americans with Disabilities Act Standards for Accessible Design.⁸⁰⁴ Accordingly, the officer in charge of elections should use the following checklist when confirming that voting locations comply with federal accessibility requirements, as applicable:

Parking:

- Is there at least one designated van accessible space with signage with the International Symbol of Accessibility and designated “van accessible”?⁸⁰⁵
- Are the designated van accessible spaces at least 96” wide with a 96” wide access aisle, or 132” wide with a 60” wide access aisle?⁸⁰⁶
- For van accessible spaces (particularly in a garage or parking structure), is there vertical clearance of at least 98” for the vehicular route to the parking space, in the parking space and access aisle, and along the vehicular route to the exit?⁸⁰⁷

⁷⁹⁹ See Chapter 4, Section 4.1.10.3.2.

⁸⁰⁰ [A.R.S. § 16-411\(H\)](#).

⁸⁰¹ See Chapter 4, Section 4.2.3.4.

⁸⁰² [A.R.S. § 16-411\(H\)](#).

⁸⁰³ [A.R.S. § 16-411\(H\)](#).

⁸⁰⁴ See 2010 ADA Standards for Accessible Design, [36 C.F.R. § 1191](#), Appendices B & D (“2010 Standards”); see also <https://www.ada.gov/votingchecklist.htm>. The voting location must be in existing compliance with the Standards or the officer in charge of elections must bring the voting location into compliance with the Standards prior to voting.

⁸⁰⁵ [2010 Standards, §§ 208.2, 208.2.4; 2010 Standards, § 502.6](#).

⁸⁰⁶ [2010 Standards, §§ 502.2, 502.3](#).

⁸⁰⁷ [2010 Standards, § 502.5](#).

- Are designated accessible parking spaces and the access aisles serving them on a level surface, with slopes not exceeding 1:48 in all directions? (Note: Curb ramps may not be part of an access aisle since they include slopes greater than 1:48.)⁸⁰⁸
- Are the surfaces of the designated accessible parking spaces and access aisles stable, firm, and slip resistant?⁸⁰⁹
- Are the designated accessible parking spaces located on the shortest accessible route to the accessible entrance?⁸¹⁰

Passenger Drop-Off Areas:

- Is the vehicle pull-up space on a level surface, with slopes not exceeding 1:48 in all directions?⁸¹¹
- Is the access aisle next to the vehicle pull-up space on a level surface, with a slope not exceeding 1:48 in all directions?⁸¹²
- Is there vertical clearance of at least 114” (9 feet, 6 inches) from the site entrance to the vehicle pull-up area, in the access aisle, and along the vehicular route to the exit?⁸¹³
- Is a curb ramp provided if a curb separates the access aisle from the accessible route to the accessible entrance?⁸¹⁴
- Is the width of the curb ramp surface at least 36” (not counting the side flares)?⁸¹⁵
- Does an accessible route connect the access aisle and curb ramp to the accessible entrance of the polling place?⁸¹⁶

Exterior Route to Accessible Entrance:

- Is the route at least 36” wide?⁸¹⁷
- Is the route free of abrupt changes in level greater than ½”, including stairs?⁸¹⁸
- Is the route free of surface openings greater than ½”, such as grates or holes in the pavement?⁸¹⁹

⁸⁰⁸ [2010 Standards, § 502.4.](#)

⁸⁰⁹ [2010 Standards, §§ 302.1, 502.4.](#)

⁸¹⁰ [2010 Standards, § 208.3.1.](#)

⁸¹¹ [2010 Standards, § 503.4.](#)

⁸¹² [2010 Standards, § 503.4.](#)

⁸¹³ [2010 Standards, § 503.5.](#)

⁸¹⁴ [2010 Standards, § 206.2.1;](#) [2010 Standards, § 503.3.](#)

⁸¹⁵ [2010 Standards, § 405.5.](#)

⁸¹⁶ [2010 Standards, § 206.2.](#)

⁸¹⁷ [2010 Standards, § 403.5.1.](#)

⁸¹⁸ [2010 Standards, § 303.](#)

- Are walking surfaces stable, firm, and slip resistant?⁸²⁰
- Is the route free of wall mounted objects that protrude more than 4” into the path of travel and are between 27” and 80” high?⁸²¹
- Is the route free of post mounted objects that protrude more than 12” into the path of travel and are between 27” and 80” high?⁸²²
- Are objects that hang over the pedestrian route 80” or higher, including the underside of exterior stairs?⁸²³
- If the route crosses a curb, is there a curb ramp that is at least 36” wide with a slope no more than 1:12?⁸²⁴
- Is the running slope of part of the route greater than 1:20? (If yes, see the “Ramps” section below).⁸²⁵
- Is the cross slope of the accessible route no greater than 1:48?⁸²⁶

Polling Place Entrances and Doors:

- Is the clear width of the door opening (one door or one active leaf of a double door) at least 32”?⁸²⁷
- Is each door hardware useable with one hand without tight grasping, pinching, or twisting of the wrist?⁸²⁸
- On the pull side of the door, is there at least 18” of clearance provided to the side of the latch?⁸²⁹
- Is the area in front of the door level, with slopes no greater than 1:48 in all directions?⁸³⁰
- If there are doors in a series, is the distance between the two hinged doors at least 48” plus the width of the door swinging into the space?⁸³¹

⁸¹⁹ [2010 Standards, § 302.3.](#)

⁸²⁰ [2010 Standards, § 302.1.](#)

⁸²¹ [2010 Standards, § 307.2.](#)

⁸²² [2010 Standards, § 307.3.](#)

⁸²³ [2010 Standards, § 307.4.](#)

⁸²⁴ [2010 Standards, §§ 303.4, 405.2, 405.5, 406.1.](#)

⁸²⁵ [2010 Standards, § 402.2.](#)

⁸²⁶ [2010 Standards, §§ 403.3, 405.3.](#)

⁸²⁷ [2010 Standards, § 404.2.3.](#)

⁸²⁸ [2010 Standards, §§ 309.4, 404.2.7.](#)

⁸²⁹ [2010 Standards, §§ 404.2.4.4, 405.7.1.](#)

⁸³⁰ [2010 Standards, §§ 404.2.4.4, 405.7.1.](#)

⁸³¹ [2010 Standards, § 404.2.6.](#)

- Can the second door (interior door) in the series be opened with no more than 5 pounds of force?⁸³²
- Does the second door (interior door) in the series comply with second, third, and fourth bullet point immediately above?
- Are door thresholds no higher than ½””? (Note: If the threshold is between ¼” and ½” it must be beveled.)⁸³³
- Do inaccessible entrances have signage directing voters to the accessible entrance?⁸³⁴
- If voters are directed to an alternative accessible entrance, is this entrance kept unlocked during voting hours?⁸³⁵

Route from Entrance Into Voting Area:

- Is the route at least 36” wide?⁸³⁶
- Is the route free of wall mounted objects that protrude more than 4” into the path of travel and are between 27” and 80” high?⁸³⁷
- Is the route free of post mounted objects that protrude more than 12” into the path of travel and are between 27” and 80” high?⁸³⁸
- Are objects that hang over the route 80” or higher, including the underside of stairs?⁸³⁹
- Is the route free of abrupt changes in level greater than ½”, including stairs?⁸⁴⁰
- Is the running slope of part of the route greater than 1:20? (If yes, see the “Ramps” section below).⁸⁴¹
- If the route to the voting area has stairs, is a platform lift or elevator provided? (If yes, see the “Lifts” and “Elevators” sections below).⁸⁴²
- If doors are provided along the route to the voting area, is the clear width of each door opening (one door or one active leaf of a double door) at least 32”?⁸⁴³

⁸³² [2010 Standards, § 309.4.](#)

⁸³³ [2010 Standards, § 404.2.5.](#)

⁸³⁴ [2010 Standards, § 216.6.](#)

⁸³⁵ [28 C.F.R. § 35.130; 28 C.F.R. § 35.133.](#)

⁸³⁶ [2010 Standards, § 403.5.1.](#)

⁸³⁷ [2010 Standards, § 307.2.](#)

⁸³⁸ [2010 Standards, § 307.3.](#)

⁸³⁹ [2010 Standards, § 307.4.](#)

⁸⁴⁰ [2010 Standards, § 303.](#)

⁸⁴¹ [2010 Standards, § 303.4.](#)

⁸⁴² [2010 Standards, § 402.2.](#)

⁸⁴³ [2010 Standards, § 404.2.3.](#)

- Is each door hardware useable with one hand without tight grasping, pinching, or twisting of the wrist?⁸⁴⁴
- Can each door be opened with no more than 5 pounds of force?⁸⁴⁵
- Is the threshold at each door no higher than ½"? (Note: If the threshold is between ¼" and ½" it must be beveled.)⁸⁴⁶
- On the pull side of each door, is there at least 18" of clearance provided to the side of the latch?⁸⁴⁷
- Is the area in front of each door level, with slopes no greater than 1:48 in all directions?⁸⁴⁸

Within the Voting Area:

- Are floor surfaces stable, firm, and slip resistant?⁸⁴⁹
- Is the route free of wall mounted objects that protrude more than 4" into the path of travel and are between 27" and 80" high?⁸⁵⁰
- Is the route free of post mounted objects that protrude more than 12" into the path of travel and are between 27" and 80" high?⁸⁵¹
- Are objects that hang over the route 80" or higher, including the underside of stairs?⁸⁵²
- Is there enough room to provide a route at least 36" wide to the registration table and voting stations?⁸⁵³
- Is there enough room to provide a turning space in front of at least one voting station, such as a circle that is at least 60" in diameter?⁸⁵⁴
- Is there enough room to provide a turning space in front of at least one accessible voting machine, such as a circle that is at least 60" in diameter?⁸⁵⁵

Ramps:

- Is the running slope of the ramp no greater than 1:12?⁸⁵⁶

⁸⁴⁴ [2010 Standards, §§ 309.4, 404.2.7.](#)

⁸⁴⁵ [2010 Standards, § 309.4.](#)

⁸⁴⁶ [2010 Standards, § 404.2.5.](#)

⁸⁴⁷ [2010 Standards, § 404.2.4.](#)

⁸⁴⁸ [2010 Standards, §§ 404.2.4.4, 405.7.1.](#)

⁸⁴⁹ [2010 Standards, § 302.1.](#)

⁸⁵⁰ [2010 Standards, § 307.2.](#)

⁸⁵¹ [2010 Standards, § 307.3.](#)

⁸⁵² [2010 Standards, § 307.4.](#)

⁸⁵³ [2010 Standards, § 403.5.1.](#)

⁸⁵⁴ [2010 Standards, § 304.3.](#)

⁸⁵⁵ [2010 Standards, § 304.3.](#)

- Is the cross slope of the ramp 1:48 or less?⁸⁵⁷
- Is the rise (height) for any ramp run 30” or less?⁸⁵⁸
- Is the ramp, measured between handrails, at least 36” wide?⁸⁵⁹
- Does the ramp have a level landing that is at least 60” long, at the top and bottom of each ramp section?⁸⁶⁰
- For every 30” of rise, is a level landing at least 60” long provided?⁸⁶¹
- Is a level landing, at least 60” by 60” provided where the ramp changes direction?⁸⁶²
- If the rise of the ramp is greater than 6” and the ramp or landing has a vertical drop-off on either side of the ramp, is edge protection provided?⁸⁶³

Lifts:

- Is the lift operational?⁸⁶⁴
- Is the lift independently operable, or can it be made so on election day?⁸⁶⁵
- Is there 30” by 48” of clear floor space within the lift?⁸⁶⁶
- Are the controls for the lift no higher than 48”?⁸⁶⁷
- Are the controls useable with one hand without tight grasping, pinching or twisting?⁸⁶⁸
- Is the clear width of the door opening/gate opening at the end of the lift at least 32”? If a side door/gate is provided, is the clear opening width at least 42”?⁸⁶⁹

Elevators:

- Is the elevator door opening at least 36” wide?⁸⁷⁰

⁸⁵⁶ [2010 Standards, § 405.2.](#)

⁸⁵⁷ [2010 Standards, § 405.3.](#)

⁸⁵⁸ [2010 Standards, § 405.6.](#)

⁸⁵⁹ [2010 Standards, § 405.5.](#)

⁸⁶⁰ [2010 Standards, § 405.7.](#)

⁸⁶¹ [2010 Standards, §§ 405.6, 405.7.](#)

⁸⁶² [2010 Standards, § 405.7.4.](#)

⁸⁶³ [2010 Standards, § 405.9.](#)

⁸⁶⁴ [28 C.F.R. § 35.130; 28 C.F.R. § 35.133.](#)

⁸⁶⁵ [2010 Standards, § 410.1.](#)

⁸⁶⁶ [2010 Standards, §§ 305.3, 410.3.](#)

⁸⁶⁷ [2010 Standards, §§ 308, 309.3, 410.5.](#)

⁸⁶⁸ [2010 Standards, §§ 309.4, 410.5.](#)

⁸⁶⁹ [2010 Standards, § 410.6.](#)

⁸⁷⁰ [2010 Standards, § 407.3.6, Table 407.4.1.](#)

- Is there space to maneuver within the elevator car (for example, 51” deep and 68” wide, or 80” deep and 54” wide, or 60” deep and 60” wide)?⁸⁷¹
- Are hallway elevator call buttons 48” high or lower?⁸⁷²
- Are elevator car controls 48” high or lower?⁸⁷³
- Does the elevator have visible and audible signals in the hallway to indicate the arrival and direction of the elevator car?⁸⁷⁴
- Does the elevator have visible and audible signals within the elevator car to indicate the position of the car?⁸⁷⁵

4.1.11 IMPLEMENTING A WAIT TIME REDUCTION PLAN

A wait time reduction plan is necessary to ensure that voters do not have to wait in lines at the voting location for more than 30 minutes.⁸⁷⁶ “Wait time” is defined as the duration of time that begins when the voter arrives in line to the time the voter is provided access to a voting booth or accessible voting equipment to vote a regular ballot.

A wait time reduction plan is aspirational. Wait times might be longer, for example, based on the time of day or if there are unexpected circumstances. However, a good wait time reduction plan must take into account various potential contingencies.

The officer in charge of elections must establish/approve a specific wait time reduction plan for each election in accordance with this Manual. The factors outlined in the following sections are not exclusive.

4.1.11.1 PROJECTING VOTER TURNOUT

The officer in charge of elections must project voter turnout at each voting location prior to the election to assure the location is adequately staffed and equipped to meet voter demand.

The officer in charge of elections should take into account the following information to project voter turnout:

- The percentage of voter turnout from the prior two elections of a similar type;

⁸⁷¹ [2010 Standards, § 407.4.1.](#)

⁸⁷² [2010 Standards, §§ 308.2, 308.3, 407.2.1.1.](#)

⁸⁷³ [2010 Standards, §§ 308.2, 308.3, 407.4.6.1.](#)

⁸⁷⁴ [2010 Standards, § 407.2.2.1.](#)

⁸⁷⁵ [2010 Standards, § 407.4.8.](#)

⁸⁷⁶ [A.R.S. § 16-411\(J\).](#)

- The number of ballots (including regular, early, and provisional) cast in the prior two elections of a similar type;⁸⁷⁷
- The number of registered voters, both active and inactive;⁸⁷⁸
- The number of registered voters who requested an early ballot or are on the permanent early voting list (other than UOCAVA voters);⁸⁷⁹ and
- The potential number of ineligible voters that could attempt to vote, especially during a presidential preference election.

4.1.11.2 RE-PRECINCTING

If excessive wait times are likely to occur at a particular polling place, whether based on population growth or any other reason, the officer in charge of elections must consider redrawing precinct boundaries to reduce the likelihood of this possibility.⁸⁸⁰ This decision should be made well in advance of the election.

To determine whether recent or projected population growth merits re-precincting, the officer in charge of elections should consider:

- The year-over-year growth in registered voters in the precinct; and/or
- The potential for future construction or land development in the precinct (based on information obtained the county assessor, city clerk, or town clerk).

If the officer in charge of election concludes that precinct size would have an adverse impact on election day wait times, the officer should redraw the precinct in order to better allocate voters. In that case, the County Recorder must also transfer the affected voters into their newly-designated precinct.

The County Recorder must mail a new voter ID card to each affected voter as well.⁸⁸¹ A County Recorder is required to mail a notice of the precinct change to each affected household,⁸⁸² but this notification requirement is satisfied by sending a new voter ID card.

The Board of Supervisors must approve all precinct lines by December 1st of an odd-numbered year.⁸⁸³ Then, by March 1st of the following year, the officer in charge of elections must ensure

⁸⁷⁷ [A.R.S. § 16-411\(J\)\(1\).](#)

⁸⁷⁸ [A.R.S. § 16-411\(J\)\(2\).](#)

⁸⁷⁹ [A.R.S. § 16-411\(J\)\(3\).](#)

⁸⁸⁰ [A.R.S. § 16-411\(K\).](#) Re-precincting for the purpose of reducing wait times is relevant in jurisdictions that conduct polling place-assigned elections.

⁸⁸¹ See Chapter 1, Section 1.13.

⁸⁸² [A.R.S. § 16-412.](#) The statute provides an exception if a sample ballot containing voters' newly-designated precinct name or number is mailed prior to the next primary election. See [A.R.S. § 16-412.](#)

all relevant maps and legal descriptions have been updated with the new precinct lines, voter registration records are updated, and new voter ID cards (with updated precincts) are issued to all affected voters.⁸⁸⁴

4.1.11.3 STAFFING AND SUPPLYING VOTING LOCATIONS

The officer in charge of elections should deploy additional resources at voting locations where projected turnout (including both eligible and ineligible voters) is expected to exceed normal levels.

The officer in charge of elections should:

- Determine the optimal number of poll workers, based on:
 - The projected time to check-in a voter and seek proof of identification;
 - The projected time involved in use of accessible voting devices;
 - The number of voters likely to cast provisional ballots;
 - The number of independent voters who may seek to vote (if conducting a closed presidential preference election); and
 - Any increased or unusual level of interest in the election.
- Determine the proper number of signature rosters / e-pollbooks and voting equipment in order to keep up with demand;
- Recruit additional poll workers that will be assigned or remain in reserve on election day, including recruitment of students and other county workers;
- Conduct additional training for poll workers (including premium poll workers) assigned to high volume precincts;
- Ensure proper signage at all polling locations, including signs that will educate voters in line about how to proceed through the voting process efficiently;
- Determine the number of bilingual poll workers required for each voting location.
- Empower the inspector to request additional poll workers and, in exceptional cases, recruit poll workers from the line with permission of the officer in charge of elections;
- Ensure the inspector is prepared to shift personnel, redistribute responsibilities, reorganize the voting location, or make any other changes that will facilitate efficiency and reduce wait times;

⁸⁸³ [A.R.S. § 16-411\(A\)](#).

⁸⁸⁴ [A.R.S. § 16-412](#).

- Assign troubleshooters that are capable of reaching any voting location within 30 minutes of being dispatched (if geographically feasible); and
- Ensure troubleshooters have made prior contact with each inspector they oversee on election day, including a discussion about voting location layout and contingency plans.

4.1.11.4 CONDUCT VOTER EDUCATION

The officer in charge of elections must educate voters by disseminating information that may help reduce wait times on election day,⁸⁸⁵ including the following:

- Voters must present a valid identification;⁸⁸⁶
- Voters' registration must be up-to-date;
- Voters may only vote at their designated polling place based on their current address (polling place-assigned elections only);
- Peak voting times compared to times when wait times are likely shorter;
- Information about any websites, phone apps, or other technological methods that facilitate the voting process or provide voter education;
- Encourage voters to bring their sample ballots to the polls with selections already marked to help accelerate their voting process; and
- Early voting options.

4.1.11.5 DEVELOP CONTINGENCY PLANS

The officer in charge of elections must have a contingency plan ready if wait times consistently or significantly exceed 30 minutes. The contingency plan must include:

- A transfer plan for poll workers to move from a less busy location or from a reserve staging area;
- A plan to open alternate voting locations (including a plan to educate voters about the new location);
- A plan to add additional e-pollbooks;
- A plan to add voting/secrecy booths; and
- A plan to add accessible voting equipment.

⁸⁸⁵ Much of this information must be reported in the county's voter education report. *See* Chapter 4, Section 4.3.6.1.3.3.

⁸⁸⁶ *See* Chapter 4, Section 4.2.4.1.

The marshal will monitor the voter wait time at a polling place, and must inform the inspector (who must, in turn, contact the officer in charge of elections) when the wait time reaches 30 minutes or more.

4.1.11.6 DETERMINE OPTIMAL LAYOUT

The officer in charge of elections must determine the optimal layout for each voting location based on voter turnout projections. High volume voting locations should process provisional voters separately from other voters to maintain a continuous flow of voters.

4.1.11.7 WAIT TIME REDUCTION SURVEY

In order to test the efficacy of wait time reduction efforts over time, the officer in charge of elections should participate in occasional wait time reduction surveys at the request of (and in collaboration with) the Secretary of State.

4.1.11.8 PUBLIC INPUT

The officer in charge of elections is encouraged to solicit public feedback on the wait time reduction plan, including posting the proposed plan on the officer's website, conducting public meetings, and consulting with political parties and interest groups.

4.1.12 PROVIDING LIVE VIDEO RECORDING AT CENTRAL COUNT FACILITY

For any statewide, legislative or county election, and subject to local appropriation, the county officer in charge of elections must provide a live video recording of the custody of all ballots when ballots are present in the tabulation room in the central count facility.⁸⁸⁷ The live video recording must include date and time indicators.⁸⁸⁸ If the live coverage is interrupted, the officer in charge of elections must attempt to reinstate coverage as soon as practicable.⁸⁸⁹ The officer in charge of elections must record the video coverage and retain the recording as a public record at least through the challenge period for the election.⁸⁹⁰

⁸⁸⁷ [A.R.S. § 16-621\(C\)](#). Live video recording is not required for logic & accuracy testing or the post-election hand count audit. [A.R.S. § 16-602\(B\)](#). See Chapter 4, Section 4.1.9.4 and Chapter 4, Section 4.3.3.

⁸⁸⁸ [A.R.S. § 16-621\(C\)](#).

⁸⁸⁹ [A.R.S. § 16-621\(C\)](#). Any disruption in live video recording does not prevent the officer in charge of elections from continuing to tabulate ballots. [A.R.S. § 16-621\(C\)](#).

⁸⁹⁰ [A.R.S. § 16-621\(C\)](#). At minimum, the challenge period is through the date to file or conclude any post-election recount or election contest.

The county officer in charge of elections must timely provide the website hyperlink to the Secretary of State, who must publish all such hyperlinks on the Secretary of State's website.⁸⁹¹

4.1.13 CANCELING AN ELECTION

Certain candidate elections may be canceled if there are fewer candidates seeking office than the number to elect for a given race.

The following races are eligible for cancellation:

- Precinct committeeman;⁸⁹²
- School district governing board member;⁸⁹³
- Community college district governing board member;⁸⁹⁴ and
- Any special taxing district board member.⁸⁹⁵

If a candidate race qualifies for cancellation, the applicable Board of Supervisors must:

- Cancel the election within 75 days in advance of election day;
- Appoint to the office those candidates that had timely filed a nomination paper to seek election; and
- Issue a certificate of election to the candidate.⁸⁹⁶

If no candidates filed nomination papers for the office in question, however, the Board of Supervisors must:

- Cancel the election within 75 days in advance of election day;
- Declare the office vacant; and
- Initiate procedures to fill the vacancy.⁸⁹⁷

Upon vote of the Board of Supervisors to cancel the election, the officer in charge of elections must omit the race in question from the ballot.⁸⁹⁸ If the cancellation occurs after the ballots have been printed, the cancelled race must not be canvassed.⁸⁹⁹

⁸⁹¹ [A.R.S. § 16-621\(C\)](#).

⁸⁹² [A.R.S. § 16-410\(A\)](#); [A.R.S. § 16-822\(B\)](#).

⁸⁹³ [A.R.S. § 16-410\(A\)](#); [A.R.S. § 15-424\(D\)](#).

⁸⁹⁴ [A.R.S. § 16-410\(A\)](#)

⁸⁹⁵ [A.R.S. § 16-410\(A\)](#).

⁸⁹⁶ [A.R.S. § 16-410\(A\)-\(B\)](#).

⁸⁹⁷ [A.R.S. § 16-410\(C\)](#).

⁸⁹⁸ [A.R.S. § 16-410\(D\)](#).

4.1.14 PRELIMINARY TABULATION OF EARLY BALLOTS

The officer in charge of elections may begin tabulation of verified early ballots (including ballots cast in a ballot by mail election) within 7 days of election day.⁹⁰⁰ Early ballot tabulation results may not be reported until election day, at the earlier of:

- The time when all ballots cast on election day at voting locations have been tabulated and publicly reported; or
- One hour after all polls under the jurisdiction of the officer in charge of elections have closed on election day.⁹⁰¹

4.2 ELECTION DAY OPERATIONS

4.2.1 SETTING UP THE VOTING LOCATION

Upon arriving at voting location (either on election day or the day prior to the election), the election board (at the inspector's direction) must:

- Ensure that a key pad and headset are set up near any accessible voting device;
- Post the following documents or notices (1) in plain view in the room where ballots will be cast and (2) in at least one other conspicuous place in and around the polling place:
 - Sample ballots that correspond to the candidates/measures that will appear on the ballot at that voting location (for polling place-assigned elections);⁹⁰²
 - “Instructions for Voters and Election Officers” (see Section 4.2.1.1.1 below);
 - A notice of voters’ “Right to Vote a Provisional Ballot” (see Section 4.2.1.1.2 below);
- Unless the same information is printed on the sample ballot, place a card or poster in each voting booth that contains a “Notice to Voters” in large plain type (see Section 4.3.1.1.3 below);
- Post a list of official write-in candidates in a conspicuous location within the voting location, if applicable;⁹⁰³

⁸⁹⁹ [A.R.S. § 16-410\(D\)](#).

⁹⁰⁰ [A.R.S. § 16-550\(B\)](#). See Chapter 2, Section 2.9.

⁹⁰¹ [A.R.S. § 16-551\(C\)](#); [A.R.S. § 16-552\(A\)](#). Polls presumptively close at 7:00 p.m. on election day unless extended by court order. [A.R.S. § 16-551\(C\)](#); [A.R.S. § 16-565\(A\)](#). See Chapter 4, Section 4.2.8.

⁹⁰² [A.R.S. § 16-510](#); [A.R.S. § 16-563\(1\)](#).

⁹⁰³ [A.R.S. § 16-312\(E\)](#).

- Post a list of candidate withdrawals or vacancies in a conspicuous location within the voting location (if applicable), including a notice stating that any votes cast for the candidate will be tabulated;⁹⁰⁴
- Display the United States flag;⁹⁰⁵
- Arrange voting booths in view of the election board;⁹⁰⁶
- Arrange the signature roster, e-pollbook(s), or other check-in devices for convenient access;
 - The election board may place additional signature rosters or e-pollbooks outside the voting location (but within the 75-foot limit) for the convenience of the public and/or more efficient processing.⁹⁰⁷
- Prepare ballot boxes:
 - Open and examine the ballot boxes to ensure the box is empty prior to voting;⁹⁰⁸
 - Secure the ballot boxes;⁹⁰⁹
 - Arrange the ballot boxes in view of the election board;
- Inventory the ballots received from the elections department, including ballot stock;⁹¹⁰
- Confirm placement of the early ballot drop-off container (if separate boxes/containers are used);
- Set up precinct voting equipment⁹¹¹ (if applicable) and accessible voting equipment near an electrical outlet in plain view of the election board and the voters.
 - Ensure that electrical cords do not present a hazard to the board workers or voters;
 - Plug in the voting equipment and obtain a zero count following procedures in Chapter 4, Section 4.1.9.4.5.1.3;⁹¹² and
 - Ensure that all tamper resistant or tamper evident seals are intact and have not been tampered with.⁹¹³

⁹⁰⁴ [A.R.S. § 16-343\(G\)](#). The notice must be posted at all on-site early voting locations as well. *See* Chapter 2, Section 2.6.1. [A.R.S. § 16-343\(G\)](#).

⁹⁰⁵ [A.R.S. § 16-512](#).

⁹⁰⁶ [A.R.S. § 16-562](#).

⁹⁰⁷ [A.R.S. § 16-169\(A\)](#).

⁹⁰⁸ [A.R.S. § 16-564\(A\)](#).

⁹⁰⁹ [A.R.S. § 16-564\(A\)](#).

⁹¹⁰ If the officer in charge of elections determines it is not feasible to inventory ballot stock at the voting location, the officer in charge of elections must implement a reasonable alternative method to ensure accountability of ballot stock.

⁹¹¹ Precinct voting equipment includes tabulation equipment used at a vote center.

⁹¹² [A.R.S. § 16-561\(C\)](#).

- Establish the 75-foot limit by posting at least 3 “Seventy-five foot limit” signs:
 - The signs must have the heading “Seventy-five foot limit” printed in letters at least 2 inches high; and
 - Have the following statement printed below the heading:

“No person shall be allowed to remain inside these limits while the polls are open, except for the purpose of voting, and except the election officials, one representative at any one time of each political party represented on the ballot who has been appointed by the county chairman of such political party, and the challengers allowed by law. Voters having cast their ballots shall at once retire without the seventy-five foot limit. A person violating any provision of this notice is guilty of a class 2 misdemeanor.”⁹¹⁴

All signs and notices required under this Section must be printed in both English and Spanish.

4.2.1.1 NOTICES TO BE POSTED AT THE VOTING LOCATION

4.2.1.1.1 INSTRUCTIONS TO VOTERS AND ELECTION OFFICERS

“Instructions to Voters and Election Officers” must be displayed at the voting location, using substantially the following language:

“Instructions to Voters and Election Officers

1. The polls are open from 6:00 a.m. until 7:00 p.m.
2. Please give your full name and place of residence and identification documents to the election officer. The election officer will determine which type of ballot you will use to cast your vote.
3. Once you have received your ballot, go to the next available voting booth to cast your vote. Mark your ballot opposite the name of each candidate for whom you want to vote.
4. If you want to vote for a person who is an official write-in candidate, write that person’s name on the lines provided and mark the ballot in the appropriate place next to the name you have written.
5. Ask for assistance if you need assistance marking your ballot or wish to utilize the accessible voting equipment. If you request assistance marking

⁹¹³ [A.R.S. § 16-561\(C\)](#).

⁹¹⁴ [A.R.S. § 16-515\(B\)](#).

your paper ballot, two election officers from opposing political parties will accompany you to the voting booth. They will:

- Read you the names of all candidates for each office on the ballot;
- Read you the political parties by which the candidates were nominated for each office;
- Ask the name of the candidates for whom you want to cast your vote; and
- Mark your ballot correctly.

Neither of the election officers who assist you with your vote are allowed to influence your vote by recommending, explaining or suggesting any candidate or political party for any office or issue.

6. If you accidentally spoil your ballot, present it to the election judge. Make sure to conceal any votes you have made on the ballot. Either you or the judge will need to mark the ballot as spoiled, and the judge will give you another ballot on which to cast your vote. You are allowed to use no more than three ballots.⁹¹⁵

If you believe that a violation of the Help America Vote Act of 2002 has occurred, you may contact:

Secretary of State's Division of Election Services
1700 West Washington Street 7th Floor
Phoenix, AZ 85007
1-877-THE VOTE
www.azsos.gov⁹¹⁶

4.2.1.1.2 RIGHT TO VOTE A PROVISIONAL BALLOT

The "Right to Vote a Provisional Ballot" must be substantially displayed at the voting location as follows:

"Right to Vote a Provisional Ballot"

If you did not receive a regular ballot, you have a right to vote a provisional ballot if one of the following situations applies to you:

- Your name does not appear on the signature roster or e-pollbook, and you are in the correct polling place based on your current residence;
- You have moved to a new address within the county and have not updated your voter registration (if applicable);⁹¹⁷

⁹¹⁵ If a voter spoils three regular ballots, the voter should be directed to an accessible voting device if possible.

⁹¹⁶ [A.R.S. § 16-513](#); [A.R.S. § 16-563\(1\)](#).

- You have legally changed your name and have not updated your voter registration (if applicable);⁹¹⁸
- You requested an early ballot but did not vote an early ballot (if applicable);⁹¹⁹
- You have not produced sufficient identification; or
- You were challenged as a qualified voter.

To vote using a provisional ballot:

- Present identification to the poll worker and state your first and last name;
- Provide your complete residence address to the poll worker; and
- Sign an affirmation on the provisional ballot envelope stating that the information filled out on the provisional ballot envelope is correct, that you have resided in the precinct at least 29 days before the election, that you are eligible to vote in this election, that you have not previously voted in this election, that your provisional ballot will only be counted if you voted in the correct precinct (which is based on where you currently live), and that you understand that voting in the wrong precinct means that your ballot will not be counted.
- Once you have voted using a provisional ballot, your ballot will be placed in a provisional ballot envelope, which you can seal. The poll worker will ensure that the envelope is sealed. You will then be given a provisional ballot receipt with information on how to present sufficient identification to the County Recorder (if necessary) and how to verify the status of your provisional ballot. Your vote will be counted upon verification of your eligibility to vote in the election.”⁹²⁰

4.2.1.1.3 NOTICE TO VOTERS

Unless the same information is printed on the sample ballot, a “Notice to Voters” card or poster must be placed in each voting booth (in large plain type), using substantially the following language:⁹²¹

⁹¹⁷ If the election board has real-time access to voter registration records, the voter’s information may be updated at the voting location, allowing a regular ballot to be issued in lieu of a provisional ballot.

⁹¹⁸ If the election board has real-time access to voter registration records, the voter’s information may be updated at the voting location, allowing a regular ballot to be issued in lieu of a provisional ballot.

⁹¹⁹ If the election board has real-time access to voting history, the voter may be issued a regular ballot in lieu of a provisional ballot if: (1) the board member confirms that the voter’s early ballot has not been verified and tabulated; and (2) the County Recorder promptly renders the early ballot void and/or ineligible to be tabulated. *See* Chapter 4, Section 4.2.5.2.1.1.

⁹²⁰ [A.R.S. § 16-513.01](#); [A.R.S. § 16-563\(1\)](#).

⁹²¹ *See* Chapter 4, Section 4.1.6.3.

“Notice to Voters

Section one of this ballot is comprised of partisan candidates. To vote for the candidates for the partisan offices, mark the ballot next to the name of the candidate for each partisan office for whom you wish to vote. If you wish to vote for a person whose name is not printed on the ballot, write such name in the blank space provided AND put a mark next to the name according to the instructions.

Section two of this ballot is comprised of nonpartisan candidates, potentially including judicial candidates, school district candidates and initiative or referendum propositions. To vote for the candidates for the nonpartisan offices, mark the ballot opposite the name of the candidate for each nonpartisan office for which you wish to vote. If you wish to vote for a person whose name is not printed on the ballot, write such name in the blank space provided AND put a mark next to the name according to the instructions. Mark the ballot by the word ‘yes’ (or for) for each proposition or question which you wish to be adopted. Mark the ballot by the word ‘no’ (or against) for each proposition or question which you wish not to be adopted.

When marking a paper ballot the voter shall do so by placing a mark next to the printed name in the designated location or in the square following the name written in.”⁹²²

4.2.2 OPENING THE VOTING LOCATION

The election board should arrive at the voting location no later than 5:30 a.m. on election day in order to promptly open the polls at 6:00 a.m.

Upon arrival at the voting location, members of the election board must take their oath of office, to be administered by a board member or another qualified elector of the precinct.⁹²³ The oath of office is as follows:

“I do solemnly swear (or affirm) that I will support the Constitution of the United States and laws of the State of Arizona, that I will bear true faith and allegiance to the same and defend them against all enemies, foreign and domestic, and that I will faithfully and impartially discharge the duties of the office of _____ (name of office _____ according to the best of my ability, so help me God (or so I do affirm).”⁹²⁴

⁹²² [A.R.S. § 16-514](#). Minor alterations have been made to the statutory language to account for modern ballot design.

⁹²³ [A.R.S. § 16-534\(C\)](#). If the county conducts vote center elections, the individual administering the oath need only be a qualified elector in the county.

⁹²⁴ [A.R.S. § 38-231\(E\)](#).

If the voting location contains precinct voting equipment or accessible voting equipment that independently tabulates votes, the election board must generate a “zero report” from the voting equipment prior to opening the polls. The zero report is intended to confirm that the equipment contains no votes prior to commencement of voting.

To verify a zero report, the election board must:

- Print a zero report from the equipment (the report must remain attached to the voting equipment and not removed until final results have been printed at the close of the polls);
- Verify the correct precinct number on the report (only in counties that conduct polling place-assigned elections);
- Compare the zero report to the ballot and sample ballot to ensure the same names appear (only in counties that conduct polling place-assigned elections);
- Confirm that no votes have been cast for any candidates or ballot measures; and
- Have at least two board members of different political parties sign the zero report prior to opening the polls.

The election board may be required to perform other necessary tasks prior to opening the voting location.

At 6:00 a.m., the marshal must announce that the polls are open, and voters will be allowed to enter the voting location.⁹²⁵

4.2.3 PRESERVING ORDER AND SECURITY AT THE VOTING LOCATION

The marshal is vested with the powers of a constable pursuant to A.R.S. § 22-131 for the purpose of preserving order at the voting location.⁹²⁶

4.2.3.1 ENFORCING ELECTIONEERING BAN AT THE VOTING LOCATION

No electioneering may take place within the 75-foot limit of a voting location.⁹²⁷ Additionally, no electioneering may take place outside the 75-foot limit if the message is audible from within the 75-foot limit. The 75-foot limit is measured from the main outside entrance of the voting location.

“Electioneering” occurs when a person knowingly, intentionally, and verbally expresses support for or opposition to a candidate or ballot measure on the ballot in that election, or a political

⁹²⁵ [A.R.S. § 16-565](#).

⁹²⁶ [A.R.S. § 16-535\(B\)](#); See Chapter 4, Section 4.1.1.1.2.

⁹²⁷ [A.R.S. § 16-515\(A\)](#).

party with one or more candidates who appear on the ballot in that election, in order to induce or compel another person to vote in a particular manner or to refrain from voting.⁹²⁸

Political messages displayed on voters' or voter assistants' clothing are permitted.⁹²⁹ However, election board members, other election officials, or political party observers may not wear, carry or display any materials that identify or express support/opposition for a political party, political organization, or a candidate or ballot measure appearing on the ballot.⁹³⁰

The electioneering ban applies to the election board, other election officials, political party observers, and any voter within the 75-foot limit.

The marshal enforces the electioneering ban on election day, whereas the County Recorder enforces the ban during on-site early voting and at ballot replacement sites. Law enforcement officials may be contacted to help enforce the ban in exceptional circumstances.

4.2.3.1.1 EMERGENCY VOTING LOCATIONS WITH ELECTIONEERING BAN

A County Recorder or other officer in charge of elections may establish emergency voting locations where electioneering is not permitted even outside the 75-foot limit.⁹³¹ *See* Chapter 4, Section 4.1.10.3.2.

4.2.3.2 ENFORCING PHOTOGRAPHY BAN AT THE VOTING LOCATION

No photography or video recording is permitted within the 75-foot limit at a voting location.⁹³² There is no exception for members of the media.

4.2.3.3 ENFORCING ACCESS RESTRICTIONS AT THE VOTING LOCATION

A key component of preserving order at the voting location is ensuring that only authorized persons are present within the 75-foot limit. The following persons are authorized:

- Members of the Election Board;
- Election officials;
- Voters⁹³³ (including minor children accompanying the voter⁹³⁴);

⁹²⁸ [A.R.S. § 16-515\(I\)](#).

⁹²⁹ *See* Chapter 4, Section 4.2.3.3.

⁹³⁰ [A.R.S. § 16-515\(F\)](#).

⁹³¹ [A.R.S. § 16-411\(I\)](#).

⁹³² [A.R.S. § 16-515\(G\)](#). In contrast, a voter may display an image of his or her own early ballot (or ballot received in a ballot by mail election) on the Internet. [A.R.S. § 16-1018\(4\)](#).

- A person selected by the voter to assist him or her voting;⁹³⁵
- Authorized political party observers;⁹³⁶ and
- U.S. Department of Justice observers.

Conversely, the following persons are not authorized to be present within the 75-foot limit:

- Members of the media;
- Researchers;
- Persons that conduct exit polls;
- Political party representatives seeking “tear sheets;”⁹³⁷ or
- International observers.

4.2.3.3.1 SIMULTANEOUS ACTIVITIES PERMITTED AT THE VOTING LOCATION

Regular business activity that normally occurs at the voting location may continue on election day, as long as the activity does not interfere with the voting process or result in electioneering. For example, a city clerk’s office used as a voting location may require persons to cross or temporarily remain within the 75-foot limit in order to conduct city business.

Additionally, Native American tribal election boards may be co-located with traditional election boards at the same voting location if a tribal election is held on the same day and time.⁹³⁸

4.2.3.4 PREVENTING VOTER INTIMIDATION

Any activity by a person with the intent or effect of threatening, harassing, intimidating, or coercing voters (or conspiring with others to do so) inside or outside the 75-foot limit at a voting location is prohibited.⁹³⁹ The officer in charge of elections therefore has a responsibility to train

⁹³³ Once provided access to a voting booth, voters must vote within five minutes (if other voters are waiting) and promptly move outside the 75-foot limit after voting. [A.R.S. § 16-515\(A\)](#); [A.R.S. § 16-580\(B\)-\(C\)](#).

⁹³⁴ [A.R.S. § 16-515\(E\)](#).

⁹³⁵ See Chapter 4, Section 4.2.6.

⁹³⁶ See Chapter 4, Section 4.1.2.

⁹³⁷ Tear sheets are copies of the poll list where voters are entered in the order of voting, which are utilized by political parties to identify which persons have and have not voted at a particular voting location. If a county utilizes tear sheets, only authorized political party observers are authorized to acquire the tear sheets. See Chapter 4, Section 4.1.2.2.

⁹³⁸ [A.R.S. § 16-515\(D\)](#).

⁹³⁹ [A.R.S. § 16-1013](#).

poll workers and establish policies in order to prevent and promptly remedy any instances of voter intimidation.

The officer in charge of elections should publicize and/or implement the following guidelines as applicable:

- The inspector must utilize the marshal to preserve order and remove potentially disruptive persons from the voting location. The inspector and/or marshal must use sound judgment to decide whether to contact law enforcement, and any higher-level decisions should be raised through the officer in charge of elections.
- Persons that witness problems at a voting location should not speak to or accost a voter in an attempt to “enforce” the law, but rather inform the inspector or marshal to allow them to resolve the issue.
- Although voters are permitted to wear clothing or apparel displaying a political message, voters or other persons outside the polling place may have an intimidating effect if their clothing identifies them as:
 - An election official;
 - A law enforcement officer; or
 - A person or organization attempting to surveil or “protect” voting locations or the surrounding areas.
- Excessive use of uniformed law enforcement personnel may have an intimidating effect on voters, so the officer in charge of elections must balance this concern with the need to the preserve the peace.
- Private citizens are prohibited from bringing firearms into a polling place (including the 75-foot limit), even if the voter is properly licensed. Also, openly carrying firearms even outside the 75-foot limit may potentially intimidate voters depending on the circumstances. (For example, any aggressive or ostentatious display of a weapon is likely intimidation). In order to keep voting locations safe and free of potential intimidation, therefore, observers at voting locations should leave weapons at home or in their vehicles.
- While prohibited within the 75-foot limit,⁹⁴⁰ taking photos and videos of voters outside the 75-foot limit may also constitute intimidation. Photographing or filming voters based on voter race, ethnicity, religion, or known political affiliation is *per se* considered unlawful intimidation.

In addition to the potentially intimidating conduct outlined above, the following may also be considered intimidating conduct inside or outside the polling place:

⁹⁴⁰ [A.R.S. § 16-515\(G\)](#).

- Aggressive behavior, such as raising one’s voice or taunting a voter or poll worker;⁹⁴¹
- Using threatening, insulting, or offensive language to a voter or poll worker;⁹⁴²
- Blocking the entrance to a voting location;⁹⁴³
- Disrupting voting lines;⁹⁴⁴
- Intentionally disseminating false or misleading information at a voting location, such as flyers or communications that misstate the date of the election, hours of operation for voting locations, addresses for voting locations, or similar efforts intended to disenfranchise voters;⁹⁴⁵
- Directly confronting or questioning voters in a harassing or intimidating manner;⁹⁴⁶
- Asking voters for “documentation” or other questions that only poll workers should perform;⁹⁴⁷
- Raising repeated frivolous voter challenges to poll workers without any good faith basis, or raising voter challenges solely based on race, ethnicity, national origin, language, religion or disability; or⁹⁴⁸
- Posting signs or communicating messages about penalties for “voter fraud” in a harassing or intimidating manner.⁹⁴⁹

4.2.4 CHECKING VOTER IDENTIFICATION

Voters are required to prove identity at the voting location before receiving a ballot on election day.⁹⁵⁰ Acceptable forms of identification fall into one of three categories:

- A valid of identification with the voter’s name, address, and photograph (List 1);⁹⁵¹
- Two separate valid forms of identification with the voter’s name and address (List 2);⁹⁵²
or

⁹⁴¹ [A.R.S. § 16-1013\(A\)\(1\).](#)

⁹⁴² [A.R.S. § 16-1013\(A\)\(1\).](#)

⁹⁴³ [A.R.S. § 16-1017\(6\).](#)

⁹⁴⁴ [A.R.S. § 16-1017\(6\).](#)

⁹⁴⁵ [A.R.S. § 16-1013\(A\)\(2\);](#) [A.R.S. § 16-1017\(4\).](#)

⁹⁴⁶ [A.R.S. § 16-1014\(A\)\(1\).](#)

⁹⁴⁷ [A.R.S. § 16-1013\(A\)\(2\).](#)

⁹⁴⁸ [A.R.S. § 16-1013\(A\)\(2\).](#)

⁹⁴⁹ [A.R.S. § 16-1013\(A\)\(2\).](#)

⁹⁵⁰ [A.R.S. § 16-579\(A\).](#) Requirements for proving identity during on-site early voting or obtaining a replacement ballot during a ballot by mail election are addressed in Chapter 2, Section 2.6.3 and Chapter 3, Section 3.5.2.

⁹⁵¹ [A.R.S. § 16-579\(A\)\(1\)\(a\).](#)

- One valid form of identification with the voter’s photograph and one valid form of non-photo identification with the voter’s name and address (List 3).⁹⁵³

Each list is described in greater detail in the sections below.

The address on the identification must reasonably match the voter’s address in the signature roster or e-pollbook. Identification is deemed valid unless it can be determined on its face that it has expired or been canceled.⁹⁵⁴

A voter who provides no proof of identification (or invalid proof of identification) must be issued a conditional provisional ballot.⁹⁵⁵ In order for a conditional provisional ballot to count, the voter must present an acceptable form of identification to the County Recorder by 5:00 p.m.:

- On the 5th business day following a general election that includes an election for a federal office, or
- On the 3rd business day following any election other than a general election.⁹⁵⁶

If the voter identifies himself or herself as a member of a recognized Native American tribe, the voter may present alternative proof of identification as outlined in Chapter 4, Section 4.2.4.1.4.⁹⁵⁷

4.2.4.1 ACCEPTABLE FORMS OF IDENTIFICATION

4.2.4.1.1 ACCEPTABLE FORMS OF IDENTIFICATION WITH THE VOTER’S PHOTOGRAPH, NAME, AND ADDRESS (LIST 1)

Acceptable forms of identification with the voter’s photograph, name and address include:

- A valid Arizona driver license;
- A valid Arizona non-operating identification license;
- A tribal enrollment card or other form of tribal identification; or
- Any other valid United States federal, state, or local government-issued identification.⁹⁵⁸

⁹⁵² [A.R.S. § 16-579\(A\)\(1\)\(b\).](#)

⁹⁵³ [A.R.S. § 16-579\(A\)\(1\)\(c\).](#)

⁹⁵⁴ [A.R.S. § 16-579\(A\)\(1\).](#)

⁹⁵⁵ [A.R.S. § 16-579\(A\)\(2\).](#) If the voter provides identification, but the name or address do not reasonably match the signature roster or e-pollbook, the voter should be issued a provisional ballot, not a conditional provisional ballot.

⁹⁵⁶ [A.R.S. § 16-579\(A\)\(2\).](#)

⁹⁵⁷ [A.R.S. § 16-579\(A\)\(1\).](#)

⁹⁵⁸ [A.R.S. § 16-579\(A\)\(1\)\(c\).](#)

4.2.4.1.2 ACCEPTABLE FORMS OF NON-PHOTO IDENTIFICATION WITH THE VOTER'S NAME AND ADDRESS (LIST 2)

In lieu of photo identification, a voter may present two separate forms of valid identification with the voter's name and address.⁹⁵⁹

Acceptable forms of identification with the voter's name and address include:

- A utility bill for electric, gas, water, solid waste, sewer, telephone, cell phone, or cable/satellite television service;
- A bank or credit union statement dated within 90 days of the election;
- A valid Arizona vehicle registration;
- A valid Indian or Native American census card;
- A property tax statement for the voter's residence;
- A valid tribal enrollment card or other valid form of tribal identification;
- A valid Arizona vehicle insurance card;
- A valid Recorder's Certificate;
- Any mailing marked "Official Election Material," including a valid Arizona voter ID card; or
- Any other valid United States federal, state, or local government-issued identification.⁹⁶⁰

Any form of identification from List 2 may be presented to a poll worker in electronic format, including on a smart phone or tablet.

4.2.4.1.3 ACCEPTABLE HYBRID FORMS OF IDENTIFICATION (LIST 3)

If a voter is unable to meet the identification requirements under List 1 or List 2, the voter may present a hybrid form of identification that contains elements from both lists.

Acceptable combinations of forms of identification include:

- A valid photo identification from List 1 with an address that does not reasonably match the voter's address in the signature roster or e-pollbook, accompanied by a valid non-photo identification from List 2 with an address that does reasonably match the voter's address in the signature roster or e-pollbook;

⁹⁵⁹ [A.R.S. § 16-579\(A\)\(1\)\(b\).](#)

⁹⁶⁰ [A.R.S. § 16-579\(A\)\(1\)\(b\).](#)

- A valid U.S. Passport, accompanied by a valid form of identification from List 2; or
- A U.S. Military identification, accompanied by a valid form of identification from List 2.⁹⁶¹

4.2.4.1.4 IDENTIFICATION REQUIREMENTS FOR NATIVE AMERICAN VOTERS

In lieu of being issued a conditional provisional ballot for failing to present acceptable proof of identification in accordance with Chapter 4, Section 4.2.4 and Section 4.2.5.2.3, a voter who identifies himself or herself as a member of a federally-recognized Native American tribe must be issued a provisional ballot if he/she presents a valid tribal identification.⁹⁶² A “tribe” includes a Native American nation, community, band, or tribal subdivision.

Acceptable forms of tribal identification include:

- A tribal identification card issued under the authority of the Bureau of Indian Affairs or a federally-recognized Native American tribe;
- A tribal enrollment card issued under the authority of the Bureau of Indian Affairs or a federally-recognized Native American tribe;
- A Certificate of Indian Blood issued under the authority of the Bureau of Indian Affairs or a federally-recognized Native American tribe;
- A voter identification card issued under the authority of a federally-recognized Native American tribe;
- A home site assignment lease, permit or allotment issued under the authority of the Bureau of Indian Affairs or a federally-recognized Native American tribe; or
- A grazing permit or allotment issued under the authority of the Bureau of Indian Affairs or a federally-recognized Native American tribe.

If the voter does not present an acceptable form of tribal identification and otherwise does not satisfy the identification requirements in Chapter 4, Section 4.2.4.1, the voter must be issued a conditional provisional ballot.⁹⁶³

4.2.4.2 PUBLICIZING ACCEPTABLE FORMS OF IDENTIFICATION

The officer in charge of elections must post a list of acceptable forms of identification in a conspicuous place (and make it available to voters upon request) at each voting location on election day.

⁹⁶¹ [A.R.S. § 16-579 \(A\)\(1\)\(c\).](#)

⁹⁶² [A.R.S. § 16-579 \(A\)\(1\).](#)

⁹⁶³ [A.R.S. § 16-579 \(A\)\(2\).](#)

4.2.5 ISSUING BALLOTS

4.2.5.1 ISSUING A REGULAR BALLOT

Upon checking in at a voting location, a voter must announce his/her name and address or (by presenting proof of identification) provide his or her name and residence address in writing.⁹⁶⁴

In jurisdictions that conduct polling place-assigned elections, the residence address must be within the precinct in which the voter is attempting to vote. By signing the signature roster or the e-pollbook signature pad, the voter is deemed to affirm that he/she is registered in that jurisdiction and is eligible to vote in that jurisdiction.⁹⁶⁵ If the voter is found in the signature roster or e-pollbook (and had presented acceptable proof of identification), the voter must be issued a regular ballot.⁹⁶⁶

Each voter must sign his or her name in the signature roster or e-pollbook signature pad prior to receiving a ballot. Alternatively, an inspector or judge may sign the roster or e-pollbook for a voter who is personally unable to sign due to physical disability. In jurisdictions that use a paper signature roster, the inspector or judge must write the voter's name with red ink.⁹⁶⁷ In jurisdictions that use an e-pollbook, the inspector or judge must write the voter's name and the inspector's/judge's initials (on the e-pollbook signature pad) as an attestation.⁹⁶⁸

A voter at a special district election for which no signature roster has been supplied may vote a regular ballot, but must provide the voter's name and address in an affidavit and affirm therein that he or she:

- Resides within the district boundaries or proposed district boundaries;
- Is a qualified elector for the election; and
- Has not already voted at the election.⁹⁶⁹

⁹⁶⁴ [A.R.S. § 16-579\(A\)](#).

⁹⁶⁵ [A.R.S. § 16-584\(C\)](#).

⁹⁶⁶ [A.R.S. § 16-579 \(C\)](#).

⁹⁶⁷ [A.R.S. § 16-579 \(D\)](#).

⁹⁶⁸ [A.R.S. § 16-579 \(E\)](#).

⁹⁶⁹ [A.R.S. § 16-579 \(F\)](#).

4.2.5.2 ISSUING A PROVISIONAL BALLOT

4.2.5.2.1 CIRCUMSTANCES REQUIRING ISSUANCE OF A PROVISIONAL BALLOT

4.2.5.2.1.1 VOTER RECEIVED AN EARLY BALLOT

If a voter is shown in the signature roster or e-pollbook as having received an early ballot, but either: (1) affirms that he or she has not voted and will not vote the early ballot for this election; or (2) surrenders the early ballot to the inspector on election day, the voter must be allowed to vote a provisional ballot.⁹⁷⁰

Alternatively, if a poll worker has access to real-time or updated information to view the status of the voter's early ballot, the judge may issue a regular ballot to the voter if: (1) a poll worker confirms that the voter's early ballot has not been verified and tallied; and (2) the County Recorder or other officer in charge of elections has a system in place to promptly void the voter's early ballot.

4.2.5.2.1.2 NAME DOES NOT APPEAR ON SIGNATURE ROSTER

A voter whose name does not appear on the signature roster must be issued a provisional ballot if the voter:

- Presents identification that includes his or her name and a residential address that the clerk verifies to be within the precinct (in counties that conduct polling place-assigned elections); or
- Signs an affirmation that states the voter is registered and eligible to vote in that jurisdiction.⁹⁷¹

4.2.5.2.1.2.1 RECORDER'S CERTIFICATE

A voter whose name does not appear on the signature roster, but who presents a certificate from the County Recorder showing that the voter is entitled to vote at the voting location, is entitled to vote a regular ballot.⁹⁷²

In a jurisdiction that uses a paper signature roster, the voter must sign on the first available blank line on the signature roster.⁹⁷³

⁹⁷⁰ [A.R.S. § 16-579 \(B\).](#)

⁹⁷¹ [A.R.S. § 16-584\(B\).](#)

⁹⁷² [A.R.S. § 16-584\(A\).](#)

⁹⁷³ [A.R.S. § 16-584\(A\).](#)

4.2.5.2.1.3 VOTER WAS REGISTERED WITH AN INACTIVE STATUS

A voter whose registration record is in inactive status (and who has a new residential address) must vote a provisional ballot in order to update the voter's registration record with the new address from the provisional ballot envelope.⁹⁷⁴ If the inactive voter has a new residential address but resides in a different precinct, the voter must be directed to the correct voting location (in counties that conduct polling place-assigned election).⁹⁷⁵

If a voter affirms they continue to reside at the address on the signature roster or in the e-pollbook, the voter should be issued a regular ballot and the County Recorder must place the voter's registration record in active status following the election.⁹⁷⁶

4.2.5.2.1.4 VOTER CHANGED HIS OR HER NAME

If a voter does not appear in the signature roster or e-pollbook because the voter changed his or her name (and otherwise provides acceptable proof of identification), the voter must be issued a provisional ballot. In that case, the clerk must write the voter's new name and former name on the provisional ballot envelope. The provisional ballot envelope will be used by the County Recorder after the election to change the voter's name in the voter registration database.

4.2.5.2.1.5 VOTER MOVED WITHIN COUNTY

If a voter moved to a new address within the county but did not update his or her address with the County Recorder before the election, the voter must vote a provisional ballot and (in counties that conduct polling-place assigned elections) must vote at the polling place that corresponds to his or her new address.⁹⁷⁷ A clerk has a duty to orally inform the voter that his or her vote will not count unless the voter travels to the correct polling place that corresponds to the new address.

At the new polling place, the voter will be permitted (via the provisional ballot envelope) to update his or her voter registration record with the new address.⁹⁷⁸ In a jurisdiction that utilizes vote centers, the voter may update his or her address in the same manner but may vote at any vote center within the jurisdiction.

⁹⁷⁴ [A.R.S. § 16-583\(A\).](#)

⁹⁷⁵ [A.R.S. § 16-583\(A\).](#)

⁹⁷⁶ [A.R.S. § 16-583\(B\).](#)

⁹⁷⁷ [A.R.S. § 16-584\(C\).](#)

⁹⁷⁸ [A.R.S. § 16-584\(C\).](#)

4.2.5.2.2 PROCEDURE FOR ISSUING PROVISIONAL BALLOTS

A voter who is issued a provisional ballot must sign his or her name on a separate signature roster page beginning with the number V-1 and numbered consecutively (for paper signature rosters only).⁹⁷⁹

The voter and election board member must complete the information required on the provisional ballot envelope. The voter then must:

- Take the completed envelope and provisional ballot to the voting booth;
- Vote the provisional ballot;
- Place the voted ballot inside the provisional ballot envelope and seal the envelope; and
- Provide the sealed provisional ballot envelope to the election board member.

Upon receipt of the provisional ballot envelope, the election board member or voter must deposit the provisional ballot envelope in the ballot box (and ensure the ballot is not inserted into any precinct voting equipment).⁹⁸⁰

4.2.5.2.3 PROCEDURES FOR ISSUING CONDITIONAL PROVISIONAL BALLOTS

If the voter does not provide acceptable proof of identification, the voter must be issued a conditional provisional ballot.⁹⁸¹

The process for voting the ballot, completing the ballot envelope, and sealing the voted ballot in an envelope is the same procedure applicable to provisional ballots.⁹⁸² However, for a conditional provisional ballot, the election board member must:

- Indicate on the ballot envelope that the voter did not provide acceptable identification;
- Deposit the sealed envelope in the conditional provisional ballot box or other appropriate ballot box (or allow the voter to do so);
- Provide a receipt that:
 - Informs the voter that he or she must provide acceptable proof of identification to the County Recorder;
 - Informs the voter how and where the voter may provide the required proof; and

⁹⁷⁹ [A.R.S. § 16-584\(E\)](#).

⁹⁸⁰ [A.R.S. § 16-584\(D\)](#). The judge need not remove the ballot stub because ballot stubs are no longer used in Arizona elections.

⁹⁸¹ [A.R.S. § 16-579\(A\)\(2\)](#). See Chapter 4, Section 4.2.5.2.2.

⁹⁸² See Chapter 4, Section 4.2.5.2.2.

- Informs the voter that the deadline to prove identity is 5:00 p.m.:
 - On the 5th business day following a general election that includes an election for a federal office, or
 - On the 3rd business day following any election other than a general election.⁹⁸³

4.2.6 ASSISTING VOTERS ON ELECTION DAY

Voters may be accompanied within the 75-foot limit and assisted by a person of the voter’s own choice during any process related to voting, including during the actual process of voting.

To avoid the appearance of impropriety or undue influence, no person (other than an election official) may approach prospective voters in line or at a voting location to offer unsolicited assistance.

A voter may request assistance from a third-party (other than a candidate appearing on the ballot⁹⁸⁴) or from members of the election board. If a voter requests assistance from the election board, two members of the board (of different political parties) should perform the following steps, as applicable:

- Jointly accompany the voter into the voting booth or to the accessible voting equipment;
- Audibly read the candidate’s names for each office, including party designations and the number to elect;
- Audibly read the relevant information pertaining to any ballot measures;
- Ask the voter what candidates and issues he or she desires to vote for;
- If requested, instruct the voter how to operate any accessible voting equipment, including what to expect for the recorded instructions and what keys to use to move forward or go back on the screen.

No voter assistant may attempt to influence a voter in the choice of candidates or issues, nor in any manner suggest or recommend a vote for any particular candidate or issue.

4.2.7 CHALLENGES TO A VOTER’S ELIGIBILITY TO VOTE

A qualified elector in the county may, at the voting location, orally challenge a voter’s eligibility based on the following grounds:

⁹⁸³ [A.R.S. § 16-579\(A\)\(2\)](#).

⁹⁸⁴ Candidates for precinct committeeman are permitted to provide voter assistance.

- The voter has voted before at that election;⁹⁸⁵
- The voter is not the person whose name appears in the signature roster or e-pollbook;⁹⁸⁶
- The voter has not resided in Arizona (or the relevant jurisdiction) for at least 29 days before the election;⁹⁸⁷
- The voter is registered at an address that is not permitted for registration purposes;⁹⁸⁸ or
- The voter is not otherwise a qualified elector.⁹⁸⁹

A voter may not be challenged on the basis that he or she:

- Registered to vote using the Federal Form and did not provide proof of citizenship; or
- Moved from one address within the county to another within the county.

Challenges must be decided at the voting location by the inspector and two judges. The inspector should have the challenged voter step aside and permit the other voters in line to continue to vote while the challenge is being determined.

If requested, and before administering any oath, the inspector must read to the challenged voter the rules for determining residency:⁹⁹⁰

- The residence of a person is that place in which his or her habitation is fixed and to which he or she has the intention of returning.
- A person does not gain or lose his or her residence by reason of his presence at or absence from a place while employed in the service of the United States or of this state, or while engaged in overseas navigation, or while a student at an institution of learning, or while kept in prison or mental institution.
- A person does not lose his or her residence by traveling to another county, state or foreign country for temporary purposes, with the intention of returning. A person does not gain a residence in any county he or she travels to for temporary purposes, without the intention of making that county his or her home.
- If a person moves to another state with the intention of making it his or her residence, he or she loses residency in this state.

⁹⁸⁵ [A.R.S. § 16-591.](#)

⁹⁸⁶ [A.R.S. § 16-121.01\(B\)\(1\).](#)

⁹⁸⁷ [A.R.S. § 16-121.01\(B\)\(2\).](#) The term of residence is computed from the day on which the person's residence began, excluding the day of election. [A.R.S. § 16-593\(B\).](#)

⁹⁸⁸ [A.R.S. § 16-121.01\(B\)\(3\).](#)

⁹⁸⁹ [A.R.S. § 16-121.01\(B\)\(4\).](#) For example, a voter must live within the proper electoral district and be at least 18 years of age.

⁹⁹⁰ [A.R.S. § 16-593\(C\).](#)

- If a person moves to another state with the intention of making it his or her current residence and remaining there for an indefinite time, he or she loses residency in this state even though he or she has an intention of returning at some future period.
- The place where a person's family permanently resides is his or her residence (unless separated from his or her family), but is not his or her residence if it serves as a temporary location or is used for transient purposes.
- If a person has a family residing in one place and he or she does business in another, the family residence constitutes the person's place of residence.
- A United States citizen who has never resided in the United States is eligible to vote in this state by using a federal write-in early ballot if both of the following apply:
 - A parent is a United States citizen.
 - The parent is registered to vote in this state.
- The mere intention of acquiring a new residence without leaving the state, or leaving the state without the intent to permanently do so, does not cause a loss of residency.⁹⁹¹

Board members should consult above residency requirements when determining registration validity.

If the challenged voter appears to be registered, the challenged voter must orally take the oath prescribed in a State Form: "I swear or affirm that the information in my voter registration is true, that I am a resident of Arizona, I am not a convicted felon or my civil rights are restored, and I have not been adjudicated incapacitated."⁹⁹²

The challenged voter also may choose to answer questions material to the challenge, under oath. Only the inspector may address questions to the challenged voter.⁹⁹³

If a majority of the board finds the challenge to be invalid, the voter must be permitted to vote a regular ballot.

If the person challenged refuses to take any oath, refuses to answer questions material to the challenge, or if a majority of the board finds that the challenge is valid, the challenged voter must be permitted to vote a provisional ballot.

4.2.8 CLOSING THE VOTING LOCATION

The polls close at 7:00 p.m. on election day.⁹⁹⁴

⁹⁹¹ [A.R.S. § 16-593\(A\).](#)

⁹⁹² [A.R.S. § 16-592\(A\).](#)

⁹⁹³ [A.R.S. § 16-592\(A\).](#)

4.2.8.1 ANNOUNCING THE CLOSING OF THE POLLS

The marshal must announce the closing of the polls.⁹⁹⁵ The marshal must make these public announcements (inside the voting location and to any voters waiting in line) at the following intervals:

- 1 hour before the closing of the polls;
- 30 minutes before the closing of the polls;
- 15 minutes before the closing of the polls;
- 1 minute before the closing of the polls; and
- At the moment of closing at 7:00 p.m.⁹⁹⁶

The marshal must allow everyone to vote who is physically in line at the moment of closing the polls.⁹⁹⁷ The marshal may use any reasonable system to document or keep track which voters were in line as of 7:00 p.m. Voters who arrive in line after 7:00 p.m. on election day are not permitted to vote.

4.2.8.2 POLL WORKER CLOSE-OUT DUTIES

Upon closing the voting location after the last voter has voted on election day, the election board should perform the following close-out duties, as applicable:

- Conduct a paper ballot audit:
 - Ensure the number of voted regular ballots matches the number of voters who signed in on the signature roster or e-pollbook and show as having been issued regular ballots;
 - Ensure the number of sealed provisional ballot envelopes matches the number of voters who signed in on the signature roster or e-pollbook and show as having been issued provisional ballots;
- Conduct a precinct voting equipment audit:
 - Ensure the number of regular ballots (as reflected in the election board's manual count) matches the number of regular ballots cast (as reflected in the printed summary tape);
- Conduct an accessible voting equipment audit (if the equipment independently tabulates):

⁹⁹⁴ [A.R.S. § 16-565\(A\)](#).

⁹⁹⁵ [A.R.S. § 16-565\(C\)](#).

⁹⁹⁶ [A.R.S. § 16-565\(C\)](#).

⁹⁹⁷ [A.R.S. § 16-565\(D\)](#).

- Ensure the number ballots cast (as reflected on the voting equipment screen) matches the number of ballots cast (as reflected in the printed summary tape);
- Complete an Official Ballot Report by logging the following information, as applicable:
 - Number of ballots received from the elections department, including ballot stock;⁹⁹⁸
 - Total number of unused ballots, including spoiled ballots;
 - Total number of ballots cast using precinct voting equipment, including write-in ballots (if applicable);
 - Total number of provisional ballots cast;
 - Total number of ballots cast using accessible voting equipment;
 - Ensure the total number of used paper ballots (regular and provisional), plus the number of unused ballots (including spoiled ballots), equals the total number of ballots provided to the voting location by the elections department;
 - Ensure the total number of ballots cast (regular, provisional and accessible) match the total number of voters who signed the signature roster or checked-in through the e-pollbook.
 - The Official Ballot Report should be signed by the inspector and both judges;
- Secure and lock the ballot boxes;
- Remove all memory cards or electronic media from voting equipment (and e-pollbooks if applicable);
 - Lock and/or seal any ports or compartments where memory cards or electronic media had been inserted;
- Power down any voting equipment and prepare the equipment for transport/pick-up;
- Collect all supplies required to be returned to the elections department;
- Sign the Certificate of Performance for the signature roster or e-pollbook;⁹⁹⁹
- Prepare the official and unofficial envelopes (if applicable);¹⁰⁰⁰
- Prepare to transport the following items to the central count facility or other receiving site:
 - Official and unofficial return envelopes;

⁹⁹⁸ If the officer in charge of elections determines it is not feasible to inventory ballot stock at the voting location, the officer in charge of elections must implement a reasonable alternative method to ensure accountability of ballot stock.

⁹⁹⁹ A Certificate of Performance must be signed by the election board to verify that various election duties were properly performed. *See* Chapter 4, Section 4.1.1.4.

¹⁰⁰⁰ [A.R.S. § 16-532\(A\)](#). *See* Chapter 4, Section 4.1.1.4.

- Ballot boxes with voted ballots;
- Signature rosters;
- E-pollbooks (if the signature roster information remains in the e-pollbook and has not been extracted by removing memory cards or electronic media);
- Memory sticks or electronic media; and
- Any voting equipment that independently tabulates (if memory sticks or electronic media have not been removed);
- Exit and lock the voting location.

4.2.8.3 TRANSPORT OF BALLOTS, VOTING EQUIPMENT AND PRECINCT SUPPLIES

Following the close of voting on election day, the transport of any ballots, voting equipment and necessary precinct supplies to the central count facility or other authorized receiving site must be accomplished by authorized election workers, who must be members of different political parties.¹⁰⁰¹

4.2.9 RELEASING INITIAL ELECTION RESULTS

The officer in charge of elections may publicly release election results beginning at 8:00 p.m. on election day.¹⁰⁰² These election results consist almost entirely of early ballots that were tabulated within 7 days of the election.¹⁰⁰³

For elections involving a federal, statewide, or legislative candidate race or a statewide ballot measure, the officer in charge of elections must promptly transmit those election results to the Secretary of State.¹⁰⁰⁴

4.3 POST-ELECTION DAY RESPONSIBILITIES

4.3.1 PROCESSING AND TABULATING BALLOTS

The officer in charge of elections may begin tabulating verified early ballots at the central count facility within 7 days of the election.¹⁰⁰⁵

¹⁰⁰¹ [A.R.S. § 16-615\(B\)](#).

¹⁰⁰² [A.R.S. § 16-551\(C\)](#); [A.R.S. § 16-552\(A\)](#). “Any person who unlawfully releases information regarding vote tallies . . . is guilty of a class 6 felony.” [A.R.S. § 16-551\(C\)](#).

¹⁰⁰³ [A.R.S. § 16-550\(B\)](#).

¹⁰⁰⁴ See Chapter 4, Section 4.3.2.

¹⁰⁰⁵ [A.R.S. § 16-550\(B\)](#).

Regular ballots cast on election day may be processed and tabulated by the election board at the voting location or by the officer in charge of elections at the central count facility.

Provisional ballots must be verified by the County Recorder and processed and tabulated by the officer in charge of elections at the central count facility.

All ballots must be processed by the applicable boards appointed by the Board of Supervisors or officer in charge of elections, which may include:

- An early ballot board;
- A receiving board;
- An inspection board;
- A central county facility board;
- A duplication board;
- A data processing board;
- A write-in board;
- A provisional ballot board;
- A special election board;¹⁰⁰⁶
- An audit board; and
- A snag board.¹⁰⁰⁷

4.3.1.1 PROCESSING PROVISIONAL BALLOTS

A provisional ballot must be verified by the County Recorder prior to being sent to the provisional ballot board for further processing.¹⁰⁰⁸ A provisional ballot is verified by confirming:

- The voter's signature on the provisional ballot envelope matches the voter's signature in the voter registration database;
- The voter is a qualified elector for the election;
- The voter voted in the correct precinct (for polling place-assigned elections only);
- The voter voted on the correct ballot style based on his or her residency and/or political party status;

¹⁰⁰⁶ See Chapter 2, Section 2.6.4

¹⁰⁰⁷ The purpose, composition, responsibilities, and instructions for various boards are outlined in the June 2014 Election Procedures Manual and are hereby incorporated by reference to the extent not inconsistent with this Manual.

¹⁰⁰⁸ [A.R.S. § 16-584\(E\)](#).

- The voter did not vote in his or her former polling place (for polling place-assigned elections only); and
- The voter did not cast (and the officer in charge of elections did not tabulate) an early ballot.¹⁰⁰⁹

4.3.1.1.1 COUNTY RECORDER DEADLINE TO PROCESS PROVISIONAL BALLOTS

The County Recorder must conduct the provisional ballot verification:

- Within the deadline applicable to the election;
 - Within 10 calendar days after a general election that includes an election for a federal office; or
 - Within 5 business days after any election other than a general election; and
- No later than the time at which challenges to early voting ballots are resolved.¹⁰¹⁰

If the provisional ballot is verified in accordance with Section 4.3.1.1, the County Recorder must:

- Use the information on the provisional ballot envelope to update the voter’s registration record, as applicable;¹⁰¹¹ and
- Forward the unopened provisional ballot envelope to the provisional ballot board.¹⁰¹²

If provisional ballot cannot be verified, the provisional ballot envelope must remain unopened and retained as part of the official election returns.¹⁰¹³ In this case, the County Recorder should likewise update a voter’s registration record with information from the provisional ballot envelope (assuming the signature on the provisional ballot envelope match’s the signature in the voter’s registration record).

4.3.1.1.2 PROCESSING PROCEDURE FOR PROVISIONAL BALLOT BOARD

Upon receipt of verified provisional ballot envelopes from the County Recorder, the provisional ballot processing board must open the provisional ballot envelope and prepare the provisional ballots for tabulation.

4.3.1.1.2.1 PROCESSING FULL STATE BALLOTS CAST BY FEDERAL ONLY VOTERS

¹⁰⁰⁹ [A.R.S. § 16-584\(D\)](#).

¹⁰¹⁰ [A.R.S. § 16-584\(E\)](#).

¹⁰¹¹ [A.R.S. § 16-584\(D\)](#). See Chapter 4, Section 4.1.8.1.

¹⁰¹² [A.R.S. § 16-584\(D\)](#).

¹⁰¹³ [A.R.S. § 16-584\(E\)](#).

If a “federal only” voter cast a full state ballot (and the ballot otherwise has been verified by the County Recorder), the provisional ballot board must send the ballot to the duplication board in order to have the voter’s federal races duplicated onto the correct ballot style.¹⁰¹⁴

4.3.1.1.3 VOTER ABILITY TO CONFIRM WHETHER PROVISIONAL BALLOT WAS COUNTED

A County Recorder must provide a method of notifying a provisional ballot voter (at no cost to the voter) whether the voter’s ballot was verified and counted. If the ballot was not counted, the notification must include the reason for not counting the ballot.

The notification may be in the form of notice by mail to the voter, establishment of a toll-free telephone number, a website, or any other similar method to provide information to the voter. The method of notification must limit transmittal of the information only to the voter.¹⁰¹⁵

4.3.2 REPORTING ELECTION RESULTS

The officer in charge of elections may publicly release election results at the earlier of:

- The time when all ballots cast on election day at voting locations have been tabulated and publicly reported; or
- One hour after all polls under the jurisdiction of the officer in charge of elections have closed on election day.¹⁰¹⁶

For elections involving a federal, statewide, or legislative candidate race or a statewide ballot measure, the officer in charge of elections must promptly transmit those election results to the Secretary of State.¹⁰¹⁷

¹⁰¹⁴ Duplication of federal races is only permitted for “federal only” voters. For example, in some cases the signature roster or e-pollbook may show the voter as “federal only,” but the voter might insist that he or she submitted acceptable proof of citizenship and therefore should be treated as a full ballot voter. Accordingly, the voter would be provided a full state ballot as a provisional ballot at the voting location. If the County Recorder determines that the voter was indeed wrongly classified as a “federal only” voter (and otherwise verifies the provisional ballot), the full provisional ballot will be tabulated. But if the County Recorder confirms the voter was properly classified as a “federal only” voter, the County Recorder should provide instructions to the provisional ballot board to ensure only the federal races are tabulated.

¹⁰¹⁵ [A.R.S. § 16-584\(F\)](#).

¹⁰¹⁶ [A.R.S. § 16-551\(C\)](#); [A.R.S. § 16-552\(A\)](#). Polls presumptively close at 7:00 p.m. on election day unless extended by court order. [A.R.S. § 16-551\(C\)](#); [A.R.S. § 16-565\(A\)](#). “Any person who unlawfully releases information regarding vote tallies . . . is guilty of a class 6 felony.” [A.R.S. § 16-551\(C\)](#).

¹⁰¹⁷ [A.R.S. § 16-622\(B\)](#); see Chapter 4, Section 4.2.9.

For the initial transmission of election results on election day, and as additional results are tabulated prior to the county canvass, the officer in charge of elections must transmit election results to the Secretary of State in the required electronic format using an application specified by the Secretary of State.¹⁰¹⁸

4.3.3 CONDUCTING HAND COUNT AUDIT

Unless a hand count has been canceled due to lack of political party representation,¹⁰¹⁹ a limited hand count must be conducted after each countywide primary, special, general, and presidential preference election and compared against the results from the electronic voting equipment.¹⁰²⁰ If the results from the hand count audit are within a close margin¹⁰²¹ of the electronic results for selected ballots, the hand count may cease and the countywide electronic results are deemed the official results of the election.¹⁰²²

4.3.3.1 PRE-CONDITIONS FOR CONDUCTING THE HAND COUNT

If a sufficient number of board members were appointed to participate in the hand count, but not enough board members showed up at the designated time and place to conduct the hand count, the officer in charge of elections should attempt to substitute additional individuals to fill the vacant board member seats. If substitution is necessary:

- The substitutions must be approved by at least two participating political party chairpersons;¹⁰²³ and
- The officer in charge of elections must ensure that no more than 75% of the hand count board members are registered members of the same political party.

If a sufficient number of members are present for the hand count, the officer in charge of elections must create boards by selecting at least two judges and one inspector per board.

¹⁰¹⁸ [A.R.S. § 16-622\(B\)](#); *see* Chapter 4, Section 4.4.1.3.3.

¹⁰¹⁹ *See* Chapter 4, Section 4.3.3.4.1.1.

¹⁰²⁰ Hand counts are encouraged, but not required, for local elections and may be authorized by the officer in charge of elections. Local hand counts should follow the spirit of the law applicable to primary, special, general and presidential preference elections. Local officials should be notified of this option at the discretion of the officer in charge of elections.

¹⁰²¹ This margin is known as the “designated margin.” *See* Chapter 4, Section 4.3.3.6.2.

¹⁰²² Hand count results within the designated margin implicitly confirm the accuracy of the electronic voting equipment.

¹⁰²³ [A.R.S. § 16-602\(B\)\(7\)](#).

4.3.3.2 TYPES AND QUANTITIES OF BALLOTS TO HAND COUNT

A post-election hand count audit entails a manual hand count of selected regular ballots¹⁰²⁴ and early ballots cast in the election.

4.3.3.2.1 REGULAR BALLOTS

In counties that conduct polling place-assigned elections, the officer in charge of elections must conduct a hand count of regular ballots from at least 2 percent of the precincts, or 2 precincts, whichever is greater.¹⁰²⁵ In a presidential preference election, however, the officer in charge of elections must conduct a hand count of regular ballots from 2 percent of the consolidated polling places established pursuant to [A.R.S. § 16-248\(C\)-\(E\)](#).¹⁰²⁶

In counties that conduct vote center-based elections, the officer in charge of elections must conduct a hand count of regular ballots from at least 2 percent of the vote centers, or 2 vote centers, whichever is greater. In a presidential preference election, the officer in charge of elections must conduct a hand count of regular ballots from 2 percent of any consolidated vote centers.¹⁰²⁷

4.3.3.2.2 EARLY BALLOTS

For early ballots, regardless if the county conducts polling place-assigned elections or uses vote centers, the officer in charge of elections must conduct a hand count of 1 percent of the total number early ballots cast, or 5,000 early ballots, whichever is less.

In order to confirm the accuracy of all central count equipment, the officer in charge of elections must randomly choose batches of up to 400 early ballots from each machine used for early ballot tabulation, including at least one accessible voting machine used during on-site early voting. In conjunction, the officer in charge of elections must obtain the electronically-tabulated results for the specific batches randomly selected for the early ballot hand count.

4.3.3.2.3 SPECIAL CONSIDERATIONS FOR RECOUNTED BALLOTS

A hand count audit also must be conducted following a court-ordered recount pursuant to [A.R.S. § 16-661](#) *et seq.*¹⁰²⁸ In other words, any ballots that have been electronically re-tabulated for

¹⁰²⁴ Provisional and conditional provisional ballots are not included in the hand count.

¹⁰²⁵ For purposes of precinct selection, when a county uses vote centers instead of precincts/polling locations to tabulate vote totals, each tabulation unit in a vote center is considered to be a precinct/polling location.

¹⁰²⁶ [A.R.S. § 16-602\(B\)\(3\)](#).

¹⁰²⁷ [A.R.S. § 16-602\(B\)\(3\)](#).

¹⁰²⁸ [A.R.S. § 16-663\(B\)](#).

purposes of a recount are treated as if a new election took place and therefore are subject to hand count audit requirements.¹⁰²⁹

In counties that conduct polling place-assigned elections, the officer in charge of elections must conduct a hand count of at least 5 percent of precincts that were subject to the recount.¹⁰³⁰ In counties that conduct vote center-based elections, the officer in charge of elections must conduct a hand count of at least 2 percent of the total number of ballots that were subject to the recount.¹⁰³¹

4.3.3.3 ELIGIBLE RACE CATEGORIES FOR THE HAND COUNT

Certain contested races must be selected for the hand count following a primary or general election, presumptively among the following categories:

- One statewide candidate race;
- One statewide ballot measure (if the election has a statewide ballot measure on the general election ballot);
- One federal candidate race (United States House of Representatives or United States Senate);
- One legislative candidate race (Arizona House of Representatives or Arizona Senate); and
- One presidential elector race (only in general elections with a presidential race).¹⁰³²

Special elections and presidential preference elections are also eligible for the hand count. *See* Chapter 4, Section 4.3.3.3.1.

For a primary election, each political party primary is considered a separate race. For example, the requirement to select one contested legislative race is satisfied by selecting either the Democratic Party or Republican Party primary election race, but not both.

For federal and legislative candidate races, only the type of office (House or Senate) must be selected, not any particular district.¹⁰³³ For example, if the race for United State House of Representatives has been selected to satisfy the federal candidate race category, and the county encompasses parts of three Congressional districts, ballots cast in any of the Congressional districts are eligible for the hand count audit as long as those races are contested.

¹⁰²⁹ A post-recount hand count is required even though the officer in charge of elections already conducted a hand count immediately following the election.

¹⁰³⁰ [A.R.S. § 16-663\(B\)](#).

¹⁰³¹ Arizona's recount statutes do not address ballots cast at vote centers.

¹⁰³² [A.R.S. § 16-602\(B\)\(2\), \(5\)](#).

¹⁰³³ [A.R.S. § 16-602\(B\)\(2\)\(c\)-\(d\)](#).

A candidate race within one of the above-referenced categories is eligible for the hand count only if the race is “contested,” meaning there are more candidates seeking election or nomination than the number of seats available. For example, the race for State Treasurer will not qualify as a contested statewide race in a post-general election hand count audit if the candidate ran unopposed in the general election. Likewise, a legislative race will not qualify as a contested race if only two Democrats or two Republicans are seeking nomination in their party primary. Write-in candidacies do not create contested races.

If there are no contested races within one of the above-referenced categories, one or more additional contested races from one of the other categories must be selected. For example, if there is no contested federal race in the primary election, a second statewide or legislative candidate race must be selected in order to meet the requirement to hand count at least four contested races.

4.3.3.3.1 PROCEDURES FOR SPECIAL ELECTIONS AND PRESIDENTIAL PREFERENCE ELECTIONS

4.3.3.3.1.1 SPECIAL ELECTIONS

For purposes of the hand count, a special election may be conducted either for a statewide ballot measure or to fill a Congressional vacancy.

In the case of a special election to vote on a statewide ballot measure, all statewide ballot measures should be selected for the hand count audit (assuming there are four or less statewide ballot measures on the special election ballot).

In the case of a special election to fill a Congressional vacancy:

- If a Congressional primary is contested, all contested political party races should be selected for the hand count audit for that special primary election (assuming there are four or less contested primaries);
- Regardless of whether a Congressional primary was contested, a contested special general election must be selected for the hand count.

4.3.3.3.1.2 PRESIDENTIAL PREFERENCE ELECTIONS

A hand count must be conducted following a presidential preference election.¹⁰³⁴ Since no other races may appear on a presidential preference election ballot,¹⁰³⁵ all contested political party

¹⁰³⁴ [A.R.S. § 16-602\(B\)\(3\)](#).

¹⁰³⁵ [A.R.S. § 16-241\(A\)](#).

preference elections should be selected for the hand count audit (assuming there are four or less contested preference elections).

4.3.3.4 PROCEDURE FOR SELECTION OF PRECINCTS AND RACES

Prior to commencing the hand count audit, the officer in charge of elections must determine the number of eligible precincts¹⁰³⁶ or polling places¹⁰³⁷ (only in counties that conduct polling place-assigned elections), the eligible categories of races to be hand counted, and the eligible contested races within each category.

If there is sufficient political party participation for the hand count, the chairpersons of each recognized county political party are entitled to make various selections that will govern the hand count. If the county chairperson cannot be present, the chairperson may designate a replacement in writing.¹⁰³⁸ Political parties should be actively encouraged to participate in the hand count process.

4.3.3.4.1 SELECTIONS BY COUNTY CHAIRPERSONS

Various decisions require the participation of county political party chairmen.¹⁰³⁹

First, the order in which chairpersons will make selections must be randomly determined by lot. For example, the result of the drawing may show that the Democratic Party chairperson should select the first race to be hand counted, followed by the Republican Party chairperson, and alternating in that order thereafter.

The chairpersons must randomly select the required number of precincts, vote centers, or consolidated polling places (in the case of presidential preference elections) in which regular and early ballots will be hand counted.

Finally, the chairpersons must randomly select the particular contested races to be hand counted. For example, if the Democratic Party chairperson will select the statewide candidate race, the chairperson must select by lot the particular statewide race (Governor, Attorney General, etc.) to be hand counted.

¹⁰³⁶ Any precincts with no registered voters must be excluded from the pool of eligible precincts.

¹⁰³⁷ In counties that conduct polling place-assigned elections, consolidated polling places (in lieu of precincts) are selected for purposes of a hand count audit of a presidential preference election.

¹⁰³⁸ If a county political party is unrepresented by a designated county chairman, that party's state chairman or a person designated by that state chairman must perform the actions set out in regards to precinct selection, race selection, and hand count board member selection.

¹⁰³⁹ All decisions are made by lot without use of a computer. [A.R.S. §§ 16-602\(B\)\(1\), \(B\)\(2\), \(B\)\(2\)\(e\), \(C\)](#).

4.3.3.4.1.1 CONDITIONS FOR CONDUCTING THE HAND COUNT

The hand count may proceed if:

- A sufficient number of hand count board members have been designated by 5:00 p.m. on the Thursday preceding the election;
- The board is comprised of members from at least two recognized political parties;
- No more than 75% of the board members are from the same political party; and
- All board members have taken the following oath:

“We do solemnly swear or affirm that we will support the Constitution of the United States of America and the Constitution and laws of the State of Arizona: that we will bear true faith and allegiance to the same and defend them against all enemies foreign and domestic, and that we will faithfully and impartially discharge the duties assigned us by law.”

However, the hand count will be canceled (and the electronic tabulation of ballots will constitute the official count) if:

- Fewer than the requisite number of board members appear at the designated time and location to perform the hand count; or
- The officer in charge of elections removes enough board members (due to disruption or members unable to perform their duty) such that there is a shortage in the requisite number of board members and this shortage cannot be remedied with substitutions.

Board members may not bring any electronic devices (other than a video recording device if permitted by the officer in charge of elections), black pens, blue pens, or cell phones into the designated location of the hand count.

Observation of the hand count is permitted, including video recording if permitted by the officer in charge of elections. However, the observation/recording may not interfere with the hand count or infringe on the right to a secret ballot. If either situation occurs, the officer in charge of elections may remove the observers/board members from the facility or further restrict video recording.

4.3.3.5 TIME TO COMMENCE HAND COUNT

The hand count must begin within 24 hours after the polls close on election day and must be completed before the county canvass.

4.3.3.6 PROCEDURE FOR CONDUCTING THE HAND COUNT

The officer in charge of elections must commence the hand count with a public announcement and explanation of the procedure.

4.3.3.6.1 CONDUCTING INITIAL HAND COUNT

The hand count should be conducted according to the following procedure:

- The officer in charge of elections ensures each board is properly assembled and has been provided all necessary forms and supplies.
- The officer in charge of elections apportions ballots to various hand count boards.¹⁰⁴⁰
- The officer in charge of elections announces which specific race will be hand counted. For example, the officer in charge of elections announces that the race for Governor will be the first race to be hand counted.¹⁰⁴¹
- The inspector must separate the ballots according to specific vote choices in the selected race.
 - For each ballot, the inspector must announce (using the voter intent standards outlined in Section 4.3.3.7) the vote choice in the race being hand counted. For example, the inspector announces the gubernatorial candidate’s last name who received a vote on a particular ballot.
 - Blank ballots and ballots with an overvote in the race being hand counted must be disregarded and not included in the hand count tally.
 - Ballots with write-in votes in the race being hand counted must be disregarded. Ballots with write-in votes in other races must be initially separated from ballots that contain no write-in votes, but both sets of ballots must be tallied and included in the hand count results.¹⁰⁴²
 - If both judges agree with the inspector’s determination of voter intent, the inspector should separate the ballots into different stacks according to the vote choice. For example, in a hand count of the Governor’s race following a general election, ballots that contain a vote for the Republican candidate must be separated from ballots that contain a vote for the Democratic candidate. Likewise, the “yes” votes for a particular statewide ballot measure must be separated from the “no” votes on the measure.

¹⁰⁴⁰ The boards are not provided with the electronically-tabulated results for any particular race.

¹⁰⁴¹ The order of races to be hand counted was determined in accordance with Chapter 4, Section 4.3.3.4.1.

¹⁰⁴² [A.R.S. § 16-602\(B\)\(1\)](#).

- The inspector must assign ballot stacks to each judge, including any ballots containing write-in votes for races that are not being hand counted. For example, one judge may be assigned the ballots that contain votes for the Republican candidate for Governor, while the other judge may be assigned the Democratic candidate's ballots.
- Accessible votes must be hand counted in the following manner:
 - In counties that utilize accessible voting equipment that independently tabulates votes,¹⁰⁴³ the voter verifiable paper audit trail (VVPAT) will be the only source to determine vote choices (and therefore it is not possible to separate ballots according to vote choices). In that case, the inspector must read the vote choices out loud from the VVPAT.
 - Each judge must record the number of votes for each candidate (as read by the inspector) on a tally sheet separate from the tally sheet used to hand count paper ballots.
 - The inspector must verify that each judge tallied the same number of votes for each candidate.
- Each judge must hand count the votes in their assigned stack of ballots and record the results in writing.
 - The tally must include all standard votes and accessible votes for the particular candidate or ballot measure in the selected precincts or batches.
 - Ballots should be stacked in groups of 10 or 25, as determined by the hand count board.
- After completing the initial tally, the judges must switch stacks of ballots so that each vote choice has been tallied by both judges.
- The inspector must verify the hand counts done by each judge and sign-off on the results. The inspector need not conduct an independent count, but should ensure that both judges tallied the same number of votes for each race being hand counted.
- The above-referenced process should be repeated for each race selected for the hand count, including both regular ballots and early ballots.
- The officer in charge of elections must collect all documentation from the hand count boards and, in the presence of the county chairpersons or their designees, record the following:
 - The results of the hand count for each candidate and/or ballot measure; and
 - The electronic tabulation totals for those same candidates or ballot measures.

¹⁰⁴³ See Chapter 4, Section 4.1.9.4.1.2 and Chapter 4, Section 4.1.9.1.

4.3.3.6.2 DETERMINING WHETHER HAND COUNT EXCEEDS DESIGNATED MARGIN

If the difference between the hand count (the consolidated totals that include both regular and early ballots) and the electronically-tabulated result for a particular candidate or ballot measure race is less than or equal to the “designated margin” established by the Secretary of State’s Vote Count Verification Committee,¹⁰⁴⁴ the electronically-tabulated results are the official results for that contest. The applicable designated margin is available on the Secretary of State’s website at <https://www.azsos.gov/elections/voting-election/voting-equipment>.

However, if the difference between the hand count and the electronically-tabulated result for a particular candidate or ballot measure race exceeds the “designated margin,” a hand count must be performed a second time for that race. If the difference between the second hand count and the electronically-tabulated result for a particular candidate or ballot measure race is less than or equal to the “designated margin,” the electronically-tabulated results are the official results for that contest.

4.3.3.6.3 CONDUCTING AN EXPANDED HAND COUNT

If the difference between the second hand count and the electronically-tabulated result for a particular candidate or ballot measure race exceeds the “designated margin,” an expanded hand count must be performed for that race.

The expanded hand count must be conducted according to the procedures outlined in Chapter 4, Section 4.3.3.6.1, but must include twice the number of ballots used during the initial hand count. For regular ballots cast in counties that conduct polling place-assigned elections, the county chairpersons must select any additional precincts or consolidated polling places by lot in accordance with the procedure outlined in Chapter 4, Section 4.3.3.4.1.¹⁰⁴⁵

If the difference between the expanded hand count and the electronically-tabulated result for a particular candidate or ballot measure race is less than or equal to the “designated margin,” the electronically-tabulated results are the official results for that contest.

4.3.3.6.4 CONDUCTING A FULL HAND COUNT

If the difference between the expanded hand count and the electronically-tabulated result for a particular race exceeds the “designated margin,” a full hand count must be performed for that race.

¹⁰⁴⁴ [A.R.S. § 16-602\(K\)](#).

¹⁰⁴⁵ If the number of possible selectable precincts for the expanded hand count is less than twice the number of originally-selected precincts for the first and second hand counts, all remaining precincts in the county must be selected for the expanded hand count.

The full hand count must be conducted according to the procedures outlined in Chapter 4, Section 4.3.3.6.1, but must include all ballots cast for that particular race. If necessary, the officer in charge of elections may select additional board members so long as the selection procedure in Chapter 4, Section 4.3.3.4.1 is followed.

The full hand count must be repeated for a particular race until the results of a full hand count are identical to the results of another full hand count for that race. When an identical hand count result is achieved, the hand count (not the electronic tabulation) constitutes the official result for the race in that county.

4.3.3.6.4.1 REVIEW BY SPECIAL MASTER

If a full hand count was necessary, the Secretary of State must make available the escrowed election program for that county's election equipment to the Superior Court for that county.¹⁰⁴⁶ The Superior Court for that county must then appoint a special master to review the election program.

The special master must:

- Have expertise in software engineering;
- Not be affiliated with an election equipment or software vendor;
- Not be affiliated with a candidate who appeared on the ballot in that county;
- Be bound by a signed nondisclosure agreement with respect to the contents of the election program.

The special master must prepare a public report to the Superior Court and to the Secretary of State regarding any discrepancies found in the election program.

The Secretary of State's Election Equipment Certification Committee must review this report while considering the continued certification of any election equipment and software used in the state.¹⁰⁴⁷

4.3.3.7 STANDARD FOR DETERMINING VOTER INTENT IN HAND COUNT

Hand count board members must evaluate the voter's intent according to the following standards:

- Overvoted ballot: if the voter voted for more than the allowed number of selections for a particular race, the ballot may not be included in the hand count.

¹⁰⁴⁶ [A.R.S. § 16-602\(J\)](#). See Chapter 4, Section 4.1.9.3.3.2.

¹⁰⁴⁷ [A.R.S. § 16-602\(J\)](#).

- Blank ballot: if the voter has not selected any choice for a particular race, the ballot may not be included in the hand count.
- Unreadable ballot with clear intent: if the voter clearly and unambiguously indicated his or her intent on the face of the ballot regarding his or her vote choice, but the vote choice was nonetheless unreadable¹⁰⁴⁸ by the electronic voting equipment, the board must include this ballot in the hand count.¹⁰⁴⁹
- Erased selection ballot: if the voter attempted to erase or undo the original vote choice, the board must consider the more clearly evident intended selection as the proper vote choice.
- Improperly-marked ballot: if the voter marked the ballot using an improper method (for example, circling a vote choice rather than filling an oval) such that the selections were unreadable by the electronic voting equipment, but the markings indicate the clear and unambiguous intent of the voter and the improper method is consistently used throughout the rest of the ballot, the board must include the voter's selections in the hand count.
 - If the voter properly marked the ballot (for example, filled in the oval or connected the arrow) but the ballot face includes other extraneous marks, the extraneous marks should be disregarded and the board must consider the properly marked vote choice as the voter's intended selection.
- Instrument used to mark ballot: a voter may use a marker, pen or pencil to indicate their selection on a ballot.
- Dirty/defaced ballot: if a ballot is slightly defaced or soiled, the board must include this ballot in the hand count.

If the board members are unable to reach a unanimous decision regarding the voter's intent in a particular race, the officer in charge of elections must make the final determination in regards to the voter's intent.

4.3.3.8 SECURITY OF BALLOTS

Throughout the hand count, the officer in charge of elections must retain custody and control of all hand counted ballots.

¹⁰⁴⁸ An unreadable ballot choice is one that has been marked by the voter but cannot be read by the scanner equipment.

¹⁰⁴⁹ This type of ballot likely would have been duplicated prior to being tabulated.

4.3.3.9 CONCLUDING THE HAND COUNT

Prior to the county canvass, the officer in charge of elections must file a report with the Secretary of State that includes the following information:¹⁰⁵⁰

- Dates of the hand count;
- Precincts (or, in a presidential preference election, consolidated polling places) selected;
- Races selected;
- Summary of the results according to precinct/polling place, and race for both the electronically tabulated vote totals and the hand counted totals; and
- The margins from the hand count when compared to the electronically tabulated results.

The Secretary of State must post the results on the Secretary of State's website.

4.3.4 CONDUCTING POST-ELECTION LOGIC & ACCURACY TEST

A post-election logic and accuracy (L&A) test must be performed by the officer in charge of elections after the official count has been completed but before the county canvass. The Secretary of State does not participate in a post-election L&A test.¹⁰⁵¹

The post-election L&A test must be performed using the same election program and voting equipment used for the pre-election L&A test and the election.¹⁰⁵² The same test ballots and test script from the pre-election L&A test must be utilized.

The post-election L&A test should generate the same results as the pre-election L&A test. If the post-election L&A test does not yield the same results, the officer in charge of elections should visually assess the test ballots and/or voting equipment for errors or malfunctions. If the problem still cannot be resolved, the officer in charge of elections should contact the Secretary of State and/or the County Attorney for further assistance.

¹⁰⁵⁰If the officer in charge of elections canceled the hand count, the report filed with the Secretary of State must outline the steps taken by the officer in charge of elections to secure sufficient participation in the hand count.¹⁰⁵⁰ See Chapter 4, Section 4.3.3.1 and 4.3.3.4.1.1.

¹⁰⁵¹The Secretary of State does participate in a pre-election L&A test. See Chapter 4, Section 4.1.9.4.5.1.

¹⁰⁵²[A.R.S. § 16-449\(A\)](#).

4.3.5 CONDUCTING AN AUTOMATIC RECOUNT

4.3.5.1 VOTE MARGINS THAT TRIGGER RECOUNT

A recount must be performed following a general, primary, or special election if the margin of votes¹⁰⁵³ between the two candidates receiving the highest number of votes for a particular office,¹⁰⁵⁴ or the votes cast for and against a ballot measure, are equal to the lesser of:

- 1/10 of 1% or less of the total number of votes cast for the top two candidates or the ballot measure in question; or
- One of the following margins:
 - 200 votes for statewide or federal office where the total number of votes cast exceeded 25,000;
 - 200 votes for a ballot measure;
 - 50 votes for statewide or federal office where the total number of votes cast was 25,000 or less;
 - 50 votes for legislative office; or
 - 10 votes for county, city or town office.¹⁰⁵⁵

A recount may not be performed for the following offices:

- Precinct committeemen;
- School district or joint technical education district board member;
- Community college district board member;
- Special taxing district board member; or
- Presidential candidate in a presidential preference election.¹⁰⁵⁶

¹⁰⁵³ The margin of votes is judged according to the official canvass. [A.R.S. § 16-661\(A\)](#).

¹⁰⁵⁴ An automatic recount also may be triggered in a multimember district. For example, if 4 candidates are vying for 3 at-large seats on a city council, an automatic recount is triggered if the vote margin between the candidates with 3rd and 4th highest vote totals is less than 10 votes. Thus, the “two candidates receiving the highest number of votes for a particular office” is judged according last seat up for election. [A.R.S. § 16-661\(A\)](#).

¹⁰⁵⁵ [A.R.S. § 16-661\(A\)](#).

¹⁰⁵⁶ [A.R.S. § 16-249\(B\)](#); [A.R.S. § 16-661\(B\)](#).

4.3.5.2 METHOD OF INITIATING A RECOUNT

If the official canvass demonstrates that a recount is required, the recount is automatically triggered but must be initiated by court order.¹⁰⁵⁷ A third-party may not request a recount as a matter of right.

Promptly following the canvass, the applicable filing officer must:

- File a lawsuit in the appropriate Superior Court, which includes citation to the applicable vote margin that was triggered and inclusion of the canvass;¹⁰⁵⁸
- Consult with the applicable officer(s) in charge of elections and estimate the time period it will take to recount the affected ballots; and
- Obtain a signed court order that initiates the recount and sets a court hearing to announce the results, and distribute the order to the applicable officer(s) in charge of elections.¹⁰⁵⁹

4.3.5.3 METHOD OF CONDUCTING THE RECOUNT

For any race other than the Secretary of State's race, the Secretary of State is responsible for furnishing and programming the electronic voting equipment to be used for the recount.¹⁰⁶⁰ The Secretary of State may delegate this duty to the Board of Supervisors, who in turn may delegate this duty to the officer in charge of elections.¹⁰⁶¹

If the Secretary of State delegates oversight to the Board of Supervisors, ballots from the race to be recounted will be tabulated using the same electronic voting equipment that was used during the election, except the equipment must be reconfigured to only tabulate the race to be recounted.¹⁰⁶²

¹⁰⁵⁷ [A.R.S. § 16-662](#).

¹⁰⁵⁸ [A.R.S. § 16-662](#). If the Secretary of State initiates the recount, the lawsuit must be filed in the Maricopa County Superior Court. [A.R.S. § 16-662](#).

¹⁰⁵⁹ [A.R.S. § 16-663\(A\)](#).

¹⁰⁶⁰ [A.R.S. § 16-664\(A\)](#). If the Secretary of State's race is the race to be recounted, the Governor is responsible for performing the oversight duties normally performed by the Secretary of State in a recount. [A.R.S. § 16-664\(B\)](#).

¹⁰⁶¹ [A.R.S. § 16-664\(A\)](#). The Secretary of State may not delegate this responsibility to Board of Supervisors if a Board of Supervisors race is subject to its own recount. [A.R.S. § 16-664\(A\)](#). In this case, the Secretary of State may directly delegate this responsibility to the officer(s) in charge of elections.

¹⁰⁶² [A.R.S. § 16-664\(C\)](#). For the purposes of a recount, this reconfiguration constitutes a different "program" from the program used to initially tabulate votes. [A.R.S. § 16-664\(C\)](#).

Regardless of which electronic voting equipment is used for the recount, the equipment must be tested for logic & accuracy by the officer in charge of elections (and, in the case of a legislative, statewide, federal office or statewide ballot measure, the Secretary of State as well).

The recount must be conducted by running paper ballots from the applicable race through the designated electronic voting equipment. For votes that were cast on an accessible voting device that independently tabulates votes, the votes (as indicated by the verifiable voter paper audit trail) must be duplicated onto paper ballots, which thereafter must be tabulated by the electronic voting equipment reprogrammed for the recount.¹⁰⁶³

During the course of the recount, the officer(s) in charge of elections may not publicly release vote totals from the recount.

At the conclusion of the recount, the officer(s) in charge of elections must provide the official results to the filing officer who initiated the recount. Once the filing officer has collected all the recount results, the filing officer must appear at the scheduled court hearing and provide the sealed results to the court. The court must declare the winner in open court. The court announcement and/or order constitutes the official result for the recounted race, making it unnecessary to re-canvass the race.

In the case of a candidate race, the prevailing candidate must be issued a Certificate of Nomination or Certificate of Election at the conclusion of the court proceedings.¹⁰⁶⁴

4.3.6 FILING POST-ELECTION REPORTS

The following reports must be issued or filed at the conclusion of an election.

4.3.6.1 COUNTY REPORTING REQUIREMENTS

4.3.6.1.1 REPORTING ELECTION RESULTS

The officer in charge of elections must report election results to the Secretary of State in accordance with Chapter 4, Section 4.3.2.

4.3.6.1.2 HAND COUNT REPORT

The officer in charge of elections must report the results of the post-election hand count audit in accordance with Chapter 4, Section 4.3.3.

¹⁰⁶³ A recount conducted in accordance with this section is deemed to be “conducted in the accordance with the laws pertaining to contests of elections.” [A.R.S. § 16-663\(A\)](#).

¹⁰⁶⁴ [A.R.S. § 16-647](#).

4.3.6.1.3 REPORTS INCLUDED WITH COUNTY CANVASS

4.3.6.1.3.1 PROVISIONAL BALLOT REPORT

The County Recorder or other officer in charge of elections must submit a provisional ballot report to the Secretary of State with the primary and general election canvass. The report must contain the following information about provisional ballots cast at the recently conducted election:

- The number of provisional ballots cast in each precinct or vote center;
- The number of voters in each precinct;
- The number of provisional ballots verified and counted in each precinct or vote center; and
- The number of provisional ballots not verified and counted in each precinct or vote center, along with the reason for not doing so.¹⁰⁶⁵

4.3.6.1.3.2 ACCESSIBILITY REPORT

The County Recorder or other officer in charge of elections must submit an accessibility report to the Secretary of State with the general election canvass (which includes information from both the primary and general election). The report must contain the following information about the recently conducted elections:

- The number of voting locations in the county;
- The number of voting locations that were fully handicap-accessible under the Americans With Disabilities Act (ADA);
- The number of voting locations that were not fully handicap-accessible under the ADA. If some locations were not fully handicap-accessible, the report must identify:
 - The address or description of the voting location;
 - The number of voters registered in the precinct(s) in question (if the county conducts polling place-assigned elections); and
 - The number of ballots cast at the voting location; and
- If some locations were not fully handicap-accessible prior to use on election day, the efforts undertaken prior to the election to either make the voting location fully accessible or identify an alternative location that was fully accessible.

¹⁰⁶⁵ See Chapter 4, Section 4.3.1.1.

4.3.6.1.3.3 VOTER EDUCATION REPORT

The County Recorder or other officer in charge of elections must submit a voter education report to the Secretary of State with the general election canvass (which includes information from both the primary and general election). The report must contain the following information about the recently conducted elections:

- The percentage of voter turnout;
- The number of early ballots requested;
- The number of early ballots cast;
- The number of early ballots that were verified and tabulated;
- The number of public service announcements about the election during the 90-day period prior to election day, including a summary of media outreach (such as paid advertising, social media posts, public events, interviews, etc.);
- The number of local seminars or community meetings which provided voter education, including:
 - A description of the event(s);
 - The estimated cost of the event(s); and
 - Summary of participation at the event(s);
- The number of locations where voter information was on public display, including the length of time this information was on display; and
- A comparison of voter turnout with the previous equivalent federal election.

4.3.6.1.3.4 POLL WORKER TRAINING REPORT

The County Recorder or other officer in charge of elections must submit a poll worker report to the Secretary of State with the general election canvass (which includes information from both the primary and general election). The report must contain the following information about the recently conducted elections:

- The number of poll workers trained;
- A description of the types of election board workers trained for each voting location, including:
 - The number of inspectors, marshals, judges, and clerks trained and assigned to each voting location;

- The number of “premium” poll workers (if any) trained and assigned to each voting location or other area;¹⁰⁶⁶ and
- The number of “troubleshooters” (if any) trained and assigned to each voting location or other area.
- The number of provisional ballots cast at each voting location; and
- The number of signature rosters or e-pollbooks used at each voting location.

4.3.6.1.3.5 POLITICAL PARTY BALLOT REPORT

Concurrently with submitting its primary election canvass,¹⁰⁶⁷ the County Recorder or other officer in charge of elections must file a report with the Secretary of State that identifies the total by party of the number of partisan ballots selected by voters registered as no party preference, independent, or any political party not recognized for continued representation on the ballot.¹⁰⁶⁸

4.3.6.2 SECRETARY OF STATE REPORTING REQUIREMENTS

4.3.6.2.1 ELECTION ASSISTANCE COMMISSION REPORTING

Within 90 days after a federal general election (or any later date established by the federal Election Assistance Commission (EAC)), the Secretary of State must submit a comprehensive post-election report to the EAC in accordance with the format prescribed by the EAC. The report must be prepared in conjunction with County Recorders and/or the other officers in charge of elections.¹⁰⁶⁹

4.3.6.2.2 DEPARTMENT OF JUSTICE UOCAVA REPORTING

At the request of the United States Department of Justice, the Secretary of State must report the following information immediately following a federal election:

- The number of UOCAVA ballots requested for the election;
- The number of UOCAVA ballots timely transmitted; and
- The number of UOCAVA ballots that were not timely transmitted.¹⁰⁷⁰

County Recorders must provide the required data to the Secretary of State in order to meet the federal reporting requirements.

¹⁰⁶⁶ See Chapter 4, Section 4.1.1.5.

¹⁰⁶⁷ See Chapter 4, Section 4.4.1.3.

¹⁰⁶⁸ [A.R.S. § 16-645\(B\)](#).

¹⁰⁶⁹ [A.R.S. § 16-142\(B\)](#).

¹⁰⁷⁰ See Chapter 2, Section 2.5.

4.3.7 FILING POST-ELECTION REIMBURSEMENT REQUESTS

4.3.7.1 REQUEST FOR REIMBURSEMENT FOR CONDUCTING LOCAL ELECTION

Within 90 days after conducting an election on behalf of a local jurisdiction,¹⁰⁷¹ the County Recorder or other officer in charge of elections must prepare an accounting report which itemizes all expenditures incurred by the county in administering the election.¹⁰⁷² The report must include the specific charges for each local jurisdiction which participated in the election.¹⁰⁷³

Local jurisdictions that participated in the election may request and receive a copy of the report.¹⁰⁷⁴

4.3.7.2 REQUEST FOR REIMBURSEMENT FOR PRESIDENTIAL PREFERENCE ELECTION

Within 90 days after a presidential preference election, the County Recorder or other officer in charge of elections should submit a proper claim to the Secretary of State for reimbursement of expenses incurred in conducting the election.¹⁰⁷⁵ The claim must include the number of registered voters in the county as of January 1st of the presidential preference election year.

If the Arizona Legislature has appropriated monies to the Secretary of State to conduct the presidential preference election, the Secretary of State must reimburse each county that submitted a claim at a rate of \$1.25 per active registered voter in the county as of January 1st.¹⁰⁷⁶

Assuming the Arizona Legislature has appropriated monies, the Secretary of State may reimburse a county at a rate greater than \$1.25 per active registered voter, in the Secretary of State's discretion, if the County Recorder or other officer in charge of elections: (1) submitted a proper claim that outlined the county's actual expenses to conduct the presidential preference election; and (2) demonstrates that reimbursement at the statutory rate would significantly jeopardize the county's ability to comply with federal and state law.¹⁰⁷⁷

¹⁰⁷¹ See Chapter 3, Section 3.2 and Chapter 4, Section 4.1.5.

¹⁰⁷² [A.R.S. § 16-205\(D\)](#). The Board of Supervisors is statutorily charged with preparing the report, but this responsibility may be delegated to the County Recorder or other officer in charge of elections.

¹⁰⁷³ [A.R.S. § 16-205\(D\)](#).

¹⁰⁷⁴ [A.R.S. § 16-205\(D\)](#).

¹⁰⁷⁵ [A.R.S. § 16-250\(B\)](#). The claim must be timely submitted in order to reimburse a county from funds appropriated for the current fiscal year.

¹⁰⁷⁶ [A.R.S. § 16-250\(B\)](#).

¹⁰⁷⁷ [A.R.S. § 16-250\(B\)](#).

4.3.7.3 REQUEST FOR REIMBURSEMENT FOR SAMPLE BALLOTS

The Board of Supervisors or officer in charge of elections may seek reimbursement from the Secretary of State for each sample ballot mailed to a county household.¹⁰⁷⁸ If so, the Board or officer must present a certified claim that specifies the actual cost for printing, labeling and postage, along with supporting documentation.¹⁰⁷⁹

4.4 DETERMINING ELECTION RESULTS

In a partisan primary election, the candidate who receives the largest number of votes must be declared the party nominee for that office and issued a certificate of nomination.¹⁰⁸⁰ If more than one candidate may be nominated, the candidates who receive the largest number of votes will be declared nominees and issued certificates of nomination in accordance with the number to elect.¹⁰⁸¹ Nomination entitles the candidate to be placed on the general election ballot.¹⁰⁸²

In order for a write-in candidate to become the nominee of a party with continued representation on the ballot, the candidate:

- Must receive the largest number of votes; and
- Must receive at least as many votes as the number of nomination petition signatures required to appear on the primary election ballot for that office.¹⁰⁸³

At the general election:

- The candidate who receives the largest number of votes must be declared elected to that office and issued a certificate of election;¹⁰⁸⁴ and
- A ballot measure which receives a majority of votes cast for the measure will be declared to be law.¹⁰⁸⁵

4.4.1 CANVASSING THE ELECTION

¹⁰⁷⁸ [A.R.S. § 16-510\(C\)](#). See Chapter 4, Section 4.1.6.3.2.

¹⁰⁷⁹ [A.R.S. § 16-510\(C\)](#).

¹⁰⁸⁰ [A.R.S. § 16-645\(A\), \(F\)](#). See Chapter 4, Section 4.4.2.

¹⁰⁸¹ [A.R.S. § 16-645\(A\)](#).

¹⁰⁸² [A.R.S. § 16-645\(A\)](#). See Chapter 9, Section 9.2.1.1.

¹⁰⁸³ [A.R.S. § 16-645\(C\), \(E\)](#). See Chapter 9, Section 9.2.1.2.

¹⁰⁸⁴ [A.R.S. § 16-647](#); [A.R.S. § 16-650](#).

¹⁰⁸⁵ [Ariz. Const. Art. IV, Pt. 1, § 1\(13\)](#). If two or more conflicting measures (in whole or in part) are approved by voters at the same election, the measure with the most votes will prevail with respect to any provisions that are in conflict. [Ariz. Const. Art. IV, Pt. 1, § 1\(12\)](#).

The governing body conducting an election must meet and canvass the election results of each precinct or election district. The purpose of the canvass is to officially certify the election. The canvass includes vote totals for all races tabulated by voting equipment (including early ballots, regular ballots and provisional ballots) and write-in votes.

A canvass must be conducted by the statutory deadline, but should not be conducted until all necessary audits have been completed to verify the accuracy and integrity of the election results.

4.4.1.1 CITY AND TOWN CANVASSING DUTIES

A city or town council must canvass the official election results of city or town elections in a public meeting.¹⁰⁸⁶

A certified copy of the official canvass must be filled with the city or town clerk, which must be preserved as a permanent record.¹⁰⁸⁷

4.4.1.2 SPECIAL TAXING DISTRICT CANVASSING DUTIES

If a special taxing district conducts its own election, the district must canvass the official results in a public meeting and present the canvass results to the applicable Board of Supervisors at the Board's next regularly scheduled meeting.¹⁰⁸⁸

4.4.1.3 COUNTY BOARD OF SUPERVISORS CANVASSING DUTIES

A Board of Supervisors must canvass the official election results in a public meeting.

The official election results must include the following information:

- A Statement of Votes Cast, which includes:
 - The number of ballots cast in each precinct and in the county;
 - The number of ballots rejected in each precinct and in the county;
 - The titles of the offices up for election and the names of the persons (together with the party designation, if any, of each person) running to fill those offices;
 - The number of votes for each candidate by precinct and in the county;
 - The number and a brief title of each ballot measure; and

¹⁰⁸⁶ [A.R.S. § 16-403](#).

¹⁰⁸⁷ [A.R.S. § 16-646\(D\)](#).

¹⁰⁸⁸ [A.R.S. § 16-642\(B\)](#). For the purposes of an election contest pursuant to [A.R.S. § 16-673](#), the canvass is not complete until the special taxing district results have been presented to the Board of Supervisors. [A.R.S. § 16-642\(B\)](#).

- The number of votes for and against each ballot measure by precinct and in the county;
- A cumulative Official Final Report, which includes:
 - The total number of precincts;
 - The total number of ballots cast;
 - The total number of registered voters eligible for the election;
 - The number of votes for each candidate by district or division, including a designation showing which candidate received the highest number of votes;
 - In a presidential preference election, the number of votes for each candidate by congressional district;
 - In a primary election, the report must contain the party designation for each office; whereas in a general election, the report must contain the party designation for each candidate;
 - The number of votes for and against each ballot measure by district, including a designation which choice received the highest number of votes;
 - The total number of votes in each district or division;
- A Write-Ins vote report, which includes the name and number of votes for each authorized write-in candidate.

4.4.1.3.1 DEADLINE TO CANVASS RESULTS

The Board of Supervisors should canvass the election results only after all necessary audits have been performed and any discrepancies have been addressed by the County Recorder or other officer in charge of elections.

Assuming all prerequisites have been met, the Board of Supervisors must canvass the election by the required deadline, which varies by type of election.

For primary elections and presidential preference elections, the Board of Supervisors must canvass the results within 10 days after the election.¹⁰⁸⁹

For all other elections held on a consolidated election date (including a general election), the Board of Supervisors must canvass between 6 and 20 days after the election.¹⁰⁹⁰

For special elections, the Board of Supervisors must canvass the election according to the deadline established in the order calling the election.

¹⁰⁸⁹ [A.R.S. § 16-241\(C\)](#); [A.R.S. § 16-645\(B\)](#).

¹⁰⁹⁰ [A.R.S. § 16-642\(A\)](#).

4.4.1.3.2 SCOPE OF DUTY TO CANVASS

The Board of Supervisors may postpone the canvass on a day-to-day basis if the results from any precinct are missing.¹⁰⁹¹ If precinct results are still missing after six postponements, the Board of Supervisors must canvass the remaining election results.¹⁰⁹²

The Board of Supervisors has a non-discretionary duty to canvass the returns as provided by the County Recorder or other officer in charge of elections, and has no authority to change vote totals or reject the election results.

4.4.1.3.3 PRESERVING AND TRANSMITTING CANVASS RESULTS

Once the Board of Supervisors has certified the election results, the Official Final Report and Statement of Votes Cast from the canvass must be published on the officer in charge of elections' website. An original signed canvass should be preserved as a permanent record.

For any elections that include a federal, statewide, or legislative office, or a statewide ballot measure, the Board of Supervisors or officer in charge of elections must transmit the official canvass to the Secretary of State (in an electronic format determined by the Secretary of State) within the applicable statutory deadline.¹⁰⁹³ In addition, a certified copy must be promptly mailed to the Secretary of State to be preserved as a permanent record.

For any local jurisdictions the county conducted an election on behalf of, the Board of Supervisors or officer in charge of elections should promptly transmit a copy of the official canvass to those jurisdictions as well.

4.4.1.4 SECRETARY OF STATE'S CANVASSING DUTIES

The Secretary of State must canvass the results for any elections that include a federal, statewide, or legislative office, state appellate court judges, and statewide ballot measures.

4.4.1.4.1 DEADLINE TO CANVASS RESULTS

For primary elections and presidential preference elections, the Secretary of State must canvass the results on or before the second Monday after the election.¹⁰⁹⁴ In the case of a presidential preference election, the Secretary of State must promptly transmit the results to the state chairpersons of any political party that had candidates on the ballot.

¹⁰⁹¹ [A.R.S. § 16-642\(C\)](#).

¹⁰⁹² [A.R.S. § 16-642\(C\)](#).

¹⁰⁹³ [A.R.S. § 16-645\(B\)](#).

¹⁰⁹⁴ [A.R.S. § 16-241\(C\)](#); [A.R.S. § 16-645\(B\)](#).

For a general election, the Secretary of State must canvass the results on the fourth Monday following the election.¹⁰⁹⁵ The Secretary of State must conduct the general election canvass at a public meeting and in the presence of the Governor and Attorney General.¹⁰⁹⁶ If any statewide ballot measures appeared on the ballot, the Secretary of State must canvass the results in the presence of the Chief Justice of the Arizona Supreme Court as well.¹⁰⁹⁷

4.4.1.4.2 SCOPE OF DUTY TO CANVASS

The Secretary of State may postpone the canvass on a day-to-day basis if the results from any county are missing.¹⁰⁹⁸ All counties must transmit their canvasses to the Secretary of State, and the Secretary of State must conduct the statewide canvass, no later than 30 days after the election.¹⁰⁹⁹

The Secretary of State has a non-discretionary duty to canvass the returns as provided by the counties and has no authority to change vote totals or reject the election results.

4.4.1.4.3 PRESERVING AND TRANSMITTING CANVASS RESULTS

Once the Secretary of State has certified the election results, the official canvass (along with the official final precinct level results files from each county) must be published on the Secretary of State's website. An original signed canvass should be preserved as a permanent record as well.

Following a general election with at least one statewide ballot measure, the Secretary of State must promptly transmit the results of each ballot measure to the Governor.¹¹⁰⁰

Following an electoral college to select the President of the United States, the Secretary of State must transmit Certificates of Ascertainment and Certificates of Vote to the Archivist of the United States, President of the United States Senate, and the Chief Judge of the United States District Court for the District of Arizona by the deadline provided under federal law.¹¹⁰¹

4.4.2 ISSUING CERTIFICATES OF NOMINATION AND ELECTION

Upon completion of the applicable canvass, a city or town council must promptly issue a Certificate of Nomination (following a primary or first election) or Certificate of Election

¹⁰⁹⁵ [A.R.S. § 16-648\(A\)](#).

¹⁰⁹⁶ [A.R.S. § 16-648\(A\)](#).

¹⁰⁹⁷ [A.R.S. § 16-648\(B\)](#).

¹⁰⁹⁸ [A.R.S. § 16-648\(C\)](#).

¹⁰⁹⁹ [A.R.S. § 16-648\(C\)](#).

¹¹⁰⁰ [A.R.S. § 16-648\(B\)](#).

¹¹⁰¹ See <https://www.archives.gov/federal-register/electoral-college/officials.html>.

(following a general or second election) to each candidate who received the highest number of votes for each office at the election.

Likewise, upon completion of the county's canvass,¹¹⁰² the Board of Supervisors must promptly issue a Certificate of Nomination (following a primary election) or Certificate of Election (following a general election) to each candidate who received the highest number of votes for the following offices:¹¹⁰³

- All county offices;
- Precinct committeemen;
- School district board member;
- Community college district board member; and
- Special taxing district board member

However, a certificate may not be issued under the following conditions:

- A Certificate of Nomination may not be issued to a write-in candidate from a political party not recognized for continued representation who did not receive at least as many votes as the number of signatures required to appear on the primary election ballot pursuant to [A.R.S. § 16-322\(A\)](#);¹¹⁰⁴ and
- A Certificate of Election may not be issued to a write-in candidate for precinct committeemen who did not receive at least as many votes as the number of signatures required to appear on the primary election ballot pursuant to [A.R.S. § 16-322\(A\)\(6\)](#).¹¹⁰⁵

Following completion of the statewide canvass (and subject to the same exception for write-in candidates from a political party not recognized for continued representation),¹¹⁰⁶ the Secretary of State must promptly issue a Certificate of Nomination or Certificate of Election to each legislative, statewide, and federal candidate who received the highest number of votes for each office at the election.¹¹⁰⁷ The Certificate of Election must be signed by the Secretary of State and authenticated with the great seal of the State of Arizona.¹¹⁰⁸

¹¹⁰² See Chapter 4, Section 4.4.1.3.

¹¹⁰³ [A.R.S. § 16-645\(A\)](#).

¹¹⁰⁴ [A.R.S. § 16-645\(E\)](#). This requirement applies to city and town elections as well.

¹¹⁰⁵ [A.R.S. § 16-645\(C\)](#).

¹¹⁰⁶ See Chapter 4, Section 4.4.2.

¹¹⁰⁷ [A.R.S. § 16-645\(B\)](#); [A.R.S. § 16-650](#).

¹¹⁰⁸ [A.R.S. § 16-650](#).

4.4.3 ISSUING BALLOT MEASURE PROCLAMATIONS

At the conclusion of the statewide canvass that contained a ballot measure, the Governor must issue a proclamation that:

- Proclaims the number votes cast for and against each proposed constitutional amendment;
- Proclaims the number of votes cast for and against each proposed initiative or referendum; and
- Declares which measures were approved by a majority of those voting on the measures.¹¹⁰⁹

If there are two or more conflicting measures approved at the same election, the Governor must proclaim which measure received the greatest number of affirmative votes.¹¹¹⁰

For any approved measure, the Secretary of State must cause the measure to be printed with the general laws enacted by the next ensuing session of the Arizona Legislature, along with the date of the Governor's proclamation declaring the measure to be approved.¹¹¹¹

4.4.4 STORAGE OF BALLOTS AND RETURNS OF THE ELECTION

After the county canvass is complete,¹¹¹² the officer in charge of elections must seal the voted ballots and deliver these ballots and official returns to the County Treasurer (or a secure facility contracted by the County Treasurer) for secure storage.¹¹¹³ Unused ballots are not subject to retention.

If voting equipment produces digital ballot images, the digital ballot images must be retained and preserved as official returns of the election.¹¹¹⁴

The County Treasurer must keep the ballots and official returns unopened and unaltered for a period of 24 months following an election for federal office and 6 months for all other elections.¹¹¹⁵ During this retention period, ballots and official returns only may be opened pursuant to a court order (including for the purpose of conducting a recount or an election contest).¹¹¹⁶

¹¹⁰⁹ [A.R.S. § 16-651](#); [A.R.S. § 19-126\(A\)](#).

¹¹¹⁰ [A.R.S. § 19-126\(B\)](#).

¹¹¹¹ [A.R.S. § 19-127\(B\)](#).

¹¹¹² See Chapter 4, Section 4.4.1.3.

¹¹¹³ [A.R.S. § 16-624\(A\)](#).

¹¹¹⁴ [A.R.S. § 16-625](#).

¹¹¹⁵ [A.R.S. § 16-624\(A\)-\(B\)](#).

¹¹¹⁶ [A.R.S. § 16-624\(B\)](#); see also [A.R.S. § 16-661](#) *et seq.*; [A.R.S. § 16-671](#) *et seq.*

If no recount or election contest has commenced during the applicable retention period, the Board of Supervisors or officer in charge of elections may dispose of the ballots and official returns.¹¹¹⁷

If a county conducts an election on behalf of a local jurisdiction, the county officer in charge of elections may transfer the official returns to the local jurisdiction (which thereafter must be preserved by the local jurisdiction in lieu of the County Treasurer).

¹¹¹⁷ [A.R.S. § 16-624\(A\)-\(B\)](#).

CHAPTER 5 – INITIATIVE, REFERENDUM, AND RECALL PETITIONS

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CHAPTER 5

Initiative, Referendum, and Recall Petitions

An initiative is the method by which voters may propose new laws or amend existing laws by gathering signatures from registered voters to place the measure on the ballot. If the person or organization submits enough valid signatures, the proposed law or constitutional/charter amendment will be placed on the next general election ballot. A “yes” vote enacts the new law or amendment, whereas a “no” vote retains existing law.

A citizen referendum is the method by which voters may veto a law (or part of a law) by gathering signatures from registered voters to place the measure on the ballot.¹¹¹⁸ If the person or organization submits enough valid signatures, the law will be placed on the next general election ballot (for statewide and county measures) or special election ballot (for local measures). A “yes” vote allows the law to go into effect, whereas a “no” vote prevents the law from going into effect.

A recall petition is the method by which voters may remove an elected official from office (including those appointed to elective office) by gathering signatures from registered voters to call a new election for that office. A special election will be called if the person or organization submits enough valid signatures. The incumbent official will automatically appear on the recall election ballot (unless the official resigns), while competing candidates may gather petition signatures to qualify to run against the incumbent. All qualified candidates appear on the special election ballot without party affiliation.

5.1 CIRCULATING PETITIONS

5.1.1 CIRCULATING INITIATIVE AND REFERENDUM PETITIONS

To circulate an initiative or referendum petition, a person or organization must:

1. Establish or designate a political committee that will act as the initiative or referendum sponsor;
2. Apply for an initiative or referendum serial number;
3. Obtain an approved initiative or referendum petition form from the filing officer; and
4. File a sufficient number of valid petition signatures on the approved form by the applicable deadline.

¹¹¹⁸ An alternative form of referendum is referral to the ballot by a legislative body. [Ariz. Const. Art. IV, § 1, Pt. 1\(3\)](#).

5.1.1.1 DESIGNATING A POLITICAL COMMITTEE SPONSOR

A person or organization that seeks to place an initiative or referendum on the ballot must identify a non-candidate committee to act as the initiative or referendum sponsor.¹¹¹⁹ It is not necessary to form a new committee strictly for the purpose of running an initiative or referendum campaign, as any political action committee (PAC) or political party registered with the applicable filing officer may act as the sponsor.¹¹²⁰

The committee may conduct various political activities and is not limited to sponsoring the initiative or referendum effort.¹¹²¹ However, the committee must segregate any monies raised from corporations and unions from monies raised from individuals, partnerships, or other committees.¹¹²² The committee is also obligated to report how much it spends on the initiative or referendum effort as opposed to other types of political expenditures.¹¹²³

5.1.1.2 APPLICATION TO CIRCULATE A PETITION

A person or organization seeking to place an initiative or referendum on the ballot must apply for a serial number prior to circulating petitions.¹¹²⁴ A complete application must include a 100-word (or less) summary of the principal provisions of the measure and a copy of the proposed title and text of the measure to be initiated or referred.

A complete application for serial number must be filed with the filing officer prior to circulating an initiative or referendum petition:

- The Secretary of State serves as the filing officer for a statewide initiative or referendum;¹¹²⁵
- The county officer in charge of elections serves as the filing officer for a county initiative or referendum;¹¹²⁶ and
- The city or town clerk serves as the filing officer for a city or town initiative or referendum.¹¹²⁷

¹¹¹⁹ [A.R.S. § 19-111\(A\)](#); [A.R.S. 19-114\(B\)](#).

¹¹²⁰ [A.R.S. § 16-906\(G\)](#).

¹¹²¹ [A.R.S. § 16-906\(G\)](#).

¹¹²² [A.R.S. § 16-907\(B\)\(2\)](#). See Chapter 8, Section 8.3.2.4.

¹¹²³ [A.R.S. § 16-926\(B\)\(3\)\(m\)](#). See Chapter 8, Section 8.8.2.3.

¹¹²⁴ [A.R.S. § 19-111\(A\)](#).

¹¹²⁵ [A.R.S. § 19-111\(A\)](#).

¹¹²⁶ [A.R.S. § 19-141\(A\)](#).

¹¹²⁷ [A.R.S. § 19-141\(A\)](#).

The filing officer must issue a serial number to the sponsoring committee if the application for serial number is complete and the underlying law is otherwise capable of being initiated or referred.¹¹²⁸

5.1.1.2.1 100-WORD SUMMARY

The 100-word summary must cover the principal provisions of the measure to be initiated or referred.¹¹²⁹ Any summary exceeding 100 words must be reduced in order to meet the required word limit.¹¹³⁰

5.1.1.2.2 TITLE AND TEXT

A person or organization must also file a copy of the title and text of the measure to be initiated or referred. A filing officer should stamp each page of the measure. This stamped, official version of the title and text must be attached to each petition prior to circulation.

The title and text must be printed in at least 8-point font, excluding any maps, charts or graphics.¹¹³¹ A person or organization is encouraged to print the title and text double-sided in order to reduce the amount of paper stapled to each petition.

5.1.1.2.2.1 DEFINITION OF “TITLE AND TEXT” FOR STATEWIDE MEASURE

5.1.1.2.2.1.1 “TITLE” OF A STATEWIDE MEASURE

The “title” of a statewide measure comprises the following:

- The phrase “AN INITIATIVE MEASURE” (for an initiative) or “AN ACT” (for a bill subject to a referendum); and

¹¹²⁸ A filing officer has the authority to refuse to issue a serial number, or to reject circulated petitions at the time of attempted filing with the filing officer, if the underlying matter is not properly subject to the initiative or referendum process. *Garvey v. Trew*, 64 Ariz. 342 (1946); *Respect the Promise in Opposition to R-14-02-Neighbors for a Better Glendale v. Hanna*, 238 Ariz. 296 (App. 2015); *Hancock v. McCarroll*, 188 Ariz. 492 (App. 1996). For example, emergency laws, laws that fund state agencies, laws increasing state revenues through new or increased taxes, or acts of the Legislature that are not “legislative” in nature are not subject to the referendum process at the state level. THE ARIZONA LEGISLATIVE BILL DRAFTING MANUAL 2017-2018, § 3.2, pg. 26, Arizona Legislative Council, available at: http://www.azleg.gov/alisPDFs/council/2017-2018_bill_drafting_manual.pdf; *Respect the Promise in Opposition to R-14-02-Neighbors for a Better Glendale v. Hanna*, 238 Ariz. 296 (App. 2015).

¹¹²⁹ [A.R.S. § 19-101\(A\)](#); [A.R.S. § 19-102\(A\)](#).

¹¹³⁰ [A.R.S. § 19-101\(A\)](#). A filing officer should not advise whether a proposed 100-word summary sufficiently encompasses the law’s “principal” provisions.

¹¹³¹ [A.R.S. § 19-111\(A\), \(E\)](#).

- A listing of all the changes to specific sections of the Arizona Constitution (for a constitutional amendment) or Arizona Revised Statutes (for all other initiatives and referenda), followed by the phrase “RELATING TO” and a single, brief statement about the subject of the measure; and
- An enacting clause: “Be it enacted by the People of the State of Arizona” (for an initiative) or “Be it enacted by the Legislature of the State of Arizona” (for a bill subject to a referendum).¹¹³²

For example, the title of a statutory initiative may appear as follows:

SECRETARY OF STATE
2018 MAR 30 PM 12: 57

OFFICIAL TITLE
AN INITIATIVE MEASURE

AMENDING TITLE 23, CHAPTER 2, ARTICLE 8, ARIZONA REVISED STATUTES, BY AMENDING SECTIONS 23-363 and 23-364; AMENDING TITLE 23, CHAPTER 2, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 8.1; RELATING TO ARIZONA’S MINIMUM WAGE AND EARNED PAID SICK TIME BENEFITS.

TEXT OF PROPOSED AMENDMENT

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

Section 1. Short Title

This act may be cited as the “The Fair Wages and Healthy Families Act”

Sec. 2. Heading change

The article heading of title 23, chapter 2, article 8, Arizona Revised Statutes, is changed from “MINIMUM WAGE” to “MINIMUM WAGE AND EMPLOYEE BENEFITS”.

Sec 3. Section 23-363, Arizona Revised Statutes, is amended to read:

23-363. Minimum wage

A. Employers shall pay employees no less than the minimum wage, which shall be ~~six dollars and seventy-five cents (\$6.75) an hour beginning on January 1, 2007~~; NOT LESS THAN:

1. \$10 ON AND AFTER JANUARY 1, 2017.
2. \$10.50 ON AND AFTER JANUARY 1, 2018.
3. \$11 ON AND AFTER JANUARY 1, 2019.
4. \$12 ON AND AFTER JANUARY 1, 2020.

The title of a constitutional amendment may appear as follows:

¹¹³² It is unclear whether an enacting clause constitutes part of a measure’s “title” as used in [A.R.S. § 19-121\(A\)\(3\)](#), but the Arizona Constitution requires a prescribed enacting clause in every bill or initiative. [Ariz. Const. Art. IV, § 24, Pt. 2](#). See also *Meyers v. Bayless*, 192 Ariz. 376 (1998).

CITIZENS INDEPENDENT REDISTRICTING COMMISSION INITIATIVE:

AN INITIATIVE MEASURE

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE IV, PART 2, SECTION 1, CONSTITUTION OF ARIZONA; RELATING TO ENDING THE PRACTICE OF GERRYMANDERING AND IMPROVING VOTER AND CANDIDATE PARTICIPATION IN ELECTIONS BY CREATING AN INDEPENDENT COMMISSION OF BALANCED APPOINTMENTS TO OVERSEE THE MAPPING OF FAIR AND COMPETITIVE CONGRESSIONAL AND LEGISLATIVE DISTRICTS.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF ARIZONA:

ARTICLE IV, PART 2, SECTION 1, CONSTITUTION OF ARIZONA, IS AMENDED AS FOLLOWS IF APPROVED BY THE VOTERS AND UPON PROCLAMATION BY THE GOVERNOR:

1. Senate; house of representatives; members; special session upon petition of members; CONGRESSIONAL AND LEGISLATIVE BOUNDARIES; CITIZEN COMMISSIONS

Section 1. (1) The senate shall be composed of one member elected from each of the thirty legislative districts established by the legislature PURSUANT TO THIS SECTION.

The house of representatives shall be composed of two members elected from each of the thirty legislative districts established by the legislature PURSUANT TO THIS SECTION.

(2) Upon the presentation to the governor of a petition bearing the signatures of not less than two-thirds of the members of each house, requesting that he call a special session of the legislature and designating the date of convening, the governor shall forthwith PROMPTLY call a special session to assemble on the date specified. At a special session so called the subjects which may be considered by the legislature shall not be limited.

(3) BY FEBRUARY 28 OF EACH YEAR THAT ENDS IN ONE, AN INDEPENDENT REDISTRICTING COMMISSION SHALL BE ESTABLISHED TO PROVIDE FOR THE REDISTRICTING OF CONGRESSIONAL AND STATE LEGISLATIVE DISTRICTS. THE INDEPENDENT REDISTRICTING COMMISSION SHALL COMPOSE OF FOUR MEMBERS, TWO FROM EACH HOUSE OF THE LEGISLATURE.

The title of a referendum may appear as follows:

State of Arizona
House of Representatives
Fifty-third Legislature
First Regular Session
2017

SECRETARY OF STATE

CHAPTER 151
HOUSE BILL 2244

AN ACT

AMENDING TITLE 19, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 19-102.01; AMENDING TITLE 19, CHAPTER 1, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 19-119.02; RELATING TO INITIATIVE AND REFERENDUM.

(TEXT OF BILL BEGINS ON NEXT PAGE)

2017 MAY 11 PM 3:28

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

2 Section 1. Title 19, chapter 1, article 1, Arizona Revised

3 Statutes, is amended by adding section 19-102.01, to read:

4 19-102.01. Initiative petitions; standard of review

5 A. CONSTITUTIONAL AND STATUTORY REQUIREMENTS FOR STATEWIDE

6 INITIATIVE MEASURES MUST BE STRICTLY CONSTRUED AND PERSONS USING THE

7 INITIATIVE PROCESS MUST STRICTLY COMPLY WITH THOSE CONSTITUTIONAL AND

8 STATUTORY REQUIREMENTS.

9 B. THE SECRETARY OF STATE SHALL MAKE AVAILABLE A SAMPLE INITIATIVE

10 PETITION THAT STRICTLY COMPLIES WITH THE REQUIREMENTS OF SECTION 19-121.

11 ANY COMMITTEE THAT USES THE SAMPLE INITIATIVE PETITION PROVIDED BY THE

12 SECRETARY OF STATE SHALL BE PRESUMED TO HAVE STRICTLY COMPLIED WITH THE

13 REQUIREMENTS OF SECTION 19-121.

14 Sec. 2. Title 19, chapter 1, article 2, Arizona Revised Statutes,

15 is amended by adding section 19-119.02, to read:

5.1.1.2.2.1.2 “TEXT” OF A STATEWIDE MEASURE

The “text” of a statewide measure contains the substance of the bill or amendment. This is the body where constitutional amendments or statutory law are amended, added or repealed.¹¹³³

For example, the text of a statutory initiative may appear as follows:

SECRETARY OF STATE

2016 MAR 30 PM 12: 57

OFFICIAL TITLE
AN INITIATIVE MEASURE

AMENDING TITLE 23, CHAPTER 2, ARTICLE 8, ARIZONA REVISED STATUTES, BY AMENDING SECTIONS 23-363 and 23-364; AMENDING TITLE 23, CHAPTER 2, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 8.1; RELATING TO ARIZONA’S MINIMUM WAGE AND EARNED PAID SICK TIME BENEFITS.

TEXT OF PROPOSED AMENDMENT

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

Section 1. Short Title

This act may be cited as the “The Fair Wages and Healthy Families Act”

Sec. 2. Heading change

The article heading of title 23, chapter 2, article 8, Arizona Revised Statutes, is changed from “MINIMUM WAGE” to “MINIMUM WAGE AND EMPLOYEE BENEFITS”.

Sec 3. Section 23-363, Arizona Revised Statutes, is amended to read:

23-363. Minimum wage

A. Employers shall pay employees no less than the minimum wage, which shall be ~~six dollars and seventy five cents (\$6.75) an hour beginning on January 1, 2007~~; NOT LESS THAN:

1. \$10 ON AND AFTER JANUARY 1, 2017.
2. \$10.50 ON AND AFTER JANUARY 1, 2018.
3. \$11 ON AND AFTER JANUARY 1, 2019.
4. \$12 ON AND AFTER JANUARY 1, 2020.

¹¹³³ THE ARIZONA LEGISLATIVE BILL DRAFTING MANUAL 2017-2018, § 2.10, pg. 13, Arizona Legislative Council, available at: http://www.azleg.gov/alisPDFs/council/2017-2018_bill_drafting_manual.pdf.

The text of a constitutional amendment may appear as follows:

CITIZENS INDEPENDENT REDISTRICTING COMMISSION INITIATIVE:
AN INITIATIVE MEASURE

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE IV, PART 2, SECTION 1, CONSTITUTION OF ARIZONA; RELATING TO ENDING THE PRACTICE OF GERRYMANDERING AND IMPROVING VOTER AND CANDIDATE PARTICIPATION IN ELECTIONS BY CREATING AN INDEPENDENT COMMISSION OF BALANCED APPOINTMENTS TO OVERSEE THE MAPPING OF FAIR AND COMPETITIVE CONGRESSIONAL AND LEGISLATIVE DISTRICTS,

BE IT ENACTED BY THE PEOPLE OF THE STATE OF ARIZONA:

ARTICLE IV, PART 2, SECTION 1, CONSTITUTION OF ARIZONA, IS AMENDED AS FOLLOWS IF APPROVED BY THE VOTERS AND UPON PROCLAMATION BY THE GOVERNOR:

1. Senate; house of representatives; members; special session upon petition of members; CONGRESSIONAL AND LEGISLATIVE BOUNDARIES; CITIZEN COMMISSIONS

Section 1. (1) The senate shall be composed of one member elected from each of the thirty legislative districts established by the legislature PURSUANT TO THIS SECTION.

The house of representatives shall be composed of two members elected from each of the thirty legislative districts established by the legislature PURSUANT TO THIS SECTION.

(2) Upon the presentation to the governor of a petition bearing the signatures of not less than two-thirds of the members of each house, requesting that he call a special session of the legislature and designating the date of convening, the governor shall forthwith PROMPTLY call a special session to assemble on the date specified. At a special session so called the subjects which may be considered by the legislature shall not be limited.

(3) BY FEBRUARY 28 OF EACH YEAR THAT ENDS IN ONE, AN INDEPENDENT REDISTRICTING COMMISSION SHALL BE ESTABLISHED TO PROVIDE FOR THE REDISTRICTING OF CONGRESSIONAL AND STATE LEGISLATIVE DISTRICTS. THE INDEPENDENT REDISTRICTING COMMISSION SHALL COMPOSE OF ONE MEMBER FROM EACH OF THE THIRTY LEGISLATIVE DISTRICTS.

The text of a referendum may appear as follows:

State of Arizona
House of Representatives
Fifty-third Legislature
First Regular Session
2017

SECRETARY OF STATE

CHAPTER 151
HOUSE BILL 2244

AN ACT

AMENDING TITLE 19, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 19-102.01; AMENDING TITLE 19, CHAPTER 1, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 19-119.02; RELATING TO INITIATIVE AND REFERENDUM.

(TEXT OF BILL BEGINS ON NEXT PAGE)

2017 MAY 11 PM 3:28

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Title 19, chapter 1, article 1, Arizona Revised
3 Statutes, is amended by adding section 19-102.01, to read:
4 19-102.01. Initiative petitions; standard of review
5 A. CONSTITUTIONAL AND STATUTORY REQUIREMENTS FOR STATEWIDE
6 INITIATIVE MEASURES MUST BE STRICTLY CONSTRUED AND PERSONS USING THE
7 INITIATIVE PROCESS MUST STRICTLY COMPLY WITH THOSE CONSTITUTIONAL AND
8 STATUTORY REQUIREMENTS.
9 B. THE SECRETARY OF STATE SHALL MAKE AVAILABLE A SAMPLE INITIATIVE
10 PETITION THAT STRICTLY COMPLIES WITH THE REQUIREMENTS OF SECTION 19-121.
11 ANY COMMITTEE THAT USES THE SAMPLE INITIATIVE PETITION PROVIDED BY THE
12 SECRETARY OF STATE SHALL BE PRESUMED TO HAVE STRICTLY COMPLIED WITH THE
13 REQUIREMENTS OF SECTION 19-121.
14 Sec. 2. Title 19, chapter 1, article 2, Arizona Revised Statutes,
15 is amended by adding section 19-119.02, to read:

For initiatives, portions of the text being deleted must be stricken with a line drawn through the center of the letters, whereas portions of text being added must be printed in all capital letters.¹¹³⁴ Bills subject to referendum will already be in this format.

For referenda, the chaptered version of the bill must be utilized for petition circulation. The chaptered version is distinguishable because it contains signatures from the Chief Clerk of the House, the Secretary of the Senate, the Secretary of State, and the Governor:

¹¹³⁴ Arizona Legislative Council Drafting Rules and Deadlines, Rule 24; *see also* THE ARIZONA LEGISLATIVE BILL DRAFTING MANUAL 2017-2018, Sample No. 7, pg. 120, Arizona Legislative Council, *available at*: http://www.azleg.gov/alisPDFs/council/2017-2018_bill_drafting_manual.pdf.

31 c. The department of education shall provide technical assistance
32 to the empowerment scholarship account review council.
33 F. This section is repealed from and after December 31, 2020.

APPROVED BY THE GOVERNOR APRIL 6, 2017.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 7, 2017.

20

Passed the House April 6, 2017, Passed the Senate April 6, 2017,
by the following vote: 31 Ayes, by the following vote: 16 Ayes,
28 Nays, 1 Not Voting 13 Nays, 1 Not Voting
W. R. Boyce Steve B. Yarbrough
Speaker of the House President of the Senate
Ho Tompase
Jim Drake Lawson Craven
Chief Clerk of the House Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

6 day of April, 2017

at 6:59 o'clock P. M.

[Signature]
Secretary to the Governor

Approved this 6th day of

April, 2017,

at 10:20 o'clock P. M.

[Signature]
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 7 day of April, 2017.

at 2:24 o'clock P. M.

Michelle Reagan
Secretary of State

S.B. 1431

The chaptered version may be found at the Secretary of State's website: <https://www.azsos.gov/services/legislative-filings>.

5.1.1.2.2.2 LEGISLATIVE COUNCIL REVIEW OF INITIATIVE TEXT

For a statewide initiative measure, the political committee that intends to sponsor an initiative (or a political committee that intends to oppose an initiative) may request advice from the director of the Arizona Legislative Council after a serial number has been issued.¹¹³⁵ Legislative Council staff must review the initiative within 30 days.¹¹³⁶ Staff must limit its consideration to errors in drafting the measure, confusing, conflicting or inconsistent provisions within the measure, or conflicts with other state laws and federal law, and may prepare recommendations to improve the text of the proposed measure.¹¹³⁷

The political committee sponsoring the initiative may accept, modify or reject any recommendations made by Legislative Council, solely in its discretion.¹¹³⁸ However, any changes to the initiative text require the sponsoring political committee to obtain a new serial number from the filing officer.

5.1.1.3 USE OF PETITION SERIAL NUMBER

Once a serial number has been issued by the filing officer, the number must be placed on the lower right-hand corner of each petition sheet (front and back) prior to obtaining any signatures on the sheet.¹¹³⁹ It is unlawful to sign an initiative or referendum petition before a serial number has been assigned.¹¹⁴⁰

5.1.1.4 OBTAINING AN AUTHORIZED PETITION FORM

A person or organization seeking to place an initiative or referendum on the ballot must obtain the authorized petition form from the filing officer.¹¹⁴¹ The filing officer may also prescribe the method for acquiring the authorized petition form and/or requirements for filing the circulated petitions with the filing officer.¹¹⁴²

¹¹³⁵ [A.R.S. § 19-111.01\(A\)](#). Legislative Council analysis is not permitted for proposed county, city or town initiatives. [A.R.S. § 19-141\(A\)](#).

¹¹³⁶ [A.R.S. § 19-111.01\(B\)](#).

¹¹³⁷ [A.R.S. § 19-111.01\(B\)](#).

¹¹³⁸ [A.R.S. § 19-111.01\(C\)](#).

¹¹³⁹ [A.R.S. § 19-101\(B\)](#); [A.R.S. § 19-102\(B\)](#); [A.R.S. § 19-111\(B\)](#). Statewide referendum serial numbers are eligible to be issued after the Governor has signed the underlying into law. A sponsoring committee therefore need not wait until the Legislature adjourns *sine die* to submit an Application for Serial Number to the Secretary of State's Office.

¹¹⁴⁰ [A.R.S. § 19-101\(B\)](#); [A.R.S. § 19-102\(B\)](#).

¹¹⁴¹ [A.R.S. § 19-102.01\(B\)](#).

¹¹⁴² [A.R.S. § 19-121\(C\)](#).

Petition sheets:

- Must be printed in black on white or recycled white legal size (8.5” x 14”) paper;¹¹⁴³
- Must contain at least a .5” margin at the top and .25” margin at the bottom;¹¹⁴⁴
- Must contain front and back sides printed in the same orientation; and
- May be circulated in English, Spanish, or any combination of the two.¹¹⁴⁵

The filing officer may prescribe any additional specifications for printing the petition sheets.

The filing officer’s duty is limited to providing the authorized form and providing access to the Secretary of State’s Initiative, Referendum and Recall Handbook (or the filing officer’s own handbook).¹¹⁴⁶ The filing officer is not responsible for completing the petition form on the person’s or organization’s behalf. For example, the header on the front side of the petition sheet (along with the serial number on both sides of the petition sheet and the “paid” or “volunteer” check boxes on the front side of the petition) must be fully and accurately completed by the circulator prior to circulation.¹¹⁴⁷ Additionally, the completed petition sheet must contain the exact 100-summary contained in the approved application for serial number. Thus, the person or organization receiving the authorized petition form remains solely responsible for compliance with Arizona law.

5.1.1.4.1 USE OF CIRCULATOR ID NUMBERS

A paid circulator must register with the Secretary of State prior to circulating a statewide initiative, referendum or recall petition.¹¹⁴⁸ Nonresident circulators must register with the Secretary of State prior to circulating any type of petition (initiative, referendum, recall, or candidate) in any Arizona jurisdiction (statewide, county, city or town).¹¹⁴⁹

Upon registration of a petition circulator, the Secretary of State will assign a random circulator ID number to each such circulator. The circulator ID number is permanently assigned to the circulator, and must be used for all petitions being circulated by that particular individual (regardless of the election cycle or which petition is being circulated).

¹¹⁴³ [A.R.S. § 19-121\(A\)\(5\)](#).

¹¹⁴⁴ [A.R.S. § 19-121\(A\)\(5\)](#).

¹¹⁴⁵ Ariz. Atty. Gen. Op. No. 76-1, pg. 70 (1975-76).

¹¹⁴⁶ [A.R.S. § 19-119.02](#).

¹¹⁴⁷ [A.R.S. § 19-101\(A\), \(D\)](#); [A.R.S. § 19-102\(A\), \(D\)](#).

¹¹⁴⁸ [A.R.S. § 19-118\(A\)](#).

¹¹⁴⁹ [A.R.S. § 16-321\(D\)](#); [A.R.S. § 19-118\(A\)](#).

A registered circulator must place the circulator ID number on the front and back of each statewide initiative or referendum petition sheet in order to ensure proper processing. In contrast to the petition serial number, the circulator ID number may be placed on the petition sheet at any time prior to submitting the petition sheets to the Secretary of State. Failure to include the circulator ID number does not (by itself) invalidate the petition sheet.

5.1.1.5 EFFECT OF CHANGES AFTER ISSUANCE OF SERIAL NUMBER

Any change to the 100-word summary or to the title/text of a measure will require a new serial number to be issued, therefore any petitions circulated using the prior serial number are invalid and will not be counted.

Furthermore, any paid or nonresident circulators registered under the prior serial number will be required to re-register under the new serial number.

5.1.1.6 GATHERING PETITION SIGNATURES

Arizona law prescribes certain requirements for circulators and signers regarding the gathering of petition signatures. Failure to adhere to these requirements may result in petition signatures being invalidated.

5.1.1.6.1 ATTACHED TITLE AND TEXT REQUIREMENTS

A petition must have the correct title and text stapled to the sheet before any signatures are obtained on that sheet. For statewide measures, the sponsoring political committee or circulator must ensure that the staple is placed within the designated area in the upper-left corner of the petition sheet.¹¹⁵⁰

The title and text should be printed in the correct page number order; however, the filing officer may not invalidate petition sheets that contain duplicative or out-of-order title and text.

In order to reduce paper waste, the political committee circulating an initiative or referendum petition is encouraged to staple multiple petition sheets to the same title and text.¹¹⁵¹

5.1.1.6.2 QUALIFIED ELECTOR REQUIREMENTS

A petition sheet may be signed only by a qualified elector.¹¹⁵² Every elector signing a petition must do so in the presence of the circulator.¹¹⁵³

¹¹⁵⁰ [A.R.S. § 19-112\(C\)](#).

¹¹⁵¹ Ariz. Atty. Gen. Op. I78-19 (1978).

5.1.1.6.3 CIRCULATION REQUIREMENTS AND PROHIBITIONS

When approaching an individual to sign a petition, the circulator should:

- Read or summarize the warning that appears at the top of the petition;¹¹⁵⁴
- Ensure the signer prints clearly in black or blue ink; never pencil;
- Ensure the signer completes all portions of the signature line (i.e., signature, printed first and last name, residence address, and date signed);¹¹⁵⁵ and
- Ensure the signer writes in the appropriate space on the signature line.

When approaching an individual to sign a petition, the circulator must not:

- Sign for the individual or allow any other individual other than the signer to complete any portion of the signature line unless in the presence of (and at the request of) a person who is incapable of signing or printing his/her own name because of physical infirmity;¹¹⁵⁶
- Allow the individual to sign the same petition twice;¹¹⁵⁷
- Allow a post office box to serve as the individual's residence address;¹¹⁵⁸ or
- Cross-out any signature line (whether with or without the signer's permission).¹¹⁵⁹

After collecting signatures on a petition sheet, the petition circulator must legibly execute the affidavit of verification on the back of the petition and swear before a notary public that all of the following are true:

- At the time of the signing, each name and address on the front side of the petition sheet was signed/printed by the elector on the date indicated;¹¹⁶⁰

¹¹⁵² [A.R.S. § 19-112\(A\)](#). A “federal only” voter who is not entitled to vote in state, county, or local elections is not qualified to sign a statewide initiative or referendum petition. *See* Chapter 1, Sections 1.8.3.2.2 and 1.12.

¹¹⁵³ [A.R.S. § 19-112\(A\), \(D\)](#).

¹¹⁵⁴ [A.R.S. § 19-101\(A\)](#); [A.R.S. § 19-102\(A\)](#). “This is only a description of the proposed measure (or constitutional amendment) prepared by the sponsor of the measure. It may not include every provision contained in the measure. Before signing, make sure the title and text of the measure are attached. You have the right to read or examine the title and text before signing.”

¹¹⁵⁵ [A.R.S. § 19-112\(A\)](#).

¹¹⁵⁶ [A.R.S. § 19-115\(B\)](#).

¹¹⁵⁷ [A.R.S. § 19-115\(B\)](#).

¹¹⁵⁸ [A.R.S. § 19-112\(A\)](#). The signer must provide his/her residence address, giving street name and number, and if he/she does not have a street address, a description of his/her residence location.

¹¹⁵⁹ Only the signer may cross-out or make changes to his or her signature line.

- In his/her belief, each signer was a qualified elector for the petition on the date indicated;¹¹⁶¹ and
- At all times during circulation of the signature sheet, a full copy of the title and text of the measure was attached to the signature sheet.¹¹⁶²

The notary must ensure to sign his or her name, include the date of notarization, and affix his or her unexpired notary seal in the designated location.¹¹⁶³ For statewide petitions, the notary seal must be stamped in black ink.

5.1.1.6.4 MAXIMUM NUMBER OF SIGNATURES PER SHEET

No more than 15 signatures per petition sheet (on the front side) will be counted.¹¹⁶⁴

5.1.1.7 FILING PETITION SHEETS

5.1.1.7.1 ORGANIZATION REQUIREMENTS

For statewide petitions, a political committee must organize petition sheets by county prior to filing with the Secretary of State.¹¹⁶⁵ For county, city, and town petitions, a political committee must organize petition sheets by petition circulator.¹¹⁶⁶ A county, city or town clerk may reject an initiative or referendum filing if petitions are not so organized.¹¹⁶⁷

Additionally, the political committee should adhere to the following best practices:

- For voluminous filings, organize the petitions in banker's boxes with the name of the measure and county of circulation (if applicable) labeled on the box;
- Avoid writing on the petitions after circulation;

¹¹⁶⁰ [A.R.S. § 19-112\(A\)](#). Only the qualified elector may print his/her first and last name and other information. [A.R.S. § 19-112\(A\)](#).

¹¹⁶¹ [A.R.S. § 19-112\(C\)](#).

¹¹⁶² [A.R.S. § 19-112\(C\)](#).

¹¹⁶³ A notary must sign the petition sheet consistent with the signature on his or her notary application and bond. However, the filing officer does not conduct any signature comparison and lacks the authority to invalidate a petition sheet due to an alleged non-matching notary signature (whether compared to the application, the bond, or the notary seal itself).

¹¹⁶⁴ [A.R.S. § 19-121.01\(A\)\(3\)\(d\)](#). The filing officer will potentially count a signature written below the 15th signature line if there are blank or crossed-out lines on a petition sheet. However, the filing officer will not review a signature written below the 15th signature line based on the filing officer's rejection of one or more signatures contained in lines 1 through 15.

¹¹⁶⁵ [A.R.S. § 19-121\(C\)](#).

¹¹⁶⁶ [A.R.S. § 19-121\(C\)](#).

¹¹⁶⁷ [A.R.S. § 19-121\(C\)](#).

- Ensure the petition sheets are all facing in the same direction;
- Ensure the petition sheets are flattened to the extent possible; and
- Contact the filing officer prior to arrival for filing.

5.1.1.7.2 REQUIRED NUMBER OF VALID SIGNATURES

5.1.1.7.2.1 REQUIRED SIGNATURES FOR STATEWIDE MEASURES

In order to qualify a statewide initiative or referendum for the ballot, the sponsoring committee must submit valid signatures from qualified electors that equal at least:

- For a constitutional amendment proposed by initiative, 15% of all votes cast for candidates for governor at the last general election;
- For a statutory measure proposed by initiative, 10% of all votes cast for candidates for governor at the last general election; or
- For a referendum, 5% of all votes cast for candidates for governor at the last general election.¹¹⁶⁸

5.1.1.7.2.2 REQUIRED SIGNATURES FOR COUNTY MEASURES

In order to qualify a county initiative or referendum for the ballot, the sponsoring committee must submit valid signatures from qualified electors that equal at least:

- For a measure proposed by initiative, 15% of all votes cast for candidates for governor in that county at the last general election; or
- For a referendum, 10% of all votes cast for candidates for governor in that county at the last general election.¹¹⁶⁹

5.1.1.7.2.3 REQUIRED SIGNATURES FOR CITY AND TOWN MEASURES

In order to qualify a city or town initiative or referendum for the ballot, the sponsoring committee must submit valid signatures from qualified electors that equal at least:

- For a measure proposed by initiative, 15% of all votes cast at the last citywide or townwide election preceding submission of an application for serial number (unless a city

¹¹⁶⁸ [Ariz. Const. Art. IV, § 1, Pt. 1\(2\), \(3\), and \(7\).](#)

¹¹⁶⁹ [Ariz. Const. Art. IV, § 1, Pt. 1\(7\)-\(8\).](#)

or town by charter or ordinance provides an alternative basis for computing the necessary number of signatures);¹¹⁷⁰ or

- For a referendum, 10% of all votes cast at the last citywide or townwide election in which a mayor or councilmen were elected.¹¹⁷¹

5.1.1.7.3 PETITION FILING DEADLINE

Initiative and referendum petition sheets must be filed by 5:00 p.m. by the applicable deadline. Petitions must be filed by the sponsoring committee.¹¹⁷² The filing officer must reject any petitions that are not timely filed.

The sponsoring committee may not turn in supplemental petition sheets after the filing officer has issued a receipt to the committee.¹¹⁷³

5.1.1.7.3.1 DEADLINE TO FILE STATEWIDE MEASURES

The following filing deadlines to apply to statewide initiatives and referenda:

- Initiative petitions must be filed at least 4 months prior to the next general election, and bear a serial number issued less than 20 months prior;¹¹⁷⁴
- Referendum petitions must be filed within 90 days of when the applicable legislative session adjourns *sine die*.¹¹⁷⁵

Petitions must be filed at the address designated by the Secretary of State.

5.1.1.7.3.2 DEADLINE TO FILE COUNTY MEASURES

The following filing deadlines to apply to county initiatives and referenda:

¹¹⁷⁰ [A.R.S. § 19-143\(A\)](#).

¹¹⁷¹ [Ariz. Const. Art. IV, § 1, Pt. 1\(8\)](#); [A.R.S. § 19-142\(A\)](#). A citywide or townwide election is an election in which all qualified electors in the city or town are eligible to vote for mayor or members of the city or town council. [A.R.S. § 19-142\(A\)](#).

¹¹⁷² Individual volunteers or circulators may not submit isolated petitions to the filing officer. The filing must be conducted in bulk and on behalf of the official sponsoring committee.

¹¹⁷³ [A.R.S. § 19-121\(B\)](#).

¹¹⁷⁴ [Ariz. Const. Art. IV, § 1, Pt. 1\(4\)](#); *see also* [A.R.S. § 19-121\(D\)](#) (“[I]n no event shall the secretary of state accept an initiative petition that was issued for circulation more than twenty-four months before the general election at which the measure is to be included on the ballot.”).

¹¹⁷⁵ [Ariz. Const. Art. IV, § 1, Pt. 1\(4\)](#). For referenda, the underlying bill is considered stayed as of the moment the sponsoring committee tenders the referendum petition sheets to the Secretary of State’s Office and provides a signature estimate that exceeds the constitutional minimum.

- Initiative petitions must be filed at least 4 months prior to the next general election;
- Referendum petitions must be filed within 30 days after passage of the ordinance or resolution subject to the petition.

5.1.1.7.3.3 DEADLINE TO FILE CITY AND TOWN MEASURES

The following filing deadlines to apply to city and town initiatives and referenda:

- Initiative petitions must be filed at least 4 months prior to the next general, second or runoff election (unless a city or town by charter or ordinance provides an alternative deadline for filing an initiative petition);¹¹⁷⁶
- Referendum petitions must be filed within 30 days after passage of the ordinance or resolution subject to the petition.¹¹⁷⁷

5.1.2 CIRCULATING RECALL PETITIONS

To circulate a recall petition, a person or organization must:

1. Identify a public official subject to recall;
2. Apply for a recall petition serial number;
3. Obtain an authorized recall petition form from the filing officer; and
4. File a sufficient number of valid petition signatures on the approved form by the applicable deadline.

5.1.2.1 PUBLIC OFFICIALS SUBJECT TO RECALL

Every public officer holding an elective office (by election, appointment or retention) is subject to recall from office by the qualified electors of the applicable electoral district.¹¹⁷⁸ Officers subject to recall include:¹¹⁷⁹

- Statewide elected officers;
- County elected officers;

¹¹⁷⁶ [Ariz. Const. Art. IV, § 1, Pt. 1\(8\)](#). Charter amendments proposed by a city or town council must be filed with the city or town clerk at least 60 days before the election. [A.R.S. § 19-143\(C\)](#).

¹¹⁷⁷ [A.R.S. § 19-142\(A\)](#).

¹¹⁷⁸ [Ariz. Const. Art. VIII, § 1, Pt. 1](#); [A.R.S. § 19-201\(A\)](#).

¹¹⁷⁹ State law provides a recall process for members of Congress and United States Federal District Judges from Arizona. [A.R.S. § 19-202.01\(B\)](#); [A.R.S. § 19-221](#); [A.R.S. § 19-222](#); [A.R.S. § 19-231](#); [A.R.S. § 19-234](#).

- Community college district governing board members;
- School district governing board members;
- Joint technical education district governing board members;
- Clerk of the Superior Court;
- Justices of the Peace;
- Constables;
- Precinct committeemen;¹¹⁸⁰
- Special taxing district governing board members;
- City and town elected officers; and
- Supreme Court justices, judges of the Court of Appeals, and Superior Court judges (whether elected or subject to retention).¹¹⁸¹

A recall petition may not be circulated against a public officer until the officer has held office for at least 6 months, except that a recall petition may be circulated against a member of the Legislature after 5 days from the beginning of the first legislative session following the member's election.¹¹⁸² After one recall petition and election, no further recall petitions may be filed against the same public officer during the term for which the officer was elected (unless the petitioner pre-pays the filing officer for all expenses of holding the previous recall election).¹¹⁸³

5.1.2.2 APPLICATION TO CIRCULATE A PETITION

A person or organization¹¹⁸⁴ seeking to place a recall election on the ballot must apply for a serial number prior to circulating petitions.¹¹⁸⁵ A complete application must include:

- The person's name and address, or if an organization, its name and address and names and titles of its officers;¹¹⁸⁶
- The person's or organization's intention to circulate and submit a recall petition;¹¹⁸⁷ and

¹¹⁸⁰ See [A.R.S. § 19-201\(C\)](#) (referencing an officer deemed elected pursuant to [A.R.S. § 16-822](#)).

¹¹⁸¹ Members of the judiciary are subject to recall. [Ariz. Const. Art. VIII, § 1, Pt. 1](#); [A.R.S. § 19-201\(A\)](#); [A.R.S. § 19-202.01\(B\)](#); [A.R.S. § 19-209\(B\)\(2\)](#); [A.R.S. § 19-217](#); see also *Ross v. Bennett*, 228 Ariz. 174, 176 (2011); *Miller v. Wilson*, 59 Ariz. 403 (1942).

¹¹⁸² [Ariz. Const. Art. VIII, § 5, Pt. 1](#); [A.R.S. § 19-202\(A\)](#).

¹¹⁸³ [A.R.S. § 19-202\(B\)](#).

¹¹⁸⁴ An organization or persons seeking to recall an elected official is not required to form a political action committee unless the organization or persons raise or spend \$1,100 in connection with the recall effort and are primarily organized to affect the recall election. [A.R.S. § 16-905\(B\)](#).

¹¹⁸⁵ [A.R.S. § 19-202.01\(A\)](#).

¹¹⁸⁶ [A.R.S. § 19-202.01\(A\)\(1\)](#).

- A 200-word (or less) general statement of recall outlining the grounds for recalling the public official.¹¹⁸⁸

A complete application for serial number must be filed with the appropriate filing officer prior to circulating a recall petition:

- The Secretary of State serves as the filing officer for a recall petition affecting a federal office,¹¹⁸⁹ statewide office, legislative office, or appellate justice or judge;¹¹⁹⁰
- The county officer in charge of elections serves as the filing officer for a recall petition affecting a county office, community college district office, Clerk of the Superior Court, Justice of the Peace, Constable, precinct committeeman, special taxing district governing board office, or Superior Court judge (whether elected or subject to retention).¹¹⁹¹
- The county school superintendent serves as the filing officer for a recall petition affecting a school district or joint technical education district governing board member;¹¹⁹² and
- The city or town clerk serves as the filing officer for a recall petition affecting a city or town elected official.¹¹⁹³

The filing officer must issue a serial number to the person or organization if the application for serial number is complete and the official is otherwise capable of being recalled.¹¹⁹⁴

Use of Petition Serial Number

Once a serial number has been issued by the filing officer, the number must be placed on the lower right-hand corner of each petition sheet (front and back) prior to obtaining any signatures

¹¹⁸⁷ [A.R.S. § 19-202.01\(A\)\(2\)](#).

¹¹⁸⁸ [Ariz. Const. Art. VIII, § 2, Pt. 1](#); [A.R.S. § 19-202.01\(A\)\(3\)](#); [A.R.S. § 19-203\(A\)](#).

¹¹⁸⁹ [A.R.S. § 19-202.01\(B\)](#); [A.R.S. § 19-203\(A\)\(1\)](#); [A.R.S. § 19-222\(B\)](#). Although recall of a federal officer may not be enforceable under the U.S. Constitution, the Secretary of State nonetheless must follow the provisions of Title 19, Chapter 2 when processing federal recall petitions. *See* RECALL OF LEGISLATORS AND THE REMOVAL OF MEMBERS OF CONGRESS FROM OFFICE, Jack Maskell, U.S. Congressional Research Service (RL30016; Jan. 5, 2012), *available at* <https://fas.org/sgp/crs/misc/RL30016.pdf>.

¹¹⁹⁰ [A.R.S. § 19-202.01\(B\)](#); [A.R.S. § 19-203\(A\)\(1\)](#); *see also* [A.R.S. § 16-311\(E\)](#).

¹¹⁹¹ [A.R.S. § 19-202.01\(B\)](#); [A.R.S. § 19-203\(A\)\(2\)](#); *see also* [A.R.S. § 15-1442\(A\)](#); [A.R.S. § 16-311\(F\)](#).

¹¹⁹² [A.R.S. § 19-202.01\(B\)](#); [A.R.S. § 19-203\(A\)\(3\)](#); *see also* [A.R.S. § 15-422\(A\)](#); [A.R.S. § 16-311\(F\)](#).

¹¹⁹³ [A.R.S. § 19-202.01\(B\)](#); [A.R.S. § 19-203\(A\)\(3\)](#).

¹¹⁹⁴ A filing officer has the authority to refuse to issue a serial number, or to reject circulated petitions at the time of attempted filing with the filing officer, if the officer is not properly subject to recall under state law. For example, a recall petition may not be circulated against public officer who has not held office for at least 6 months (other than a member of the Legislature). [A.R.S. § 19-202\(A\)](#).

on the sheet.¹¹⁹⁵ It is unlawful to sign a recall petition before a serial number has been assigned.¹¹⁹⁶

5.1.2.3 OBTAINING AN AUTHORIZED PETITION FORM

A person or organization seeking to place a recall election on the ballot must obtain the authorized petition form from the filing officer. The filing officer may also prescribe the method for acquiring the authorized petition form and/or requirements for filing the circulated petitions with the filing officer.

Petition sheets:

- Must be printed in black on white or recycled white legal size (8.5” x 14”) paper;¹¹⁹⁷
- Must contain at least a .5” margin at the top and .25” margin at the bottom;¹¹⁹⁸
- Notwithstanding [A.R.S. § 19-201.01](#), may substitute “her” for “his” on the petition header in the case of a recall petition against a female public officer;¹¹⁹⁹
- Must contain front and back sides printed in the same orientation;
- May be circulated in English, Spanish, or any combination of the two.¹²⁰⁰

The filing officer may prescribe any additional specifications for printing the petition sheets.

The filing officer’s duty is limited to providing the authorized form and providing access to the Secretary of State’s Initiative, Referendum and Recall Handbook (or the filing officer’s own handbook).¹²⁰¹ The filing officer is not responsible for completing the petition form on the person’s or organization’s behalf. For example, the header on the front side of the petition sheet (along with the serial number on both sides of the petition sheet and the “paid” or “volunteer” check boxes on the front side of the petition) must be fully and accurately completed by the circulator prior to circulation.¹²⁰² Additionally, the completed petition sheet must contain the exact 200-word general statement of recall contained in the approved application for serial number. Thus, the person or organization receiving the authorized petition form remains solely responsible for compliance with Arizona law.

¹¹⁹⁵ [A.R.S. § 19-202.01\(C\)](#).

¹¹⁹⁶ [A.R.S. § 19-204\(B\)](#).

¹¹⁹⁷ [A.R.S. § 19-121\(A\)\(5\)](#); [A.R.S. § 19-204\(E\)](#).

¹¹⁹⁸ [A.R.S. § 19-121\(A\)\(5\)](#); [A.R.S. § 19-204\(E\)](#).

¹¹⁹⁹ [A.R.S. § 19-204\(A\)](#) (allowing recall petitions to be printed “substantially” as prescribed in statute); compare [A.R.S. § 19-201.01](#) (requiring that “persons using the recall process strictly comply with . . . constitutional and statutory requirements).

¹²⁰⁰ Ariz. Atty. Gen. Op. No. 76-1, pg. 70 (1975-76).

¹²⁰¹ [A.R.S. § 19-119.02](#).

¹²⁰² [A.R.S. § 19-204\(C\)-\(D\)](#).

5.1.2.3.1 USE OF CIRCULATOR ID NUMBERS

A paid circulator must register with the Secretary of State prior to circulating a statewide initiative, referendum or recall petition.¹²⁰³ Nonresident circulators must register with the Secretary of State prior to circulating any type of petition (initiative, referendum, recall, or candidate) in any Arizona jurisdiction (statewide, county, city or town).¹²⁰⁴ Registration requirements apply both to petitions circulated to call an election and candidate nomination petitions to run in a recall election.¹²⁰⁵

Upon registration of a petition circulator, the Secretary of State will assign a random circulator ID number to each such circulator. The circulator ID number is permanently assigned to the circulator and must be used for all petitions being circulated by that particular individual (regardless of the election cycle or which petition is being circulated).

A registered circulator must place the circulator ID number on the front and back of each statewide recall petition sheet in order to ensure proper processing. In contrast to the petition serial number, the circulator ID number may be placed on the petition sheet at any time prior to submitting the petition sheets to the Secretary of State. Failure to include the circulator ID number does not (by itself) invalidate the petition sheet.

5.1.2.4 EFFECT OF CHANGES AFTER ISSUANCE OF SERIAL NUMBER

Any change to the 200-word summary or to the title/text of a measure will require a new serial number to be issued, therefore any petitions circulated using the prior serial number are invalid and will not be counted.

Furthermore, any paid or nonresident circulators registered under the prior serial number will be required to re-register under the new serial number.

5.1.2.5 GATHERING PETITION SIGNATURES

Arizona law prescribes certain requirements for circulators and signers regarding the gathering of petition signatures. Failure to adhere to these requirements may result in petition signatures being invalidated.

¹²⁰³ [A.R.S. § 19-118\(A\)](#).

¹²⁰⁴ [A.R.S. § 16-321\(D\)](#); [A.R.S. § 19-118\(A\)](#).

¹²⁰⁵ [A.R.S. § 19-118\(A\)](#).

5.1.2.5.1 QUALIFIED ELECTOR REQUIREMENTS

A petition sheet may be signed only by a qualified elector.¹²⁰⁶ Every elector signing a petition must do so in the presence of the circulator.¹²⁰⁷

5.1.2.5.2 CIRCULATION REQUIREMENTS AND PROHIBITIONS

When approaching an individual to sign a petition, the circulator should:

- Ensure the signer prints clearly in black or blue ink; never pencil;
- Ensure the signer completes all portions of the signature line (i.e., signature, printed first and last name, residence address, and date signed);¹²⁰⁸ and
- Ensure the signer writes in the middle (and does not stray outside) of the appropriate boxes on the signature line.

When approaching an individual to sign a petition, the circulator must not:

- Sign for the individual or allow any other individual to complete any portion of the signature line unless in the presence of (and at the request of) a person who is incapable of signing or printing his/her own name because of physical infirmity;¹²⁰⁹
- Allow the individual to sign the same petition twice;¹²¹⁰
- Allow a post office box to serve as the individual's residence address;¹²¹¹ or
- Cross-out any signature line (whether with or without the signer's permission).¹²¹²

After collecting signatures on a petition sheet, the petition circulator must legibly execute the affidavit of verification on the back of the petition and swear before a notary public that all of the following are true:

- At the time of the signing, each name and address on the front side of the petition sheet was signed/printed by the elector on the date indicated;¹²¹³ and

¹²⁰⁶ [A.R.S. § 19-201](#). A “federal only” voter who is not entitled to vote in state, county, or local elections is not qualified to sign a statewide initiative or referendum petition. *See* Chapter 1, Sections 1.8.3.2.2 and 1.12.

¹²⁰⁷ [A.R.S. § 19-205\(A\)-\(B\)](#).

¹²⁰⁸ [A.R.S. § 19-205\(A\)](#).

¹²⁰⁹ [A.R.S. § 19-206\(B\)](#).

¹²¹⁰ [A.R.S. § 19-206\(B\)](#).

¹²¹¹ [A.R.S. § 19-205\(A\)](#). The signer must provide his/her residence address, giving street name and number, and if he/she does not have a street address, a description of his/her residence location.

¹²¹² Only the signer may cross-out or make changes to his or her signature line.

- In his/her belief, each signer was a qualified elector for the petition on the date indicated.¹²¹⁴

The notary must ensure to sign his or her name, include the date of notarization, and affix his or her unexpired notary seal in the designated location.¹²¹⁵ For statewide petitions, the notary seal must be stamped in black ink.

5.1.2.5.3 MAXIMUM NUMBER OF SIGNATURES PER SHEET

No more than 15 signatures per petition sheet (on the front side) will be counted.¹²¹⁶

5.1.2.6 FILING PETITION SHEETS

5.1.2.6.1 ORGANIZATION REQUIREMENTS

The petitioner must organize petition sheets by county prior to filing any recall petition with the Secretary of State.¹²¹⁷

Additionally, the petitioner should adhere to the following best practices:

- For voluminous filings, organize the petitions in banker's boxes with the name of the measure and county of circulation (if applicable) labeled on the box;
- Avoid writing on the petitions after circulation;
- Ensure the petition sheets are all facing in the same direction;
- Ensure the petition sheets are flattened to the extent possible; and
- Contact the filing officer prior to arrival for filing.

¹²¹³ [A.R.S. § 19-205\(B\)](#). Only the qualified elector may print his/her first and last name and other information. [A.R.S. § 19-205\(B\)](#).

¹²¹⁴ [A.R.S. § 19-205\(B\)-\(C\)](#).

¹²¹⁵ A notary must sign the petition sheet consistent with the signature on his or her notary application and bond. However, the filing officer does not conduct any signature comparison and lacks the authority to invalidate a petition sheet due to an alleged non-matching notary signature (whether compared to the application, the bond, or the notary seal itself).

¹²¹⁶ [A.R.S. § 19-121.01\(A\)\(3\)\(d\)](#); [A.R.S. § 19-208.01\(A\)](#). The filing officer will potentially count a signature written below the 15th signature line if there are blank or crossed-out lines on a petition sheet. However, the filing officer will not review a signature written below the 15th signature line based on the filing officer's rejection of one or more signatures contained in lines 1 through 15.

¹²¹⁷ [A.R.S. § 19-121\(C\)](#).

5.1.2.6.2 REQUIRED NUMBER OF VALID SIGNATURES

In order to qualify a recall election for the ballot, the petitioner must submit valid signatures from qualified electors that equal at least 25% of the number of votes cast for all candidates for that office at the last general election, divided by the number of offices that were being filled at that election.¹²¹⁸ For example:

- A petitioner seeks to recall a member of the Arizona House from a particular legislative district;
- 3 candidates ran for that office during the last general election, where the candidates received a combined 44,000 votes;
- The required number of signatures is 5,500 (44,000 votes x 25% ÷ 3 offices = 5,500).

In the case of a public official holding office in a newly-created division or district, the petitioner must submit valid signatures from qualified electors that equal at least 25% of the number of votes cast for that office in all other divisions or districts in that county, city or town, divided by the number of offices that were being filled at that election.¹²¹⁹

If the public official was appointed to elective office, or was deemed elected after the election was canceled due to the absence of opposing candidates, the petitioner must submit valid signatures from qualified electors that equal at least 10% of the number of active registered voters in the jurisdiction or district represented by official sought to be recalled (determined on the date of the last general election).¹²²⁰

5.1.2.6.3 PETITION FILING DEADLINE

Recall petitions must be filed within 120 days after obtaining a recall petition serial number.¹²²¹ Petitions must be filed by 5:00 p.m. by the applicable deadline, at the location designated by the filing officer.¹²²² The filing officer must reject any petitions that are not timely filed.¹²²³

The petitioner may not turn in supplemental petition sheets after the filing officer has issued a receipt to the committee.

¹²¹⁸ [Ariz. Const. Art. VIII, § 1, Pt. 1](#); [A.R.S. § 19-201\(A\)](#). This formula applies even if the officer sought to be recalled was not elected at the last general election. [A.R.S. § 19-201\(A\)](#).

¹²¹⁹ [A.R.S. § 19-201\(B\)](#).

¹²²⁰ [A.R.S. § 19-201\(C\)](#).

¹²²¹ [A.R.S. § 19-203\(C\)](#).

¹²²² Individual volunteers or circulators may not submit isolated petitions to the filing officer. The filing must be conducted in bulk and on behalf of the official sponsoring committee.

¹²²³ [A.R.S. § 19-203\(C\)](#).

5.2 PROCESSING PETITIONS

5.2.1 FILING OFFICER PROCESSING

5.2.1.1 PREPARING PETITIONS FOR REVIEW

Upon receipt of timely-filed petitions, the filing officer should issue a receipt to the petitioner that contains the filing date, the petitioner’s estimated number of signatures, and the petitioner’s estimated number of petition sheets.¹²²⁴

For an initiative or referendum, the filing officer must separate the title and text from the petition sheets.¹²²⁵ If a petition sheet contains an attached title and text, the filing officer must review the title and text to ensure conformity with the official title and text filed with the application for serial number.¹²²⁶ If the petition sheet does not contain an attached title and text, or contains an incomplete title and text, the filing officer must disqualify the petition sheet.¹²²⁷ The filing officer should ask the petitioner whether it would like to retain the detached title and text before the filing officer recycles these documents.¹²²⁸

5.2.1.2 REVIEWING PETITION SHEETS

The filing officer must review the front and back of each petition sheet according to the following standards.¹²²⁹ The filing officer may image the petition sheets in order to conduct the review electronically.

¹²²⁴ [A.R.S. § 19-121\(B\)](#). If the petitioner’s own signature estimate is below the minimum required number of signatures, the filing officer may reject the filing in its entirety (without performing signature verification) and issue a receipt accordingly.

¹²²⁵ [A.R.S. § 19-121.01\(A\)\(1\)\(b\)](#). The filing officer may remove the staple from the petition sheets or use a paper cutter to remove the corner of the petition sheets that contains the staple.

¹²²⁶ [A.R.S. § 19-121.01\(A\)\(1\)\(a\)](#). The title and text should be printed in the correct page number order; however, the filing officer may not invalidate petition sheets that contain duplicative or out-of-order title and text.

¹²²⁷ [A.R.S. § 19-121.01\(A\)\(1\)\(a\)](#). The filing officer should separate petition sheets that contain a valid title and text from those petition sheets that were disqualified. Since the final receipt issued pursuant to [A.R.S. § 19-121.04\(B\)](#) must disclose the petition signatures that “have been refused for filing,” the filing officer must preserve these sheets and tally the signatures thereon that were disqualified.

¹²²⁸ [A.R.S. § 19-121.01\(A\)\(2\)\(c\)](#).

¹²²⁹ The procedures outlined in this Section are to be objectively applied without reference to any “substantial” versus “strict” compliance standard. Any such compliance standard must be applied by a court in the event an initiative, referendum or recall matter is challenged in court. *See e.g.* [A.R.S. § 19-101.01](#); [A.R.S. § 19-102.01\(A\)](#); [A.R.S. § 19-201.01](#).

5.2.1.2.1 BACK SIDE SHEET ELIMINATIONS

The filing officer eliminates a petition sheet for any of these deficiencies on the back side of the sheet:

1. The petition sheet is missing a serial number, contains an incomplete serial number, or contains an incorrect serial number on the back side;¹²³⁰
2. The circulator affidavit is incomplete.¹²³¹ A complete circulator affidavit must contain the petition circulator's name, signature, residential address and list a county in both "county of" spaces on the back side of petition sheet:¹²³²
 - If the petition circulator is a paid or nonresident circulator, the petition circulator's name must be legible in order to enable the filing officer to confirm the circulator was properly registered with the Secretary of State's Office prior to circulation. The filing officer may eliminate a petition sheet if a paid or nonresident circulator's identity cannot be confirmed.¹²³³
 - A residential address is sufficiently complete if it contains a house number, street name, and a city/town or a zip code. In lieu of a residential address, the circulator may provide a description of the circulator's residence location.¹²³⁴ The circulator may list an out-of-state residence address but must include the state. However, the filing officer must eliminate a petition sheet if the circulator provided a P.O. Box.
 - The circulator must list an Arizona county in both "county of" spaces on the back side of the petition sheet.¹²³⁵ The filing officer must eliminate a petition sheet if no county or a non-Arizona county is listed in either "county of" spaces on the back side of the petition sheet:

¹²³⁰ [A.R.S. § 19-121\(A\)\(2\)](#); [A.R.S. § 19-121.01\(A\)\(1\)\(c\)](#); [A.R.S. § 19-202.01\(C\)](#); [A.R.S. § 19-208.01\(A\)](#).

¹²³¹ [A.R.S. § 19-121.01\(A\)\(1\)\(d\)](#); [A.R.S. § 19-208.01\(A\)](#).

¹²³² The filing officer has no duty to verify the accuracy of the circulator's information.

¹²³³ [A.R.S. § 19-118\(A\)](#); [A.R.S. § 19-121.01\(a\)\(1\)\(h\)](#); Ariz. Op. Atty. Gen. I87-145 (R87-171), at 4 (Nov. 6, 1987).

¹²³⁴ [A.R.S. § 19-112\(D\)](#).

¹²³⁵ [A.R.S. § 19-112\(D\) & \(F\)](#); [A.R.S. § 19-121.01\(A\)\(1\)\(d\)](#). The two Arizona counties do not necessarily need to be the same counties. Additionally, the notary may be the individual to complete the "Where notarized" "County of" blank in the upper-left corner.

Instructions for Circulators

- All circulators shall sign the Affidavit of Circulator.
- Each circulator, whether a resident of Arizona or another state, circulating for a statewide initiative shall register with the secretary of state before circulating petitions.
- Circulator is not required to be a resident of this state but otherwise must be qualified to vote in this state.
- Circulators shall include their actual residence address or, if no street address, a description of their residence location.

Affidavit of Circulator

State of Arizona
County of _____ (Where notated)

I, _____ (print name) * Person who is not required to be a resident of this state but who is otherwise qualified to register to vote in the county of _____

in the state of Arizona at all times during my circulation of this petition sheet, and under the penalty of a class 1 misdemeanor, depose and say that subject to § 19-115, Arizona Revised Statutes, each individual printed the individual's own name and address and signed this sheet of the foregoing petition in my presence on the date indicated and I believe that each signer's name and residence address or post office address are correctly stated and that each signer is a qualified elector of the state of Arizona and that at all times during circulation of this signature sheet a copy of the title and text was attached to the signature sheet.

(Signature of affiant)

(Residence address, street and number of affiant, or # no street address, a description of residence location)

Stamp notary seal within the box below

Subscribed and sworn to before me on _____ (Date)

Notary Public

Circulator ID: _____ Number: _____

3. The circulator affidavit has been modified and therefore does not match the required statutory language.¹²³⁶

- For an initiative or referendum petition:

“I, _____, a person who is not required to be a resident of this state but who is otherwise qualified to register to vote in the county of _____, in the state of Arizona at all times during my circulation of this petition sheet, and under the penalty of a class 1 misdemeanor, depose and say that subject to section 19-115, Arizona Revised Statutes, each individual printed the individual’s own name and address and signed this sheet of the foregoing petition in my presence on the date indicated and I believe that each signer’s name and residence address or post office address are correctly stated and that each signer is a qualified elector of the state of Arizona¹²³⁷ and that at all times during circulation of this signature sheet a copy of the title and text was attached to the signature sheet.”¹²³⁸

For an initiative or referendum in a city or town, a petitioner may be required to add additional language to the circulator affidavit.¹²³⁹

- For a recall petition:

¹²³⁶ [A.R.S. § 19-112\(F\)](#); [A.R.S. § 19-121.01\(A\)\(1\)\(d\)](#); [A.R.S. § 19-208.01\(A\)](#).

¹²³⁷ If the initiative or referendum petition is circulated at the county, city or town level, the phrase “state of Arizona” should be replaced with the appropriate county, city or town name.

¹²³⁸ [A.R.S. § 19-112\(D\)](#); [A.R.S. § 19-205\(C\)](#).

¹²³⁹ See *Feldmeier v. Watson*, 211 Ariz. 444 (2005); *Western Devcor, Inc. v. City of Scottsdale*, 168 Ariz. 426 (1991).

I, _____, a person who is not required to be a resident of this state but who is otherwise qualified to register to vote in the county of _____, in the state of Arizona at all times during my circulation of this petition sheet, and under the penalty of a class 1 misdemeanor, depose and say that subject to § 19-115, Arizona Revised Statutes, each individual printed the individual's own name and address and signed this sheet of the foregoing petition in my presence on the date indicated, and I believe that each signer's name and residence address or post office address are correctly stated and that each signer is a qualified elector of the state of Arizona¹²⁴⁰ and that I am qualified to register to vote and all signers of this petition are qualified to vote in the recall election.¹²⁴¹

4. The circulator was paid (for measures to be filed with the Secretary of State) or a nonresident but was not registered with the Secretary of State's Office prior to circulating the petition sheet.¹²⁴²
 - The filing officer must determine whether registration was required:
 - A petition circulator is deemed to be paid if the "paid" box is checked on the front side of the petition sheet.¹²⁴³
 - A petition circulator is deemed to be a nonresident if the circulator lists an out-of-state residential address in the circulator affidavit on the back side of the petition sheet.
 - If circulator registration was required, the filing officer must verify the circulator's name and date of registration against the official list of registered petition circulators for a particular initiative, referendum or recall petition.
 - The filing officer must eliminate a petition sheet if the circulator was not properly registered with the Secretary of State's Office before the earliest-dated signature was obtained on the front side of a petition sheet.¹²⁴⁴

¹²⁴⁰ If the recall petition is circulated at the county, city or town level, the phrase "state of Arizona" should be replaced with the appropriate county, city or town name.

¹²⁴¹ [A.R.S. § 19-112\(D\)](#); [A.R.S. § 19-205\(C\)](#). The recall affidavit removes the unnecessary reference to "title and text . . . attached to the signature sheet," but inserts required language that "the circulator believes that the circulator is qualified to register to vote and all signers thereof are qualified to vote in the recall election." [A.R.S. § 19-205\(C\)](#).

¹²⁴² [A.R.S. § 19-118\(A\)](#); [A.R.S. § 19-121.01\(A\)\(1\)\(h\)](#); [A.R.S. § 19-208.01\(A\)](#).

¹²⁴³ [A.R.S. § 19-102\(C\) & \(D\)](#); [A.R.S. § 19-118\(A\) & \(F\)](#). The Secretary of State's Office must defer to the circulator's "paid" or "volunteer" selection on the petition sheet. Challenges to a circulator's "paid" or "volunteer" designation therefore should be made to a court, not the Secretary of State's Office.

¹²⁴⁴ [A.R.S. § 19-118\(A\)](#); [A.R.S. § 19-121.01\(A\)\(1\)\(h\)](#). A filing officer may not eliminate a petition sheet based on alleged defects in the circulator's registration form. For example, a filing officer has no way of knowing whether the circulator's registered address is complete or whether the circulator is a qualified elector. Challenges to a circulator's qualifications therefore should be made to a court, not the filing officer.

5. The notary information is missing or incomplete. Complete notary information means the back side of the petition sheet contains the notary’s signature, the notary’s seal, the date of notarization, and the notary’s commission is not expired:¹²⁴⁵
 - The filing officer must eliminate a petition sheet if the notary’s commission expired before the earliest-dated signature was obtained on the front side of the petition sheet.¹²⁴⁶
 - If the notary’s commission expired between the dates of the signatures on the front side of the petition sheet, the filing officer must treat this as a signature elimination issue under Chapter 5, Section 5.2.1.2.3.2 and may not eliminate the entire petition sheet.¹²⁴⁷
 - A notary must sign the petition sheet consistent with the signature on his or her notary application and bond. However, the filing officer has no obligation to conduct any signature comparison and may not invalidate a petition sheet due to an alleged non-matching notary signature (whether compared to the application, the bond, or the notary seal itself).
6. The notarization date (on the “subscribed and sworn” line on the back side of the petition sheet) is dated prior to all the dates of the signatures obtained on the front side of the petition sheet.¹²⁴⁸

5.2.1.2.2 FRONT SIDE SHEET ELIMINATIONS

The filing officer eliminates a petition sheet for any of these deficiencies on the front side of the sheet:

1. The petition sheet is missing a serial number, contains an incomplete serial number, or contains an incorrect serial number on the front side;¹²⁴⁹ or
2. The “paid circulator” or “volunteer” boxes are missing or neither box has been selected (statewide level only);¹²⁵⁰

¹²⁴⁵ [A.R.S. § 19-121.01\(A\)\(1\)\(e\)](#); [A.R.S. § 19-208.01\(A\)](#).

¹²⁴⁶ [A.R.S. § 19-121.01\(A\)\(1\)\(e\)](#); [A.R.S. § 19-208.01\(A\)](#).

¹²⁴⁷ [A.R.S. § 19-121.01\(A\)\(1\)\(e\)](#); Ariz. Op. Atty. Gen. I87-145 (R87-171), at 3-4 (Nov. 6, 1987).

¹²⁴⁸ [A.R.S. § 19-121.01\(A\)\(1\)\(f\)](#); [A.R.S. § 19-208.01\(A\)](#).

¹²⁴⁹ [A.R.S. § 19-121\(A\)\(2\)](#); [A.R.S. § 19-121.01\(A\)\(1\)\(c\)](#); [A.R.S. § 19-202.01\(C\)](#); [A.R.S. § 19-208.01\(A\)](#).

¹²⁵⁰ [A.R.S. § 19-102\(C\)-\(D\)](#); [A.R.S. § 19-118\(A\), \(F\)](#); [A.R.S. § 19-121.01\(A\)\(1\)\(h\)](#); [A.R.S. § 19-204\(C\)-\(D\)](#); [A.R.S. § 19-208.01\(A\)](#). Selection of either “paid circulator” or “volunteer” alerts the Secretary of State whether it is necessary to confirm the circulator’s registration status and therefore enables the Secretary of State to properly comply with [A.R.S. § 19-121.01\(A\)\(1\)\(h\)](#). Since registration as a paid circulator is only required for circulation of statewide measures, failure to select either the “paid circulator” or “volunteer” for local ballot measures does not result in sheet elimination *by the filing officer*. However, failure to select either box is still a legal deficiency and therefore may be addressed through a legal challenge in court. [A.R.S. § 19-102\(C\)-\(D\)](#); [A.R.S. § 19-204\(C\)-\(D\)](#).

- If both boxes are selected, the filing officer must deem the petition circulator to be paid and verify the circulator’s registration status;
- The filing officer must accept any type of visible, intentional mark on the “paid circulator” or “volunteer” line. No particular check mark or “X” is necessary.¹²⁵¹

A filing officer does not have authority to reject a petition sheet based on the following legal deficiencies:¹²⁵²

- A missing summary or general statement of recall, or one that does not match the official summary or statement submitted to the filing officer at the time of application for a serial number;¹²⁵³
- A missing petition caption, modified petition caption, or a caption that contains inaccurate information;¹²⁵⁴
- A missing county in the petition caption;¹²⁵⁵ or
- Missing warning language that “It is unlawful to sign this petition before it has a serial number.”¹²⁵⁶

5.2.1.2.3 FRONT SIDE SIGNATURE ELIMINATIONS

5.2.1.2.3.1 OUT-OF-COUNTY SIGNATURE ELIMINATIONS

For statewide measures, signatures must be grouped by county on a particular petition sheet. Signatures collected outside the county of the majority of signers must be eliminated from a petition sheet.

For petitions filed with the Secretary of State, the Secretary must initially assume that the signers of a petition sheet reside in the county listed in the caption of the petition sheet. The Secretary of

¹²⁵¹ The filing officer must defer to the circulator’s “paid” or “volunteer” selection on the petition sheet. Challenges to the veracity of a circulator’s “paid” or “volunteer” designation should be made to a court, not the filing officer.

¹²⁵² The foregoing legal deficiencies are not explicitly or implicitly referenced in [A.R.S. § 19-121.01](#), therefore these legal deficiencies must be reviewed by a court.

¹²⁵³ [A.R.S. § 19-101\(A\)](#); [A.R.S. § 19-102\(A\)](#). The filing officer also lacks authority to review the accuracy of the summary or statement, and with respect to initiatives or referenda, whether the summary properly encapsulates the “principal” provisions of the measure to be initiated or referred.

¹²⁵⁴ [A.R.S. § 19-101\(A\)](#); [A.R.S. § 19-102\(A\)](#).

¹²⁵⁵ [A.R.S. § 19-101\(A\)](#); [A.R.S. § 19-102\(A\)](#).

¹²⁵⁶ [A.R.S. § 19-101\(B\)](#); [A.R.S. § 19-102\(B\)](#).

State prints a three-letter code in the upper right-corner of each petition image that corresponds to this county.¹²⁵⁷

However, the Secretary of State must review each signature line to verify the signer resides in the county designated at the top of the petition sheet. Any signature line printed by a signer that appears to reside in a different county will be eliminated.¹²⁵⁸

The Secretary of State does not have a duty to verify that each individual address falls within the designated county's boundary, but verifies that the signer's city or town falls within the designated county.¹²⁵⁹ For cities or towns that cross county lines, the Secretary of State may assume the signer resides in the county designated at the top of the petition sheet.¹²⁶⁰

In rare cases, a majority of signers on the petition sheet may reside (based on the city or town listed) in a different county than what was designated at the top of the petition sheet. In that case, the Secretary of State must change the county code to the majority county and eliminate signature lines printed by signers that do not reside in the majority county.¹²⁶¹

Petition sheets must be organized by county prior to transmitting any petition sheets to a County Recorder.¹²⁶²

5.2.1.2.3.2 INDIVIDUAL SIGNATURE ELIMINATIONS

Once sheet eliminations are complete (and for statewide measures, after signatures outside the county of the majority of signers have been stricken), the filing officer must eliminate petition signatures for any of the following reasons:

1. The signature or printed name of the petition signer is missing:¹²⁶³
 - The filing officer must eliminate a signature line if both the printed first and last name are missing or the printed name is illegible.¹²⁶⁴ The filing officer should not

¹²⁵⁷ [A.R.S. § 19-121.01\(A\)\(2\)\(a\)](#).

¹²⁵⁸ [A.R.S. § 19-112\(C\)](#); [A.R.S. § 19-121.01\(A\)\(2\)\(b\)](#).

¹²⁵⁹ If the city or town are missing, the Secretary of State verifies that the signer's zip code falls within the county.

¹²⁶⁰ For example, if a signer listed Sedona as his or her city and signed a petition bearing a Coconino County, the Secretary of State assumes the signer's residential address falls within Coconino County's boundaries.

¹²⁶¹ [A.R.S. § 19-121.01\(A\)\(2\)\(b\)](#). For example, if there are 15 signatures on a petition sheet designated as being gathered in Maricopa County, but 8 of the 15 signature lines list a city or town in Pima County, the petition sheet will be re-coded as a Pima County petition sheet and the signature lines containing a city or town in Maricopa County will be stricken.

¹²⁶² [A.R.S. § 19-121.01\(A\)\(2\)\(c\)](#).

¹²⁶³ [A.R.S. § 19-121.01\(A\)\(3\)\(a\)](#).

- eliminate a signature line if the printed first and last names are printed in the wrong columns.¹²⁶⁵
- The filing officer should not eliminate a signature line if the signature is illegible. Nor should the filing officer eliminate a signature line if the printed name is printed in the “signature” column and/or the signature is printed in the “printed name” column.
2. The signer did not provide a residence address or description of the residence location, or provided a P.O. Box in lieu of a residence address or location:¹²⁶⁶
- If the signer provided any information that could be reasonably construed as a street name or street number, the filing officer should not eliminate the signature line.¹²⁶⁷
 - The filing officer must eliminate a signature line if both the city/town and zip code are missing.
 - The filing officer may not eliminate a signature line that uses quotation marks or “ditto” marks to incorporate the address from the signature line immediately above.¹²⁶⁸
 - The filing officer may not eliminate a signature line if the signer writes “protected address” or uses substantially similar language in lieu of printing a residential address.¹²⁶⁹
3. The petition signature date is missing:¹²⁷⁰
- The filing officer should eliminate a signature line that does not contain the day or month of signing.¹²⁷¹ The filing officer should not eliminate a signature line that does not contain the year of signing.¹²⁷²

¹²⁶⁴ *Whitman v. Moore*, 59 Ariz. 211, 230 (1942).

¹²⁶⁵ For example, a signature line that has the first name in the “last name” column and last name in the “first name” column will not be eliminated.

¹²⁶⁶ [A.R.S. § 19-121.01\(A\)\(3\)\(b\)](#). The filing officer must deem a P.O. Box as a “missing” residence address.

¹²⁶⁷ [Ariz. Const. Art. IV, Pt. 1, § 1\(9\)](#); *Jenkins v. Hale*, 218 Ariz. 561, 564 (2008). The filing officer should not eliminate a signature line if the street type (such as “lane,” “boulevard,” or “circle”) is missing.

¹²⁶⁸ *Whitman v. Moore*, 59 Ariz. 211, 232 (1942).

¹²⁶⁹ See Chapter 1, Section 1.10.6. If the signature line is later sampled, the County Recorder must verify whether the signer is a qualified elector and secured registrant pursuant to [A.R.S. § 16-153](#). (If the signer is a secured registrant through the Secretary of State’s Address Confidentiality Program, the County Recorder is prohibited from finding a valid signature because to do so would publicly confirm the signer’s county of residence. See Chapter 1, Section 1.10.3). If the County Recorder determines the signer is not a secured registrant pursuant to [A.R.S. § 16-153](#), the County Recorder must find the signature to be invalid even if the signer is a qualified elector.

¹²⁷⁰ [A.R.S. § 19-121.01\(A\)\(3\)\(c\)](#).

- The filing officer may not eliminate a signature line that uses quotation marks or “ditto” marks to incorporate the date from the signature line immediately above.¹²⁷³
4. Petition signatures that have been withdrawn.¹²⁷⁴
 - A signer may withdraw his or her name from an initiative or referendum petition up until 5:00 p.m. on the date that the petition sheets are filed with the filing officer.¹²⁷⁵ A circulator is not authorized to withdrawn or cross-out petition signatures.
 - A signer may withdraw his or her name from a petition by:
 - Drawing a line through the signature and printed name on the petition itself at the time of signing;¹²⁷⁶ or
 - Submitting or mailing a signed, notarized statement of intent to withdraw the petition signature to the filing officer.¹²⁷⁷ The signer must specify the petition serial number, the county where the petition was circulated (if applicable), and the date of signing the petition in order to enable the filing officer to locate the signature to be withdrawn.
 5. Petition signatures where it reasonably appears (based on handwriting comparison) that the circulator wrote or completed any aspect of the signature line on the signer’s behalf.¹²⁷⁸
 6. Petition signatures obtained after the notary notarized the back side of the petition.¹²⁷⁹
 7. Petition signatures in excess of 15 signatures on a petition sheet.¹²⁸⁰
 - If a petition line has been withdrawn or crossed-out by a petition signer, the filing officer may count a valid signature that appears below the 15th signature line on the petition sheet.¹²⁸¹

¹²⁷¹ *Meyers v. Bayless*, 192 Ariz. 376, 378 (1998).

¹²⁷² *Energy Fuels Nuclear, Inc. v. Coconino County*, 159 Ariz. 210, 213 (1988).

¹²⁷³ *Whitman v. Moore*, 59 Ariz. 211, 232 (1942).

¹²⁷⁴ [A.R.S. § 19-113\(C\)](#); [A.R.S. § 19-121.01\(A\)\(3\)\(e\)](#).

¹²⁷⁵ [A.R.S. § 19-113\(A\)](#).

¹²⁷⁶ [A.R.S. § 19-113\(B\)\(3\)](#).

¹²⁷⁷ [A.R.S. § 19-113\(B\)\(1\)-\(2\)](#).

¹²⁷⁸ [A.R.S. § 19-112\(A\) & \(C\)](#); [A.R.S. § 19-121.01\(A\)\(3\)\(f\)](#).

¹²⁷⁹ [A.R.S. § 19-121.01\(A\)\(3\)\(c\)](#).

¹²⁸⁰ [A.R.S. § 19-121.01\(A\)\(3\)\(d\)](#).

¹²⁸¹ The filing officer should not review a signature written below the 15th signature line based on the Secretary’s rejection of one or more signatures contained in lines 1 through 15.

8. Petition signatures obtained before the date the petition serial number was issued by the filing officer.¹²⁸²

For initiative and referendum petitions, the filing officer does not have authority to reject signatures that were obtained before the date of the sponsoring committee's statement of organization.¹²⁸³

5.2.1.3 PREPARING SIGNATURES FOR COUNTY RECORDER VERIFICATION

5.2.1.3.1 DETERMINING WHETHER PETITION QUALIFIES FOR RECORDER VERIFICATION

The filing officer must perform the following steps to determine whether signatures may be transmitted for County Recorder verification:

1. Count the number of signature lines on each valid petition sheet that have not been stricken, and ensure that total is placed in the corner on the front side of each petition sheet;¹²⁸⁴
2. Count the total number of petition sheets and signatures eligible for County Recorder verification.¹²⁸⁵
3. Determine whether the signatures eligible for verification exceeds the required minimum.¹²⁸⁶
 - If the minimum has been met, the filing officer must conduct a random sample (for initiatives and referenda only) and should issue a receipt that includes the following information:¹²⁸⁷
 - The total number of signatures eliminated by the filing officer;
 - The total number of signatures that remain eligible for County Recorder verification (this number must exceed the required minimum);

¹²⁸² [A.R.S. § 19-111\(B\)](#); [A.R.S. § 19-121.01\(a\)\(3\)\(c\)](#).

¹²⁸³ [A.R.S. § 19-114\(B\)](#) provides that signatures obtained on initiative and referendum petitions prior to the filing of the committee's statement of organization are void. However, a complementary provision was removed from [A.R.S. § 19-121.01](#) by Laws 2016, Ch. 79, § 23, and therefore the filing officer now lacks the statutory authority to strike signatures on this basis.

¹²⁸⁴ [A.R.S. § 19-121.01\(A\)\(4\)](#).

¹²⁸⁵ [A.R.S. § 19-121.01\(A\)\(6\)](#). For statewide measures, each petition sheet has been physically and electronically labeled upon being scanned into the Secretary of State's review software, therefore the petition sheets are not re-numbered after the Secretary of State has completed the sheet and signature count. See [A.R.S. § 19-121.01\(A\)\(5\)](#).

¹²⁸⁶ See Chapter 5, Section 5.1.1.7.2.1.

¹²⁸⁷ [A.R.S. § 19-121.01\(A\)\(6\) & \(B\)](#).

- The total number of signatures that have been randomly sampled and transmitted to one or more County Recorders (initiatives and referenda only);¹²⁸⁸ and
- The deadline for County Recorder review.
- If the minimum has not been met, the filing officer must issue a receipt to the petitioner stating that the measure is not eligible for placement on the ballot, and will cease further processing of the petition.¹²⁸⁹

The filing officer must complete this process within 20 business days after an initiative or referendum petition is filed¹²⁹⁰ or 10 calendar days after a recall petition is filed.¹²⁹¹

5.2.1.3.2 CONDUCTING A RANDOM SAMPLE

For initiative and referendum petitions, the filing officer must conduct a 5% random sample in order to select signatures for further verification by County Recorders.¹²⁹²

- The filing officer must randomly select (whether manually or electronically) 5% of eligible signatures across all petition sheets that have not been eliminated;¹²⁹³
- The filing officer must mark the petition signature lines that have been randomly selected in a clear manner;¹²⁹⁴ and
- The filing officer must transmit the front sides of any petition sheet containing a randomly sampled signature to the applicable County Recorder.¹²⁹⁵

¹²⁸⁸ See Chapter 5, Section 5.2.1.3.2.

¹²⁸⁹ [A.R.S. § 19-121.01\(A\)\(6\) & \(B\)](#).

¹²⁹⁰ [A.R.S. § 19-121.01\(A\)](#).

¹²⁹¹ [A.R.S. § 19-208.01\(A\)](#).

¹²⁹² [A.R.S. § 19-121.01\(B\)](#). Arizona law does not contain a deadline for the Secretary of State to transmit the random sample to County Recorders.

¹²⁹³ [A.R.S. § 19-121.01\(B\)](#). The Secretary of State's review software is incapable of randomly selecting a signature line that is blank or had already been eliminated. If a local filing officer conducts a random sample in which a blank line or eliminated signature is selected, the filing officer must select the next line down (even if that requires going to the next petition sheet in sequence) on which an eligible signature line appears if that line has not already been selected for random sample. [A.R.S. § 19-121.01\(C\)](#). If the next eligible line is already being used in the random sample, the local filing officer must proceed back up the page from the signature line originally selected for the random sample to the next previous signature line eligible for verification. If that line is being used in the random sample, the local filing officer must continue moving down the page or to the next page and select the next eligible signature as a substitute. The local filing officer must use this process of alternatively moving forward and backward until a signature eligible for verification (and not already included in the random sample) can be selected and substituted. [A.R.S. § 19-121.01\(C\)](#).

¹²⁹⁴ [A.R.S. § 19-121.01\(B\)](#).

¹²⁹⁵ [A.R.S. § 19-121.01\(D\)](#). The filing officer may image the petition sheets and transmit them electronically to the County Recorder(s).

5.2.2 COUNTY RECORDER PROCESSING

A County Recorder will receive a random sample of initiative or referendum petitions signatures from the filing officer, but will receive all signatures from a recall petition.¹²⁹⁶

Following receipt from the filing officer, a County Recorder must eliminate an eligible signature for the following reasons:¹²⁹⁷

1. The residence address is missing,¹²⁹⁸ a description of the residence location is missing, or a P.O. Box is listed;¹²⁹⁹
2. No date of signing is provided;¹³⁰⁰
3. The signature is illegible or the signer is otherwise unidentifiable;¹³⁰¹
4. The address is illegible or nonexistent;¹³⁰²
5. The signer was not a qualified elector on the date of signing the petition:¹³⁰³

¹²⁹⁶ [A.R.S. § 19-121.01\(B\)](#); [A.R.S. § 19-208.01\(A\)](#). The procedures outlined in this Section are to be objectively applied without reference to any “substantial” versus “strict” compliance standard. Any such compliance standard must be applied by a court in the event an initiative, referendum or recall matter is challenged in court. *See e.g.* [A.R.S. § 19-101.01](#); [A.R.S. § 19-102.01\(A\)](#); [A.R.S. § 19-201.01](#).

¹²⁹⁷ [A.R.S. § 19-121.02\(A\)](#); [A.R.S. § 19-208.02\(A\)](#).

¹²⁹⁸ If the signer wrote “protected address” or uses substantially similar language in lieu of printing a residential address, the County Recorder must verify whether the signer is a qualified elector and secured registrant pursuant to [A.R.S. § 16-153](#). (If the signer is a secured registrant through the Secretary of State’s Address Confidentiality Program, the County Recorder is prohibited from finding a valid signature because to do so would publicly confirm the signer’s county of residence. *See* Chapter 1, Section 1.10.3). If the County Recorder determines the signer is not a secured registrant pursuant to [A.R.S. § 16-153](#), the County Recorder must find the signature to be invalid even if the signer is a qualified elector.

¹²⁹⁹ [A.R.S. § 19-121.02\(A\)\(1\)](#); [A.R.S. § 19-208.02\(A\)](#). Prior to County Recorder review, the filing officer is already required to eliminate a petition signature line with a missing residence address, missing description of residence location, or a P.O. Box pursuant to [A.R.S. § 19-121.01\(A\)\(3\)\(b\)](#). If a County Recorder nonetheless intends to strike a petition signature line based on missing residential address, the County Recorder should use the same criteria applicable for filing officers. *See* Chapter 5, Section 5.2.1.2.3.2. A P.O. Box is treated as a “missing” residence address even if the signer has a residential address listed in his or her registration record.

¹³⁰⁰ [A.R.S. § 19-121.02\(A\)\(2\)](#); [A.R.S. § 19-208.02\(A\)](#). Prior to County Recorder review, the filing officer is already required to eliminate a petition signature line with a missing date pursuant to [A.R.S. § 19-121.01\(A\)\(3\)\(c\)](#). If a County Recorder nonetheless intends to strike a petition signature line based on missing date, the County Recorder should use the same criteria applicable for filing officers. *See* Chapter 5, Section 5.2.1.2.3.2.

¹³⁰¹ [A.R.S. § 19-121.02\(A\)\(3\)](#); [A.R.S. § 19-208.02\(A\)](#).

¹³⁰² [A.R.S. § 19-121.02\(A\)\(4\)](#); [A.R.S. § 19-208.02\(A\)](#). An address is deemed “nonexistent” if the written address is fictional.

- A qualified elector is person who (at the time of signing the petition) was an active or inactive registered voter who resided in the applicable jurisdiction;
- The signer’s petition address need not match the signer’s registration address, but the petition address must be within the applicable jurisdiction. As a result:
 - A signer who is registered within the county but outside the applicable jurisdiction, but signed with a petition address within the applicable district, is deemed a qualified elector; and
 - A signer who is registered within the applicable district, but signed with a petition address outside the applicable district, is not a qualified elector; and
 - A “Federal Only” voter is not a qualified elector;
- 6. The signer was a registered voter but was not at least 18 years old on the date of signing the petition;¹³⁰⁴
- 7. The signature is disqualified after comparison with the signature on file in the voter registration database;¹³⁰⁵
- 8. If a signer signed the petition more than once, all duplicate signatures must be eliminated;¹³⁰⁶
- 9. If a person circulating the petition was a Justice of the Peace or a County Recorder at the time the person circulated the petition;¹³⁰⁷ or
- 10. For any reasons the filing officer could have eliminated the petition sheet or signature.¹³⁰⁸

A summary of these procedures is included at the end of this Chapter.¹³⁰⁹

The County Recorder must issue a certification and transmit this certification to the filing officer and the petitioner within 15 business days for an initiative or referendum petition or 60 calendar

¹³⁰³ [A.R.S. § 19-121.02\(A\)\(5\)](#); [A.R.S. § 19-208.02\(A\)](#).

¹³⁰⁴ [A.R.S. § 19-121.02\(A\)\(6\)](#); [A.R.S. § 19-208.02\(A\)](#). A person must be at least 18 years old to register to vote; therefore, it is unclear how a signer “was a registered voter but was not at least eighteen years of age on the date of signing the petition.” *See* Chapter 1, Section 1.4.2.

¹³⁰⁵ [A.R.S. § 19-121.02\(A\)\(7\)](#); [A.R.S. § 19-208.02\(A\)](#). A County Recorder is also required to eliminate a petition signature “if a petition signer’s signature is determined to be invalid after a comparison is made between the signature and handwriting on the petition and petition signer’s voter registration file.” [A.R.S. § 19-121.02\(A\)\(9\)](#).

¹³⁰⁶ [A.R.S. § 19-121.02\(A\)\(8\)](#); [A.R.S. § 19-208.02\(A\)](#).

¹³⁰⁷ [A.R.S. § 19-121.02\(A\)\(10\)](#); [A.R.S. § 19-208.02\(A\)](#). Unless based on personal knowledge, it is unclear how a County Recorder could determine the petition sheet was circulated by a Justice of the Peace or County Recorder in light of the fact only the front sides of the petition sheets are transmitted to the County Recorder. *See* [A.R.S. § 19-121.01\(D\)](#); [A.R.S. § 19-208.01\(A\)](#).

¹³⁰⁸ [A.R.S. § 19-121.02\(A\)\(11\)](#); [A.R.S. § 19-208.02\(A\)](#); *see also* [A.R.S. § 19-121.01\(A\)](#).

¹³⁰⁹ *See* Chapter 5, Section 5.4.

days for a recall petition.¹³¹⁰ The filing officer should also transmit the County Recorder certifications to the petitioner.¹³¹¹

5.3 QUALIFICATION FOR THE BALLOT

5.3.1 INITIATIVE AND REFERENDUM PETITIONS

5.3.1.1 DETERMINING QUALIFICATION

Within 3 business days of receiving the last County Recorder’s certification, the filing officer must determine whether there are sufficient valid signatures for the measure to qualify for the ballot:

- The filing officer calculates the total number of petition signatures verified by County Recorders, including the percentage of verification. For example, if County Recorders collectively verified 8,935 out of 11,947 randomly-sampled signatures, the verification percentage is 74.8%. This percentage represents an estimate of how many of the non-sampled signatures are presumed to be valid.
- The filing officer multiplies the total number of eligible signatures by the verification percentage. For example, if 238,937 signatures were eligible for verification following the filing officer’s signature eliminations, a 74.8% verification percentage means that 178,725 total signatures are presumed to be valid.¹³¹²

The measure qualifies for the ballot if the number of presumed valid signatures exceeds the required minimum.¹³¹³

¹³¹⁰ [A.R.S. § 19-121.02\(B\), \(D\)\(2\)](#); [A.R.S. § 19-208.02\(A\)](#). The County Recorder’s certification must include (1) the total number of signatures that were transmitted to the County Recorder for verification, (2) the total number of random signatures that were disqualified by the County Recorder, and (3) the name of any signer whose petition signature was eliminated, including the petition page number and signature line number where the signature was eliminated. [A.R.S. § 19-121.02\(B\)](#); [A.R.S. § 19-208.02\(A\)](#). The County Recorder must transmit this certification the filing officer in the manner specified by the filing officer. If the filing officer electronically transmitted petition sheets to the County Recorder, it is unnecessary for the County Recorder to return the petition sheet images to the filing officer. [A.R.S. § 19-121.02\(D\)\(1\)](#); [A.R.S. § 19-208.02\(B\)\(1\)](#).

¹³¹¹ Arizona law obligates a County Recorder to transmit the certifications to the petitioner by mail, *see* [A.R.S. § 19-121.02\(D\)\(2\)](#) & [A.R.S. § 19-208.02\(B\)\(2\)](#), but the officer should promptly make the certifications electronically available to the petitioner in order to enable lawsuits to be filed pursuant to [A.R.S. § 19-121.03](#) and [A.R.S. § 19-208.04](#).

¹³¹² [A.R.S. § 19-121.04\(A\)](#).

¹³¹³ [A.R.S. § 19-121.04\(B\)](#).

5.3.1.2 MEASURE DOES NOT QUALIFY FOR THE BALLOT

If the initiative or referendum petition does not have sufficient valid signatures to qualify for the ballot, the filing officer:

- Issues a certification and receipt to the petitioner explaining why the measure did not qualify for the ballot;¹³¹⁴ and
- Returns the original petition sheets to the petitioner.¹³¹⁵

5.3.1.3 MEASURE QUALIFIES FOR THE BALLOT

If the initiative or referendum petition has sufficient valid signatures to qualify for the ballot, the filing officer:

- Assigns a proposition number to the ballot measure;¹³¹⁶
- Issues a certification and receipt to the sponsoring committee;¹³¹⁷ and
- Prepares the official descriptive title and ballot measure language that will appear on the general election ballot.¹³¹⁸

For statewide measures, the Secretary of State notifies the Governor, County Recorders, and County Boards of Supervisors that the measure will be placed on the ballot at the next general election.¹³¹⁹ County measures are also placed on the general election ballot, with notification to the County Recorder and Board of Supervisors.

For initiatives in a city or town, the city or town clerk must notify the city or town council that the measure will be placed at the next general (or second or runoff) election ballot. For referenda, the city or town council must call a special election to vote on the measure on a consolidated election date.

¹³¹⁴ [A.R.S. § 19-121.04\(C\)](#).

¹³¹⁵ [A.R.S. § 19-121.04\(C\)](#). The Secretary of State's Office must wait until the conclusion of any pending litigation before returning the original petition sheets. [A.R.S. § 19-121.04\(C\)](#).

¹³¹⁶ [A.R.S. § 19-125\(B\)](#). Proposition numbers are issued consecutively based on the last proposition number used in the previous election. If more than one initiative or referendum qualify for the ballot, the filing officer issues proposition numbers based on the order in which the initiative or referendum was filed with the filing officer (not the order in which the filing officer completed processing). [A.R.S. § 19-125\(B\)](#). Constitutional initiatives must begin with a "1," statutory initiatives must begin with a "2," referenda must begin with a "3," and local initiatives or referenda must begin with a "4." [A.R.S. § 19-125\(B\)](#). See Chapter 4, Section 4.1.6.1.5.

¹³¹⁷ [A.R.S. § 19-121.04\(B\)](#).

¹³¹⁸ [A.R.S. § 19-125\(C\)-\(D\)](#).

¹³¹⁹ [A.R.S. § 19-121.04\(B\)](#); [A.R.S. § 19-125\(A\)](#).

5.3.2 RECALL PETITIONS

5.3.2.1 DETERMINING QUALIFICATION

Within 5 business days of receiving the last County Recorder’s certification (or sooner if a sufficient number of signatures have been certified), the filing officer must confirm whether there are sufficient valid signatures for the measure to qualify for the ballot.¹³²⁰

5.3.2.2 MEASURE DOES NOT QUALIFY FOR THE BALLOT

If the recall petition does not have sufficient valid signatures to qualify for the ballot, the filing officer:

- Issues a certification and receipt to the petitioner explaining why the measure did not qualify for the ballot;¹³²¹ and
- Returns the original petition sheets to the petitioner.¹³²²

5.3.2.3 MEASURE QUALIFIES FOR THE BALLOT

If the recall petition has sufficient valid signatures to qualify for the ballot, the filing officer must:

- Issue a certification and receipt to the petitioner;
- Notify the appropriate government bodies:
 - For statewide measures, the Secretary of State must promptly notify the Governor, County Recorders, and County Boards of Supervisors that the recall qualified for placement on the ballot.¹³²³
 - The County Recorder and Board of Supervisors must be notified for county recalls; and
 - The city or town council must be notified for local recalls; and
- Notify the incumbent officer sought to be recalled within 2 business days.¹³²⁴

¹³²⁰ [A.R.S. § 19-208.03\(A\)](#).

¹³²¹ [A.R.S. § 19-208.01\(B\)](#); [A.R.S. § 19-208.03\(A\)\(2\)](#).

¹³²² [A.R.S. § 19-208.01\(B\)](#); [A.R.S. § 19-208.03\(A\)\(2\)](#). The filing officer should wait until the conclusion of any pending litigation before returning the original petition sheets.

¹³²³ [A.R.S. § 19-208.03\(A\)\(1\)](#). If the Secretary of State determines that a sufficient number of signatures have been verified before all County Recorders have reported, the Secretary of State should inform the remaining County Recorders “that no more signatures need be checked.” [A.R.S. § 19-208.03\(A\)\(1\)](#).

¹³²⁴ [A.R.S. § 19-207](#).

For the recall election to occur:

- The incumbent officer must be given the opportunity to resign;¹³²⁵
- If the incumbent officer does not resign, an order must be issued calling the recall election;¹³²⁶ and
- Candidates seeking to run against the incumbent officer must gather and submit nomination petition signatures in order to appear on the recall ballot.

5.3.2.3.1 OPPORTUNITY FOR RESIGNATION

Within 5 business days after a recall has qualified for the ballot, the incumbent officer may resign his or her office in order to preclude the need to hold a recall election.¹³²⁷

If the officer timely resigns, the recall election will not be held and the vacancy must be filled according to law.¹³²⁸

If the officer does not resign, the officer will automatically appear on the recall ballot and is entitled to have a 200-word defensive statement appear on the ballot which justifies the officer's conduct in office.¹³²⁹ The officer must provide the 200-word statement to the filing officer within 10 days after the recall has qualified for the ballot; failure to timely submit the statement waives the officer's right to have the statement printed on the ballot.¹³³⁰ The filing officer may prescribe the format and method for filing the statement.

5.3.2.3.2 ORDER CALLING ELECTION

If the incumbent officer does not resign during the 5-day resignation period, an order calling a recall election must be issued within 15 calendar days.¹³³¹ The recall order must call the election to be held on the next consolidated election date that falls at least 90 days from the date of the order.¹³³²

The recall election must be called as follows:

¹³²⁵ See Chapter 5, Section 5.3.2.3.1.

¹³²⁶ See Chapter 5, Section 5.3.2.3.2.

¹³²⁷ [A.R.S. § 19-209\(A\)](#).

¹³²⁸ See Chapter 9, Section 9.4.2.

¹³²⁹ [A.R.S. § 19-212\(A\)](#); [A.R.S. § 19-213](#).

¹³³⁰ [A.R.S. § 19-207](#).

¹³³¹ [A.R.S. § 19-209\(A\)](#).

¹³³² [A.R.S. § 19-209\(A\)](#); see also [A.R.S. § 16-204\(F\)](#).

- If for a statewide officer, member of the Legislature, or appellate justice or judge, the Governor must issue the order (if the Governor is subject to the recall election, the Secretary of State must issue the order);¹³³³
- If for a county officer, community college board member, Clerk of the Superior Court, Justice of the Peace, Constable, precinct committeeman, special taxing district board member, or Superior Court judge, the Board of Supervisors must issue the order (if a member of the Board of Supervisors is subject to the recall election, the Clerk of the Superior Court must issue the order);¹³³⁴
- If for a school district or joint technical education district board member, the county school superintendent must issue the order (if the school superintendent is subject to the recall election, the clerk of the Superior Court must issue the order);¹³³⁵ or
- If for a city or town officer, the city or town council must issue the order (if a member of the city or town council is subject to the recall election, the city or town clerk must issue the order).¹³³⁶

5.3.2.3.3 CANDIDATE QUALIFICATION FOR RECALL BALLOT

If the incumbent officer does not resign, the officer's name automatically will be placed on the ballot without nomination.¹³³⁷ Other candidates may qualify to appear on the ballot by gathering and filing a sufficient number of nomination petition signatures, including a nomination paper.¹³³⁸

5.3.2.3.3.1 NOMINATION PETITION SIGNATURES

In order to appear on the ballot, candidates must submit valid signatures from qualified electors that equal at least 2% of the number of votes cast for all candidates for that office at the last election for that office.¹³³⁹

If the incumbent official was appointed to elective office, or was deemed elected after the election was canceled due to the absence of opposing candidates, recall candidates must submit valid signatures from qualified electors that equal at least ½ of 1% of the number of active registered voters in the jurisdiction or district represented by incumbent officer (as determined on the date of the last general election), which must exceed at least 5 signatures.¹³⁴⁰

¹³³³ [A.R.S. § 19-209\(B\)\(1\), \(C\)\(1\).](#)

¹³³⁴ [A.R.S. § 19-209\(B\)\(2\), \(C\)\(2\).](#)

¹³³⁵ [A.R.S. § 19-209\(B\)\(4\), \(C\)\(2\).](#)

¹³³⁶ [A.R.S. § 19-209\(B\)\(3\), \(C\)\(3\).](#)

¹³³⁷ [A.R.S. § 19-212\(A\).](#)

¹³³⁸ [A.R.S. § 19-212\(A\).](#)

¹³³⁹ [A.R.S. § 19-212\(A\).](#)

¹³⁴⁰ [A.R.S. § 19-212\(B\).](#)

5.3.2.3.3.2 NOMINATION PETITION FORM

The nomination petition must be captioned as follows:¹³⁴¹

“Nomination Petition--Recall Election

We, the undersigned electors, qualified to vote in the recall election mentioned herein, residents of the precinct indicated by the residence addresses given, and residents of the county of _____, state of Arizona, hereby nominate _____, who resides at _____, in the county of _____ to be a candidate in the recall election for the office of _____ to be held on _____ [date] _____, and we further declare that we have not signed and will not sign any nomination paper for any other person for such office.”¹³⁴²

If recall petitions have been filed against more than one member of a multimember body whose members serve at large, the nomination petitions and paper must state which incumbent official is being opposed.¹³⁴³

The circulator affidavit must state as follows:

I, _____ a person who is not required to be a resident of this state but who is otherwise qualified to register to vote in the county of _____, in the state of Arizona, hereby verify that each of the names on the petition was signed in my presence on the date indicated and that to the best of my knowledge and belief each signer was a qualified elector of the precinct which they gave their residence and who resided at that address on the date indicated.¹³⁴⁴

5.3.2.3.3.3 FILING DEADLINE

A candidate’s nomination petitions and nomination paper must be filed between 60 and 90 days before the recall election.¹³⁴⁵

Nomination petitions are subject to challenge pursuant to A.R.S. § 16-351 to the extent the challenge can be timely adjudicated prior to ballot printing and transmission to UOCAVA voters.¹³⁴⁶

¹³⁴¹ Notwithstanding [A.R.S. § 19-201.01](#), candidate nomination petitions for a recall election are subject to a substantial compliance standard. [A.R.S. § 19-212\(C\)](#).

¹³⁴² [A.R.S. § 19-212\(C\)](#). The remaining aspects of the nomination petition must substantially conform to traditional candidate petitions as prescribed in [A.R.S. § 16-315](#). [A.R.S. § 19-212\(C\)](#); *see also* Chapter 9, Section 9.2.1.1.1.1.2.2.

¹³⁴³ [A.R.S. § 19-212\(D\)](#).

¹³⁴⁴ [A.R.S. § 19-212\(E\)](#); *see also* [A.R.S. § 16-321\(D\)](#).

¹³⁴⁵ [A.R.S. § 19-212\(F\)](#).

5.3.2.3.4 FORM OF RECALL ELECTION BALLOT

The officer in charge of elections must print the following items on the recall election ballot:

- The general statement of recall from the petitioner’s application for serial number;
- The incumbent officer’s 200-word defensive statement justifying his or her conduct in office (assuming the officer timely filed a statement);¹³⁴⁷ and
- The names of all qualified candidates (including the incumbent officer) without party designation.¹³⁴⁸

The remaining aspects of the ballot must conform as nearly as practicable for ballots prescribed for general elections.¹³⁴⁹

¹³⁴⁶ See Chapter 2, Section 2.4.2.1.

¹³⁴⁷ See Chapter 5, Section 5.3.2.3.1.

¹³⁴⁸ [A.R.S. § 19-213](#).

¹³⁴⁹ [A.R.S. § 19-213](#); see also Chapter 4, Section 4.1.6.1.1.3.

COUNTY RECORDER SIGNATURE ELIMINATION SUMMARY

Category	Potential Deficiency	Action
Signature	Missing signature	Reject
	Illegible signature	Reject
	Petition signature does not reasonably match registration signature	Reject
	Signature and printed name provided but listed in wrong column	Accept
Name	Missing first or last name	Reject
	First initial and last name provided	Accept
	Illegible name or signer is otherwise unidentifiable	Reject
Address	Missing residence address or description of residence location (unless "protected address" is written).	Reject
	Missing street type ("Ave.," "Blvd.," etc.)	Accept
	Missing street direction ("South," "N.," etc.)	Accept
	Missing apartment number	Accept
	P.O. Box provided	Reject
	Missing city/town <i>and</i> zip code	Reject
	Missing city/town but zip code provided	Accept
	Missing zip code but city/town provided	Accept
	Address from above is incorporated by quotation or "ditto" marks	Accept
	Address does not exist	Reject
Date	Address is illegible	Reject
	Missing date	Reject
	Missing day but month and year provided	Reject
	Missing month but day and year provided	Reject
	Missing year but day and month provided	Accept
Qualified Elector	Date from above is incorporated by quotation or "ditto" marks	Accept
	Signer was active registered voter at time of signing	Accept
	Signer was inactive registered voter at time of signing	Accept
	Signer was in suspense, cancelled, ineligible, or not registered status at the time of signing	Reject
	Signer was "Federal Only" voter at time of signing	Reject
	Signer was not registered at the time of signing	Reject
	Signer is registered in the county but outside the relevant jurisdiction, but signed petition with an address within the relevant jurisdiction	Accept
	Signer is registered in the county and within the relevant jurisdiction, but signed petition with an address outside the relevant jurisdiction	Reject
Miscellaneous	Signer was not 18 years old at the time of signing	Reject
	Signer signed petition more than once	Reject all but one
	Circulator was Justice of the Peace at the time of signature	Reject
	Circulator was County Recorder at the time of signing	Reject
	Any reason the filing officer could have eliminated signature	Reject

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CHAPTER 6 Regulation of Petition Circulators

A circulator is an individual who collects petition signatures from qualified electors in order to qualify a candidate or measure to be placed on the ballot. This chapter outlines the requirements for petition circulation, including registration of paid and nonresident petition circulators.

6.1 QUALIFICATIONS FOR PETITION CIRCULATORS

Any person who is qualified to register to vote in Arizona may circulate petitions for a candidate or ballot measure.¹³⁵⁰ A person is qualified to register to vote in Arizona if the person:

- Is a citizen of the United States;
- Will be 18 years of age on or before the date of the next general election;
- Will have been an Arizona resident for at least 29 days prior to the next election (except as outlined in Chapter 1, Section 1.12.1.2);
- Can write his or her name (or make his or her mark), unless prevented from doing so by physical disability;
- Has not been convicted of treason or a felony, unless his or her civil rights have been restored; and
- Has not been found mentally incapacitated by a court.¹³⁵¹

Non-residents may circulate petitions if the person would be qualified to register to vote in Arizona had he or she been an Arizona resident.¹³⁵²

Certain individuals are prohibited from circulating petitions due to perceived conflict of interest. Thus, no County Recorder or Justice of the Peace may circulate petitions for an initiative, referendum, or recall.¹³⁵³ Any signatures gathered on petitions circulated by prohibited individuals are void.¹³⁵⁴

¹³⁵⁰ [A.R.S. § 16-321\(D\)](#); [A.R.S. § 19-112\(D\)](#); [A.R.S. § 19-114\(A\)](#); [A.R.S. § 19-118\(A\)](#); [A.R.S. § 19-205\(C\)](#); [A.R.S. § 19-205.02](#); [A.R.S. § 19-212\(E\)](#).

¹³⁵¹ [Ariz. Const. Art. VII, § 2](#); [A.R.S. § 9-822\(A\)](#); [A.R.S. § 16-101](#); [A.R.S. § 16-126\(A\)](#); [A.R.S. 16-152](#).

See Chapter 1, Section 1.4.6.

¹³⁵² [A.R.S. § 16-321\(D\)](#); [A.R.S. § 19-112\(D\)](#); *Nader v. Brewer*, 531 F.3d 1028, 1038 (9th Cir. 2008).

¹³⁵³ [A.R.S. § 19-114\(A\)](#); [A.R.S. § 19-205.02](#).

¹³⁵⁴ [A.R.S. § 19-114\(A\)](#); [A.R.S. § 19-205.02](#).

6.2 REGISTRATION OF PAID AND NONRESIDENT CIRCULATORS

A circulator may be paid or act as a volunteer. A “paid circulator” is defined as an individual who receives compensation based on the number of petition sheets circulated, and does not include a paid employee of a political committee unless that employee’s primary responsibility is circulating petitions.¹³⁵⁵ A volunteer circulator is an individual who does not receive any compensation for circulating petitions.

A paid circulator is required to register with the Secretary of State if he or she intends to circulate a statewide initiative, referendum or recall petition.¹³⁵⁶ A paid circulator also must disclose his or her paid status on each petition sheet prior to circulation.¹³⁵⁷ Failure to pre-register with the Secretary of State as a paid circulator for the specific statewide initiative, referendum or recall petition being circulated, or failure to disclose on an initiative, referendum, or recall petition sheet whether the circulator is paid or acting as a volunteer, renders any signatures collected on that petition sheet void.¹³⁵⁸

Nonresident circulators must register with the Secretary of State prior to circulating any type of petition (initiative, referendum, recall, or candidate) in any Arizona jurisdiction (statewide, county, city or town).¹³⁵⁹ A circulator who lists an out-of-state address on the back side of a petition sheet is deemed to be a nonresident circulator.

6.2.1 REQUIREMENTS OF REGISTRATION

Circulators must satisfy the following requirements when registering with the Secretary of State:

- Provide his/her name, residential address, telephone number, and email address;
- Consent to the jurisdiction of Arizona courts in resolving any disputes concerning the circulation of petitions by that circulator;¹³⁶⁰
- Designate an address in Arizona at which the circulator will accept service of process related to disputes concerning circulation of that circulator’s petitions;¹³⁶¹

¹³⁵⁵ [A.R.S. § 19-118\(A\), \(F\)\(1\)-\(2\)](#). Payment or receipt of compensation based on the number of signatures collected is punishable as a class 1 misdemeanor. [A.R.S. § 19-118.01](#); Chapter 6, Section 6.5.

¹³⁵⁶ [A.R.S. § 19-118\(A\)](#).

¹³⁵⁷ [A.R.S. § 19-101\(C\)-\(D\)](#); [A.R.S. § 19-102\(C\)-\(D\)](#); [A.R.S. § 19-204\(C\)-\(D\)](#).

¹³⁵⁸ [A.R.S. § 19-102\(E\)](#); [A.R.S. § 19-118\(A\)](#).

¹³⁵⁹ [A.R.S. § 16-321\(D\)](#); [A.R.S. § 19-118\(A\)](#).

¹³⁶⁰ [A.R.S. § 19-118\(B\)\(1\)](#).

¹³⁶¹ [A.R.S. § 19-118\(B\)\(2\)](#). The Secretary of State’s office has no obligation to review the substance of circulator registrations to ensure that accurate or proper information has been provided. The circulator remains solely responsible for compliance with all legal provisions. While defects of this nature may be

- Indicate the circulating organization which he/she may be employed;
- Indicate which petition is being circulated, by serial number or candidate name; and
- Complete the circulator registration form under penalty of perjury that the information provided is true, complete, and correct.

Circulator registration may be conducted as prescribed by the Secretary of State, including registration through an electronic portal. All electronic registrations are conducted under penalty of perjury, notwithstanding any absence of a physical signature.

A circulator registration is not complete until the Secretary of State confirms the registration in writing.¹³⁶²

6.2.2 OBTAINING A CIRCULATOR ID NUMBER

Upon registration, the Secretary of State may assign a random circulator ID number to each circulator. A circulator ID number is permanently assigned to the circulator, and therefore must be used for all petitions being circulated by that individual regardless of the election cycle.

A registered circulator must place the circulator ID number on the front and back of each statewide initiative, referendum or recall petition sheet. The circulator ID number may be placed on the petition sheet at any time prior to petition sheets being filed with the Secretary of State.¹³⁶³

6.3 SIGNATURE GATHERING AND VERIFICATION REQUIREMENTS

Every person who signs a paper petition must do so in the presence of the circulator, therefore a circulator must personally witness each collected signature.¹³⁶⁴ After collecting signatures on a paper petition sheet, the circulator must execute the affidavit of verification on the back of the petition.

For an initiative, referendum or recall petition, the circulator must swear before a notary that all of the following are true:

challenged in court, the Secretary of State does not have legal authority to invalidate petition sheets based on such allegations.

¹³⁶² The Secretary of State's lack of objection to an incomplete or invalid circulator registration does not waive any legal deficiencies, as circulators remain solely responsible for compliance with Arizona law. While the Secretary of State will not invalidate petition sheets, such petition sheets potentially could be subject to legal challenge in court based on incomplete or invalid circulator registrations.

¹³⁶³ Failure to include a circulator ID number does not invalidate a petition sheet.

¹³⁶⁴ [A.R.S. § 19-112\(A\), \(C\)-\(D\)](#); [A.R.S. § 19-205](#).

- At the time of the signing, each name on the sheet was signed (and the name and address were printed) by the elector on the date indicated and in the circulator’s presence;¹³⁶⁵
- In his/her belief, each signer was a qualified elector of a certain county of the state, or, in the case of a city, town, or county measure, of the city, town or county affected by the measure on the date indicated;¹³⁶⁶ and
- For an initiative or referendum, a full copy of the title and text was attached to the petition sheet at all times during circulation of that sheet.¹³⁶⁷

For a candidate petition, the circulator must make the following affirmation:

- At the time of the signing, each name on the sheet was signed by the elector and in the circulator’s presence;¹³⁶⁸
- In his/her belief, each signer was a qualified elector who resided at the address listed on the petition sheet at the time of signing;¹³⁶⁹ and
- For a partisan primary election, that the elector is a qualified signer of the petition.¹³⁷⁰

When approaching an individual to sign a paper petition, the circulator should:

- Ensure the signer prints clearly in black or blue ink;
- Ensure the signer completes all portions of the signature line (signature, printed first and last name, residence address or description of residence location, and date);¹³⁷¹
- Ensure the signer writes within the space provided on the signature line; and
- For initiative, referendum or recall petitions, read or summarize the warning that appears at the top of the petition front side.¹³⁷²

When approaching an individual to sign a petition, the circulator should not:

¹³⁶⁵ For an initiative, referendum, or recall petition, only the signer may print his/her first and last name and other required information on the signature line. [A.R.S. § 19-112\(A\)](#); [A.R.S. § 19-205\(A\)](#).

¹³⁶⁶ [A.R.S. § 19-112\(C\)-\(D\)](#); [A.R.S. § 19-205\(C\)](#).

¹³⁶⁷ [A.R.S. § 19-112\(C\)-\(D\)](#).

¹³⁶⁸ [A.R.S. § 16-321\(D\)](#).

¹³⁶⁹ [A.R.S. § 16-321\(D\)](#).

¹³⁷⁰ [A.R.S. § 16-321\(D\)](#).

¹³⁷¹ [A.R.S. § 19-112\(A\)](#); [A.R.S. § 19-205\(A\)](#).

¹³⁷² [A.R.S. § 19-102\(A\)](#). The warning states: “This is only a description of the proposed measure (or constitutional amendment) prepared by the sponsor of the measure. It may not include every provision contained in the measure. Before signing, make sure the title and text of the measure are attached. You have the right to read or examine the title and text before signing.”

- Sign for the individual or allow any other individual to complete any portion of the signature line unless in the presence of (and at the request of) a person who is incapable of signing or printing his/her own name because of physical infirmity;¹³⁷³
- Allow the individual to sign the same petition twice;¹³⁷⁴ or
- Allow a post office box to serve as the individual's residence address.¹³⁷⁵

6.4 SIGNATURE WITHDRAWAL

A person may withdraw his or her signature from a paper petition by 5:00 p.m. on the date the petition containing the person's signature is submitted to the filing officer.¹³⁷⁶ A circulator is not authorized to withdraw or cross-out petition signatures.

A signer may withdraw his or her name from a petition by:

- Drawing a line through the signature and printed name on the petition itself at the time of signing;¹³⁷⁷ or
- Submitting or mailing a signed, notarized statement of intent to withdraw the petition signature to the filing officer.¹³⁷⁸ The signer must specify the petition serial number, the county where the petition was circulated (if applicable), and the date of signing the petition in order to enable the filing officer to locate the signature to be withdrawn.

The filing officer must remove or invalidate the petition signature if the filing officer has enough information to locate the signature requested to be withdrawn.¹³⁷⁹

6.5 PROHIBITED ACTS

The following acts applicable to initiative, referendum or recall petitions may be punishable by fine or imprisonment under Arizona law:

- Any person who knowingly gives or receives money or any other thing of value for signing a ballot measure petition (excluding lawful payments made to a person for circulating such petition) is guilty of a class 1 misdemeanor;¹³⁸⁰

¹³⁷³ [A.R.S. § 19-115\(B\)](#).

¹³⁷⁴ [A.R.S. § 19-115\(B\)](#).

¹³⁷⁵ [A.R.S. § 19-112\(A\)](#). The signer must provide his or her residence address, or if there is no residential street address, a description of where his or her residence is located.

¹³⁷⁶ [A.R.S. § 19-113\(A\)](#).

¹³⁷⁷ [A.R.S. § 19-113\(B\)\(3\)](#).

¹³⁷⁸ [A.R.S. § 19-113\(B\)\(1\)-\(2\)](#).

¹³⁷⁹ [A.R.S. § 19-121.01\(a\)\(3\)\(e\)](#).

¹³⁸⁰ [A.R.S. § 19-114.01](#); [A.R.S. § 19-205.03](#).

- A person who knowingly signs any name other than his or her own to a ballot measure petition, except where he or she signs for a person in the presence of (and at the specific request of) such person who is incapable of signing or printing his or her name and address because of physical infirmity, is guilty of a class 1 misdemeanor;¹³⁸¹
- A person who knowingly signs his or her name more than once for the same initiative or referendum petition is guilty of a class 1 misdemeanor;¹³⁸²
- A person who signs an initiative or referendum petition knowing that he or she is not a qualified elector is guilty of a class 1 misdemeanor;¹³⁸³
- A person who knowingly fills out the name and address portion of an initiative or referendum petition with the intent to commit fraud is guilty of a class 1 misdemeanor;¹³⁸⁴
- A person who knowingly coerces or threatens any other person to sign or refrain from signing his or her name on a ballot measure petition is guilty of a class 1 misdemeanor;¹³⁸⁵
- A person who knowingly coerces or threatens any other person to withdraw his or her name from a ballot measure petition is guilty of a class 1 misdemeanor;¹³⁸⁶
- A circulator who induces a person to sign a petition by knowingly misrepresenting the general subject matter of an initiative or referendum petition is guilty of a class 1 misdemeanor;¹³⁸⁷
- A person who knowingly submits false information on a petition sheet commits perjury and is guilty of a class 4 felony;¹³⁸⁸
- A person commits petition signature fraud if the person intentionally collects ballot measure petition signature sheets with knowledge that the person whose name appears on the signature sheet did not actually sign the petition or the person uses any fraudulent means to obtain signatures on a petition.¹³⁸⁹ A person who commits petition signature fraud is guilty of a class 1 misdemeanor, but may be guilty of a class 4 felony and

¹³⁸¹ [A.R.S. § 19-115\(B\)](#); [A.R.S. § 19-206\(B\)](#).

¹³⁸² [A.R.S. § 19-115\(B\)](#).

¹³⁸³ [A.R.S. § 19-115\(B\)](#). A “knowing” requirement must be read into the statute. *See State v. Williams*, 144 Ariz. 487,488 (1985) (“Strict liability applies only where there is a clear legislative intent that the crime does not require any degree of *mens rea*.”).

¹³⁸⁴ [A.R.S. § 19-115\(B\)](#).

¹³⁸⁵ [A.R.S. § 19-116\(A\)](#); [A.R.S. § 19-206\(A\)](#).

¹³⁸⁶ [A.R.S. § 19-116\(A\)](#); [A.R.S. § 19-206\(A\)](#).

¹³⁸⁷ [A.R.S. § 19-116\(B\)](#).

¹³⁸⁸ *Ayers v. State*, 20 Ariz. 189 (1919); [A.R.S. § 13-2702](#).

¹³⁸⁹ [A.R.S. § 19-119.01\(A\)](#).

prohibited from participating for five years in any candidate or ballot measure campaign if the person engages in a pattern of petition signature fraud;¹³⁹⁰

- A person who pays or receives compensation based on the number of signatures collected on a ballot measure petition is guilty of a class 1 misdemeanor;¹³⁹¹ and
- For purpose of influencing a ballot measure election, an individual or political committee may not deliver any document that falsely purports to be a mailing authorized, approved, required, or sent by the government, or that falsely simulates a document from the government.¹³⁹² A violation may result in civil penalty equal to twice the total of the cost of the mailing or five hundred dollars, whichever is greater.¹³⁹³

The following acts applicable to candidate nomination petitions may be punishable by fine or imprisonment under Arizona law:

- A person who knowingly signs any name other than his or her own to a candidate petition, except where he or she signs for a person in the presence of (and at the specific request of) such person who is incapable of signing his or her name because of physical infirmity, is guilty of a class 1 misdemeanor;¹³⁹⁴ and
- A person who signs a candidate petition knowing that he or she is not a qualified elector is guilty of a class 1 misdemeanor.¹³⁹⁵

¹³⁹⁰ [A.R.S. § 19-119.01\(C\)](#).

¹³⁹¹ [A.R.S. § 19-118.01](#).

¹³⁹² [A.R.S. § 19-119\(A\)](#).

¹³⁹³ [A.R.S. § 19-119\(B\)](#).

¹³⁹⁴ [A.R.S. § 16-1020](#).

¹³⁹⁵ [A.R.S. § 16-1020](#). A “knowing” requirement must be read into the statute. *See State v. Williams*, 144 Ariz. 487,488 (1985) (“Strict liability applies only where there is a clear legislative intent that the crime does not require any degree of *mens rea*.”).

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CHAPTER 7

Political Party Representation on the Ballot

A recognized political party is entitled to representation on a partisan primary election ballot and, if a party candidate prevails in the primary election, subsequent placement on the general election ballot. This chapter describes the process by which a political party achieves or maintains official recognition.

A political party achieves first-time recognition by submitting a sufficient number of valid petition signatures to the appropriate filing officer.¹³⁹⁶ Alternatively, an existing political party maintains its recognition by either receiving a sufficient number of votes in the last general election or by achieving a sufficient number of registered voters.¹³⁹⁷

7.1 NEW POLITICAL PARTY RECOGNITION

Qualified electors¹³⁹⁸ seeking to form a new political party must comply with the following requirements, depending on the jurisdiction.

7.1.1 REQUIREMENTS FOR SEEKING RECOGNITION

7.1.1.1 STATEWIDE RECOGNITION

In order to qualify for statewide recognition, qualified electors must timely submit the following documents to the Secretary of State:

- An affidavit signed by 10 qualified electors,¹³⁹⁹ requesting that a new political party be formed;¹⁴⁰⁰ and
- Petition signatures equal to at least 1⅓ percent of the total votes cast for Governor at the last preceding general election at which a Governor was elected.¹⁴⁰¹

¹³⁹⁶ [A.R.S. § 16-801\(A\)](#); [A.R.S. § 16-802](#).

¹³⁹⁷ [A.R.S. § 16-801\(B\)](#); [A.R.S. § 16-804\(A\)-\(B\)](#).

¹³⁹⁸ A group of qualified electors seeking to form a new political party is not required to establish a political committee unless the group raises or spends at least \$1,100 (or the current adjusted registration threshold pursuant to [A.R.S. § 16-931\(A\)\(1\)](#)) in connection with the effort to seek new party recognition. [A.R.S. § 16-905](#). If the group is required to register as a committee (or decides to voluntarily register), the group must register as a political action committee. [A.R.S. § 16-905\(B\)](#). A group may only register as a political party committee after the applicable filing officer has granted new party recognition pursuant to [A.R.S. § 16-803](#). [A.R.S. § 16-905\(E\)](#).

¹³⁹⁹ A “Federal Only” voter is not a qualified elector for purposes of seeking new party recognition. *See* Chapter 1, Section 1.8.3.2.2 and Chapter 1, Section 1.12.

¹⁴⁰⁰ [A.R.S. § 16-801\(A\)\(1\)](#).

The new party affidavit must be completed on a form prescribed by the Secretary of State. Within 7 business days of filing, the Secretary of State must send the affidavit to the applicable County Recorders to verify that each signer is a qualified elector.¹⁴⁰²

The new party petitions must be substantially in the form of candidate petitions, but must be captioned “Petition for Political Party Recognition.”¹⁴⁰³ Petitions for statewide recognition must be printed on a form prescribed by the Secretary of State. Petition signatures need not be gathered in any minimum number of counties or in counties with any maximum size.¹⁴⁰⁴ Petition signatures may not be dated more than 24 months from the date of filing.

Both the new party affidavit and new party petitions must be filed with the Secretary of State at least 180 days before the primary election for which the party seeks recognition.¹⁴⁰⁵ The Secretary of State may require electronic filing for the affidavit and new party petitions.

7.1.1.2 COUNTY RECOGNITION

In order to qualify for county recognition, qualified electors must timely submit petition signatures equal to at least 2 percent of the total votes cast for County Attorney at the last preceding general election at which the County Attorney was elected.¹⁴⁰⁶ The petitions must be filed with the officer in charge of elections.¹⁴⁰⁷

¹⁴⁰¹ [A.R.S. § 16-801\(A\)](#). The number of votes cast for Governor are determined based upon the applicable statewide canvass. See Chapter 4, Section 4.4.1.4. The Secretary of State must calculate and publish the required number of signatures for statewide recognition on its website.

¹⁴⁰² [A.R.S. § 16-801\(A\)\(1\)](#). The Secretary of State must transmit the affidavit to the County Recorders, and the County Recorders must verify that the affidavit signers are qualified electors, in accordance with the deadlines outlined in [A.R.S. § 16-803\(B\)](#) and [A.R.S. § 16-803\(E\)](#). The Secretary of State may deny party recognition if the County Recorders determine there are less than 10 qualified electors who signed the new party affidavit. See Chapter 1, Section 1.12.

¹⁴⁰³ [A.R.S. § 16-801\(A\)\(2\)-\(3\)](#).

¹⁴⁰⁴ [A.R.S. § 16-801\(A\)\(1\)](#) requires “at least five different counties shall be included as the county of registration among the required total of qualified electors and at least ten per cent of the required total of qualified electors shall be registered in counties with populations of less than five hundred thousand persons.” However, the Arizona Federal District Court held that a similar requirement violated the Equal Protection Clause of the U.S. Constitution. See *Arizona Public Integrity Alliance Inc. v. Bennett*, No. CV-14-01044-PHX-NVW, Doc. 26 (D. Ariz. July 31, 2014); see also [A.R.S. § 16-322\(A\)\(1\)](#) (2015) (requiring a statewide candidate obtain petition signatures of “in at least three counties in the state”) (repealed in 2015 via H.B. 2608). Accordingly, the parallel provision in [A.R.S. § 16-801\(A\)\(1\)](#) likewise remains unenforceable.

¹⁴⁰⁵ [A.R.S. § 16-803\(A\)](#).

¹⁴⁰⁶ [A.R.S. § 16-802](#). The number of votes cast for County Attorney are determined based upon the applicable county canvass. See Chapter 4, Section 4.4.1.3.

¹⁴⁰⁷ [A.R.S. § 16-802](#).

The new party petitions must be substantially in the form of candidate petitions, but must be captioned a “Petition for Political Party Recognition.” Petitions for county recognition must be printed on a form prescribed by the officer in charge of elections. Petition signatures need not be gathered in any minimum number of precincts.¹⁴⁰⁸ Petition signatures may not be dated more than 24 months from the date of filing.

New party petitions must be filed with the officer in charge of elections at least 180 days before the primary election for which the party seeks recognition.¹⁴⁰⁹

7.1.1.2.1 SIMULTANEOUS STATEWIDE AND COUNTY FILING

Qualified electors may simultaneously seek statewide and county recognition by filing the same petitions with the Secretary of State and applicable county officer in charge of elections.¹⁴¹⁰ Petitions must be in the form prescribed by the Secretary of State. The electors must file the original petitions with the officer in charge of elections, and a certified copy with the Secretary of State.

Both filing officers must process the petitions in accordance with the procedures applicable to their jurisdiction. Accordingly:

- The electors must file the required affidavit with the Secretary of State;¹⁴¹¹ and
- The electors must submit petition signatures equal to at least:
 - 1½ percent of the total votes cast for Governor at the last preceding general election;¹⁴¹² and
 - 2 percent of the total votes cast for applicable County Attorney at the last preceding general election.¹⁴¹³

¹⁴⁰⁸ [A.R.S. § 16-802](#) requires that the County Recorder verify that the petition “contains the signatures of qualified electors in not less than one-fourth of the election precincts of the county, city or town.” However, the Arizona Federal District Court held that a similar requirement violated the Equal Protection Clause of the U.S. Constitution. *See Arizona Public Integrity Alliance Inc. v. Bennett*, No. CV-14-01044-PHX-NVW, Doc. 26 (D. Ariz. July 31, 2014); *see also* A.R.S. § 16-322(A)(1) (2015) (requiring a statewide candidate obtain petition signatures “in at least three counties in the state”) (repealed in 2015 via H.B. 2608). Accordingly, the parallel provision in [A.R.S. § 16-802](#) likewise remains unenforceable.

¹⁴⁰⁹ [A.R.S. § 16-803\(A\)](#).

¹⁴¹⁰ [A.R.S. § 16-803\(A\)](#).

¹⁴¹¹ [A.R.S. § 16-801\(A\)\(1\)](#).

¹⁴¹² [A.R.S. § 16-801\(A\)](#). The number of votes cast for Governor are determined based upon the applicable statewide canvass. *See* Chapter 4, Section 4.4.1.4. The Secretary of State must calculate and publish the required number of signatures for statewide recognition on its website.

¹⁴¹³ [A.R.S. § 16-802](#). The number of votes cast for County Attorney are determined based upon the applicable county canvass. *See* Chapter 4, Section 4.4.1.3.

If the petitions do not meet the requirements for certification at the statewide or county level, the political party will not be recognized in that jurisdiction.

7.1.1.3 CITY OR TOWN RECOGNITION

In order to qualify for city or town recognition, qualified electors must timely submit petition signatures equal to at least 2 percent of the total votes cast for Mayor at the last preceding election at which the Mayor was elected.

If a Mayor is not elected by voters (for example, the Mayor is appointed or elected by other councilmembers, not the city's or town's electorate), qualified electors must timely submit petition signatures equal to at least 2 percent of the highest total votes cast for any councilmember at the last preceding election at which a councilmember was elected.¹⁴¹⁴

New party petitions must be filed with applicable city or town clerk.¹⁴¹⁵

The new party petitions must be substantially in the form of candidate petitions, but must be captioned "Petition for Political Party Recognition." Petitions for municipal recognition must be printed on a form prescribed by the city or town clerk. Petition signatures need not be gathered in any minimum number of precincts. Petition signatures may not be dated more than 24 months from the date of filing.

New party petitions must be filed with the city or town at least 180 days before the primary (or first) election for which the party seeks recognition.¹⁴¹⁶

7.1.2 PROCESSING NEW PARTY PETITIONS

7.1.2.1 STATEWIDE RECOGNITION

7.1.2.1.1 SECRETARY OF STATE PROCESSING

7.1.2.1.1.1 OUT-OF-COUNTY SIGNATURE ELIMINATIONS

Signatures must be grouped by county on a particular petition sheet. Signatures collected outside the county of the majority of signers must be eliminated from a petition sheet.¹⁴¹⁷

¹⁴¹⁴ [A.R.S. § 16-802](#). The number of votes cast for Mayor or councilmember are determined based upon the applicable city or town canvass. *See* Chapter 4, Section 4.4.1.1.

¹⁴¹⁵ [A.R.S. § 16-802](#).

¹⁴¹⁶ [A.R.S. § 16-803\(B\)](#).

¹⁴¹⁷ [A.R.S. § 16-803\(B\)\(1\)](#).

The Secretary of State must initially assume that the signers of a petition sheet reside in the county listed in the caption of the petition sheet. The Secretary of State prints a three-letter code in the upper right-corner of each petition image that corresponds to this county.¹⁴¹⁸

However, the Secretary of State must review each signature line to verify the signer resides in the county designated at the top of the petition sheet. Any signature line printed by a signer that appears to reside in a different county will be eliminated.¹⁴¹⁹

The Secretary of State does not have a duty to verify that each individual address falls within the designated county's boundary, but verifies that the signer's city or town falls within the designated county.¹⁴²⁰ For cities or towns that cross county lines, the Secretary of State may assume the signer resides in the county designated at the top of the petition sheet.¹⁴²¹

In rare cases, a majority of signers on the petition sheet may reside (based on the city or town listed) in a different county than what was designated at the top of the petition sheet. In that case, the Secretary of State must change the county code to the majority county and eliminate signature lines printed by signers that do not reside in the majority county.¹⁴²²

Petition sheets must be organized by county prior to transmitting any petition sheets to a County Recorder.¹⁴²³

7.1.2.1.1.2 INDIVIDUAL SIGNATURE ELIMINATIONS

After signatures outside the county of the majority of signers have been stricken, the Secretary of State must eliminate petition signatures for any of the following reasons:

1. The signature or printed name of the petition signer is missing:¹⁴²⁴
 - The Secretary of State must eliminate a signature line if either the printed first or last name is missing or the printed name is illegible.¹⁴²⁵ The Secretary of State should

¹⁴¹⁸ [A.R.S. § 16-803\(B\)\(1\)\(a\).](#)

¹⁴¹⁹ [A.R.S. § 16-803\(B\)\(1\)\(b\).](#)

¹⁴²⁰ If the city or town are missing, the Secretary of State verifies that the signer's zip code falls within the county.

¹⁴²¹ For example, if a signer listed Sedona as his or her city and signed a petition bearing a Coconino County, the Secretary of State assumes the signer's residential address falls within Coconino County's boundaries.

¹⁴²² [A.R.S. § 16-803\(B\)\(1\).](#) For example, if there are 15 signatures on a petition sheet designated as being gathered in Maricopa County, but 8 of the 15 signature lines list a city or town in Pima County, the petition sheet will be re-coded as a Pima County petition sheet and the signature lines containing a city or town in Maricopa County will be stricken.

¹⁴²³ [A.R.S. § 16-803\(B\)\(1\)\(c\).](#)

¹⁴²⁴ [A.R.S. § 16-803\(B\)\(2\)\(a\).](#)

- not eliminate a signature line if the printed first and last names are printed in the wrong columns.¹⁴²⁶
- The Secretary of State should not eliminate a signature line if the signature is illegible. Nor should the Secretary of State eliminate a signature line if the printed name is printed in the “signature” column and/or the signature is printed in the “printed name” column.
2. The signer did not provide a residence address or description of the signer’s residence location, or provided a P.O. Box in lieu of a residence address or location:¹⁴²⁷
- If the signer provided any information that could be reasonably construed as a street name or street number, the Secretary of State should not eliminate the signature line.¹⁴²⁸
 - The Secretary of State must eliminate a signature line if both the city/town and zip code are missing.
 - The Secretary of State may not eliminate a signature line that uses quotation marks or “ditto” marks to incorporate the address from the signature line immediately above.¹⁴²⁹
3. The petition signature date is missing:¹⁴³⁰
- The Secretary of State should eliminate a signature line that does not contain the day or month of signing.¹⁴³¹ The Secretary of State should not eliminate a signature line that does not contain the year of signing.¹⁴³²
 - The Secretary of State may not eliminate a signature line that uses quotation marks or “ditto” marks to incorporate the date from the signature line immediately above.¹⁴³³

The Secretary of State does not have authority to reject petition sheets or signatures based on the following legal deficiencies:¹⁴³⁴

¹⁴²⁵ *Whitman v. Moore*, 59 Ariz. 211, 230 (1942).

¹⁴²⁶ For example, a signature line that has the first name in the “last name” column and last name in the “first name” column will not be eliminated.

¹⁴²⁷ [A.R.S. § 16-803\(B\)\(2\)\(b\)](#). The Secretary of State must deem a P.O. Box as a “missing” residence address.

¹⁴²⁸ *Jenkins v. Hale*, 218 Ariz. 561, 564 (2008). The Secretary of State should not eliminate a signature line if the street type (such as “lane,” “boulevard,” or “circle”) is missing.

¹⁴²⁹ *Whitman v. Moore*, 59 Ariz. 211, 232 (1942).

¹⁴³⁰ [A.R.S. § 16-803\(B\)\(2\)\(c\)](#).

¹⁴³¹ *Meyers v. Bayless*, 192 Ariz. 376, 378 (1998).

¹⁴³² *Energy Fuels Nuclear, Inc. v. Coconino County*, 159 Ariz. 210, 213 (1988).

¹⁴³³ *Whitman v. Moore*, 59 Ariz. 211, 232 (1942).

- A missing petition caption, modified petition caption, or a caption that contains inaccurate information;¹⁴³⁵
- A missing county in the petition caption;¹⁴³⁶ or
- Signatures obtained more than 24 months from the filing date.¹⁴³⁷

7.1.2.1.1.3 PREPARING SIGNATURES FOR COUNTY RECORDER VERIFICATION

7.1.2.1.1.3.1 DETERMINING WHETHER PETITION QUALIFIES FOR VERIFICATION

The Secretary of State must perform the following steps to determine whether signatures may be transmitted for County Recorder verification:

1. Count the number of signature lines on each valid petition sheet that have not been stricken, and ensure that total is placed in the corner on the front side of each petition sheet;¹⁴³⁸
2. Count the total number of petition sheets and signatures eligible for County Recorder verification.¹⁴³⁹
3. Determine whether the signatures eligible for verification exceeds the required minimum.¹⁴⁴⁰
 - If the minimum has been met, the Secretary of State must conduct a random sample and should issue a receipt that includes the following information:¹⁴⁴¹
 - The total number of signatures eliminated by the Secretary of State;
 - The total number of signatures that remain eligible for County Recorder verification (this number must exceed the required minimum);
 - The total number of signatures that have been randomly sampled and transmitted to one or more County Recorders;¹⁴⁴² and

¹⁴³⁴ The foregoing legal deficiencies are not explicitly or implicitly referenced in [A.R.S. § 16-803\(B\)\(2\)](#), therefore these legal deficiencies must be reviewed by a court.

¹⁴³⁵ [A.R.S. § 19-101\(A\)](#); [A.R.S. § 19-102\(A\)](#).

¹⁴³⁶ [A.R.S. § 19-101\(A\)](#); [A.R.S. § 19-102\(A\)](#).

¹⁴³⁷ See Chapter 7, Section 7.1.1.1.

¹⁴³⁸ [A.R.S. § 16-803\(B\)\(3\)](#).

¹⁴³⁹ Each petition sheet has been physically and electronically labeled upon being scanned into the Secretary of State's review software, therefore the petition sheets are not re-numbered after the Secretary of State has completed the sheet and signature count. See [A.R.S. § 16-803\(B\)\(4\)](#).

¹⁴⁴⁰ See Chapter 7, Section 7.1.1.1.

¹⁴⁴¹ [A.R.S. § 16-803\(B\)\(5\), \(C\)](#).

¹⁴⁴² See Chapter 7, Section 7.1.2.1.1.4.

- The deadline for County Recorder review.
- If the minimum has not been met, the Secretary of State must issue a receipt to the electors stating that the political party is not eligible for recognition, and will cease further processing of the petition.

The filing officer must complete this process within 7 business days after the new party petition is filed.¹⁴⁴³

7.1.2.1.1.4 CONDUCTING A RANDOM SAMPLE

The Secretary of State must conduct a 20% random sample in order to select signatures for further verification by County Recorders:¹⁴⁴⁴

- The Secretary of State must randomly select (whether manually or electronically) 20% of eligible signatures across all petition sheets that have not been eliminated;¹⁴⁴⁵
- The Secretary of State must mark the petition signature lines that have been randomly selected in a clear manner;¹⁴⁴⁶ and
- The Secretary of State must transmit the front sides of any petition sheet containing a randomly sampled signature to the applicable County Recorder(s).¹⁴⁴⁷

At the same time, the Secretary of State must transmit the affidavit of electors to the applicable County Recorder(s) for review.

7.1.2.1.2 COUNTY RECORDER PROCESSING

Following receipt from the Secretary of State, a County Recorder must eliminate signatures using the same criteria applied to initiative, referendum and recall petitions under [A.R.S. § 19-121.02](#).¹⁴⁴⁸ The only exception is that new party petitions circulated by a County Recorder or Justice of the Peace are not subject to disqualification.¹⁴⁴⁹

¹⁴⁴³ [A.R.S. § 16-803\(C\)](#).

¹⁴⁴⁴ [A.R.S. § 16-803\(C\)](#). Arizona law does not contain a deadline for the Secretary of State to transmit the random sample to County Recorders.

¹⁴⁴⁵ [A.R.S. § 16-803\(C\)](#). The Secretary of State's review software is incapable of randomly selecting a signature line that is blank or had already been eliminated, rendering the process outlined in [A.R.S. § 16-803\(C\)\(2\)](#) moot.

¹⁴⁴⁶ The Secretary of State's review software circles the selected signature line number and draws a red line from the base of the circle extending into the left margin. [A.R.S. § 16-803\(C\)\(2\)](#).

¹⁴⁴⁷ [A.R.S. § 16-803\(C\)](#). The Secretary of State may image the petition sheets and transmit them electronically to the County Recorder(s).

¹⁴⁴⁸ [A.R.S. § 16-803\(E\)](#); see Chapter 5, Section 5.2.2.

¹⁴⁴⁹ Compare [A.R.S. § 16-803\(E\)](#) with [A.R.S. § 19-121.02\(A\)\(10\)](#).

The County Recorder must issue a certification and transmit this certification to the Secretary of State and the electors within 10 business days of receiving the signatures.¹⁴⁵⁰ The Secretary of State should also transmit the County Recorder certifications to the electors.¹⁴⁵¹

7.1.2.1.3 FINAL CERTIFICATION BY SECRETARY OF STATE

Within 3 calendar days of receiving the last County Recorder’s certification, the Secretary of State must determine whether there are sufficient valid signatures for the measure to qualify for the ballot:¹⁴⁵²

- The Secretary of State calculates the total number of petition signatures verified by County Recorders, including the percentage of verification. For example, if County Recorders collectively verified 8,935 out of 11,947 randomly-sampled signatures, the verification percentage is 74.8%. This percentage represents an estimate of how many of the non-sampled signatures are presumed to be valid.
- The Secretary of State multiplies the total number of eligible signatures by the verification percentage. For example, if 238,937 signatures were eligible for verification following the Secretary of State’s signature eliminations, a 74.8% verification percentage means that 178,725 total signatures are presumed to be valid.¹⁴⁵³

The Secretary of State must also review the certification(s) regarding the affidavit of electors.

The new party qualifies for recognition if the number of presumed valid signatures exceeds the required minimum, and all 10 electors were found to be qualified electors by the County Recorder(s).¹⁴⁵⁴

¹⁴⁵⁰ [A.R.S. § 16-803\(E\)](#). The County Recorder’s certification must include (1) the total number of signatures that were transmitted to the County Recorder for verification, (2) the total number of random signatures that were disqualified by the County Recorder, and (3) the name of any signer whose petition signature was eliminated, including the petition page number and signature line number where the signature was eliminated. [A.R.S. § 16-803\(F\)](#). The County Recorder must transmit this certification the Secretary of State in the manner specified by the Secretary. If the Secretary of State electronically transmitted petition sheets to the County Recorder, it is unnecessary for the County Recorder to return the petition sheet images to the filing officer. [A.R.S. § 16-803\(G\)\(1\)](#).

¹⁴⁵¹ Arizona law obligates a County Recorder to transmit the certifications to the petitioner by mail, *see* [A.R.S. § 19-121.02\(D\)\(2\)](#) & [A.R.S. § 19-208.02.\(B\)\(2\)](#), but the officer should promptly make the certifications electronically available to the petitioner in order to enable lawsuits to be filed pursuant to [A.R.S. § 19-121.03](#) and [A.R.S. § 19-208.04](#).

¹⁴⁵² [A.R.S. § 16-803\(H\)](#). The statute requires the notification “within seventy-two hours.” [A.R.S. § 16-803\(H\)](#).

¹⁴⁵³ [A.R.S. § 16-803\(H\)\(2\)](#).

¹⁴⁵⁴ [A.R.S. § 16-803\(I\)](#).

7.1.2.1.3.1 NEW PARTY DOES NOT QUALIFY FOR RECOGNITION

If the new party petition does not have sufficient valid signatures to qualify for recognition, the Secretary of State:

- Issues a certification and receipt to the electors explaining why the petition did not qualify for recognition;¹⁴⁵⁵ and
- Returns the original petition sheets to the electors.

7.1.2.1.3.2 NEW PARTY QUALIFIES FOR RECOGNITION

If the new party petition has sufficient valid signatures to qualify for recognition, the Secretary of State:

- Issues a certification and receipt to the electors; and
- Notifies the Boards of Supervisors, County Recorders, and officers in charge of elections.

7.1.2.2 COUNTY RECOGNITION

Within 3 business days of filing a new party petition, the county officer in charge of elections must transmit all petition signatures to the County Recorder.¹⁴⁵⁶

Within 10 business days of receipt, the County Recorder must verify all petition signatures in accordance with the same criteria used to process a statewide new party petition.¹⁴⁵⁷ Likewise, the County Recorder must prepare and transmit a report to the county officer in charge of elections, and notify the person or organization who filed the new party petition, in accordance with same reporting and notification procedures applicable to statewide petitions.¹⁴⁵⁸

The county officer in charge of elections must make a final determination within 3 calendar days of receiving the last County Recorder's certification.¹⁴⁵⁹ If the number of valid signatures is equal to at least 2 percent of the total votes cast for County Attorney at the last preceding general

¹⁴⁵⁵ [A.R.S. § 16-803\(D\)](#).

¹⁴⁵⁶ [A.R.S. § 16-802](#); [A.R.S. § 16-803](#). The officer in charge of elections lacks the authority to conduct a random sample prior to transmission to the County Recorder.

¹⁴⁵⁷ [A.R.S. § 16-803\(E\)](#); *see* Chapter 7, Section 7.1.2.1.2.

¹⁴⁵⁸ [A.R.S. § 16-802](#); [A.R.S. § 16-803\(F\)-\(G\)](#). Issuance of a report pursuant to [A.R.S. § 16-803\(F\)](#) satisfies the requirement to issue a “certification of the county recorder . . . [that the petition] contains the signatures of a number of qualified electors equal to not less than two per cent” under [A.R.S. § 16-802](#).

¹⁴⁵⁹ [A.R.S. § 16-803\(H\)](#).

election,¹⁴⁶⁰ the county officer in charge of elections must issue a certification recognizing the new political party for county elections.

If the number of valid signatures does not meet the 2 percent threshold, the county officer in charge of elections must inform the person or organization in writing that the political party will not be recognized during that election cycle.

7.1.2.3 CITY OR TOWN RECOGNITION

Within 3 business days of filing a new party petition, the city or town clerk must transmit all petition signatures to the applicable County Recorder.¹⁴⁶¹

Within 10 business days of receipt, the County Recorder must verify all petition signatures in accordance with the same criteria used to process a statewide new party petition.¹⁴⁶² At the conclusion of processing, the County Recorder must prepare and transmit a report to the city or town clerk, and notify the person or organization who filed the new party petition, in accordance with same reporting and notification procedures applicable to statewide petitions.¹⁴⁶³

The city or town clerk must make a final determination within 3 calendar days of receiving the County Recorder's certification.¹⁴⁶⁴ If the number of valid signatures is equal to at least 2 percent of the total votes cast for Mayor at the last preceding general election,¹⁴⁶⁵ the city or town clerk must issue a certification recognizing the new political party for city or town elections.

If the number of valid signatures does not meet the 2 percent threshold, the city or town clerk must inform the person or organization in writing that the political party will not be recognized during that election cycle.

7.1.3 EFFECT OF NEW PARTY RECOGNITION

If a new party achieves recognition:

¹⁴⁶⁰ [A.R.S. § 16-802](#). The number of votes cast for County Attorney are determined based upon the applicable county canvass. *See* Chapter 4, Section 4.4.1.3.

¹⁴⁶¹ [A.R.S. § 16-802](#); [A.R.S. § 16-803](#). The officer in charge of elections lacks the authority to conduct a random sample prior to transmission to the County Recorder.

¹⁴⁶² [A.R.S. § 16-803\(E\)](#); Chapter 7, Section 7.1.2.1.2.

¹⁴⁶³ [A.R.S. § 16-802](#); [A.R.S. § 16-803\(F\)-\(G\)](#). Issuance of a report pursuant to [A.R.S. § 16-803\(F\)](#) satisfies the requirement to issue a “certification of the county recorder . . . [that the petition] contains the signatures of a number of qualified electors equal to not less than two per cent” under [A.R.S. § 16-802](#).

¹⁴⁶⁴ [A.R.S. § 16-803\(H\)](#).

¹⁴⁶⁵ [A.R.S. § 16-802](#). If a Mayor is not elected independently, the signatures must equal to at least 2 percent of the highest total votes cast for any councilmember at the last preceding election at which a councilmember was elected. The number of votes cast for Mayor or councilmember are determined based upon the applicable city or town canvass. *See* Chapter 4, Section 4.4.1.1.

- The new party is entitled to hold a primary election and have qualified candidates¹⁴⁶⁶ appear on the primary election ballot:¹⁴⁶⁷
 - Statewide recognition provides ballot access for federal, statewide, and legislative candidates seeking the new party’s nomination;
 - Countywide recognition provides ballot access for county, school district, community college district, and special taxing district candidates seeking the new party’s nomination; and
 - City or town recognition provides ballot access for city or town candidates (in partisan election systems) seeking the new party’s nomination;
- Candidates who prevail in the new party’s primary election are entitled to appear on the general election ballot;¹⁴⁶⁸
- If the new party has raised or spent at least \$1,100 (or the current adjusted registration threshold pursuant to [A.R.S. § 16-931\(A\)\(1\)](#)) in connection with the effort to seek new party recognition, or if the new party is currently registered as a political action committee, the new party is required to form a political party committee for campaign finance purposes;¹⁴⁶⁹ and
- The new party is entitled to elect precinct committeemen and form party committees:
 - New party registrants may run for precinct committeeman in the forthcoming primary election;¹⁴⁷⁰
 - In the first primary election following recognition, only one precinct committeeman may be elected per precinct;¹⁴⁷¹
 - After precinct committeemen have been elected, the new party may form county, legislative district, and state committee parties and elect officers.¹⁴⁷²

¹⁴⁶⁶ Qualified candidates are candidates that have filed the requisite number of nomination petition signatures, a nomination paper, and a financial disclosure statement. [A.R.S. § 16-311](#); [A.R.S. § 16-314](#). See Chapter 9, Section 9.2.1.1.1.1.

¹⁴⁶⁷ [A.R.S. § 16-801\(A\)](#).

¹⁴⁶⁸ [A.R.S. § 16-801\(A\)](#).

¹⁴⁶⁹ [A.R.S. § 16-905\(E\)](#).

¹⁴⁷⁰ [A.R.S. § 16-821\(A\)](#) does not expressly address how new parties elect precinct committeemen, but the procedures applicable to parties with continuous recognition are applied here to the degree possible.

¹⁴⁷¹ The new party cannot elect “one additional precinct committeeman for each one hundred twenty-five voters or major fraction thereof registered in the party in the precinct as reported pursuant to section 16-168, subsection G on March 1” because the new party would have gained recognition in close proximity to March 1st. [A.R.S. § 16-803\(A\)](#).

¹⁴⁷² [A.R.S. § 16-821\(A\)](#); [A.R.S. § 16-823](#); [A.R.S. § 16-824](#); [A.R.S. § 16-825](#); [A.R.S. § 16-826](#); [A.R.S. § 16-827](#).

7.1.4 DURATION OF NEW PARTY RECOGNITION

A new political party is entitled to recognition through the next two general elections for federal office immediately following recognition of the party.¹⁴⁷³ For example, if a new political party achieves statewide recognition in March 2018, the party is entitled to recognition through the 2020 general election.

7.1.5 OPTIONS FOR RECOGNITION FOLLOWING EXPIRATION OF NEW PARTY STATUS

Following the expiration of new party status, the party may requalify for recognition in the following ways:

- Qualify for continued representation based upon votes cast at the election preceding the expiration of new party status or a requisite number of active registered voters;¹⁴⁷⁴ or
- Timely file a new petition for new party recognition.¹⁴⁷⁵

A political party that qualifies for continued representation is treated differently from a political party that files a new petition for new party recognition.

For example, a member of a political party with continued representation may not sign a nomination petition for a candidate seeking a nomination from a different continuously-represented party.¹⁴⁷⁶ Thus, a voter registered with the Democratic Party (a party with continued representation) may sign a nomination petition for Democratic candidates, new party candidates, or independent candidates, whereas a voter registered with new party may sign any candidate's petition.

As a corollary, members of a political party with continued representation are not included when calculating other continuously-represented parties' signature totals to run for office. For example, the number of signatures needed to run for U.S. Senator as a Republican (a party with continued representation) are determined by calculating $\frac{1}{4}$ of 1 percent of all Republicans, new party registrants, independents, and registrants with no party designation.¹⁴⁷⁷ In contrast, calculation of the number of signatures needed to run for U.S. Senator as a new party candidate exclude Republicans, Democrats, and any other recognized parties with continued representation.¹⁴⁷⁸

¹⁴⁷³ [A.R.S. § 16-801\(B\)](#).

¹⁴⁷⁴ [A.R.S. § 16-801\(B\)](#); [A.R.S. § 16-804](#); *see also* [A.R.S. § 16-193\(5\)](#).

¹⁴⁷⁵ [A.R.S. § 16-801\(B\)](#); Chapter 7, Section 7.1.

¹⁴⁷⁶ [A.R.S. § 16-321\(F\)](#).

¹⁴⁷⁷ [A.R.S. § 16-321\(F\)](#); [A.R.S. § 16-322\(A\)\(1\)](#).

¹⁴⁷⁸ [A.R.S. § 16-321\(F\)](#); [A.R.S. § 16-322\(A\)\(1\)](#).

7.1.6 DEADLINE TO DECLARE EXPIRATION OF NEW PARTY STATUS

If a new political party does not re-qualify for recognition, new party status expires when the Secretary of State, County Recorder, or city or town clerk (as applicable) issues his or her announcement regarding continued representation.¹⁴⁷⁹

7.2 CONTINUED RECOGNITION BASED ON VOTES CAST OR REGISTERED VOTERS

In order for a new political party to maintain continued representation on the official ballot following the conclusion of two federal general elections, the political party must meet one of two baseline levels of support: number of votes cast for the party's candidate or the number of active registered voters in the jurisdiction.¹⁴⁸⁰

7.2.1 STATEWIDE CONTINUED REPRESENTATION

To achieve statewide continued representation:

- The new party's candidate for Governor or President must receive at least 5% of the votes cast at the federal general election immediately preceding the expiration of new party status; or
- The new party must have at least $\frac{2}{3}$ of 1 percent of active registered voters statewide as of October 1st of the year preceding expiration of new party status.

The Secretary of State must determine the political parties qualified for continued representation by February 1st of the appropriate year.¹⁴⁸¹ For example, if a petition for new party recognition is filed in January 2018:

- The new party is recognized statewide through the 2020 general election;
- The Secretary of State determines whether the new party will be recognized for continued representation by assessing:
 - The number of votes cast for the new party's presidential electors, as determined by the 2020 general election canvass; and
 - The number registered voters in the new party as of October 1, 2021; and
- The Secretary of State must determine whether the party qualified for continued representation by February 1, 2022.

¹⁴⁷⁹ [A.R.S. § 16-804\(C\)-\(E\)](#); Chapter 7, Section 7.2.1.

¹⁴⁸⁰ [A.R.S. § 16-804\(A\)-\(B\)](#); *see also* [A.R.S. § 16-193\(5\)](#).

¹⁴⁸¹ [A.R.S. § 16-804\(C\)](#).

Promptly thereafter, the Secretary of State must notify the political party, county election officials, and the public about whether the party qualified for continued representation.

7.2.2 COUNTY CONTINUED REPRESENTATION

To achieve continued representation at the county level:

- The new party's candidate for County Attorney must receive at least 5% of the votes cast at the federal general election immediately preceding the expiration of new party status; or
- The new party must have at least $\frac{2}{3}$ of 1 percent of active registered voters in the county as of October 1st of the year preceding expiration of new party status.¹⁴⁸²

The County Recorder must determine the political parties qualified for continued representation by February 1st of the appropriate year.¹⁴⁸³ Promptly thereafter, the County Recorder must notify the political party, county election officials, and the public about whether the party qualified for continued representation.

7.2.3 CITY OR TOWN CONTINUED REPRESENTATION

To achieve continued representation in a city or town that conducts partisan elections:

- The new party's candidate for Mayor must receive at least 5% of the votes cast at the general election (or second or runoff election) immediately preceding the expiration of new party status; or
- The new party must have at least $\frac{2}{3}$ of 1 percent of active registered voters in the city or town (as determined by the applicable County Recorder) as of 155 days prior to the primary election (or first election) that will be conducted in the year new party status expires.¹⁴⁸⁴

The city or town clerk must determine the political parties qualified for continued representation 140 days prior to the primary election (or first election) that will be conducted in the year new party status expires.¹⁴⁸⁵ For example, if a petition for new party recognition is filed in January 2017:

- The new party is recognized statewide through the 2019 general election (or second or runoff election);

¹⁴⁸² [A.R.S. § 16-804\(A\).](#)

¹⁴⁸³ [A.R.S. § 16-804\(D\).](#)

¹⁴⁸⁴ [A.R.S. § 16-804\(A\).](#)

¹⁴⁸⁵ [A.R.S. § 16-804\(E\).](#)

- The city or town clerk determines whether the new party will be recognized for continued representation by assessing:
 - The number of votes cast for the new party's mayoral candidate, as determined by the 2019 general election (or second or runoff election) canvass; and
 - The number registered voters in the new party in the city or town as of March 29, 2021; and
- The city or town clerk must determine whether the party qualified for continued representation by April 13, 2021.

Promptly thereafter, the city or town clerk must notify the political party, county election officials, and the public about whether the party qualified for continued representation.

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CHAPTER 8 Campaign Finance

8.1 ESTABLISHING A POLITICAL COMMITTEE

8.1.1 WHEN TO FORM A COMMITTEE

8.1.1.1 CANDIDATE COMMITTEES

A candidate seeking election to state, county,¹⁴⁸⁶ or city or town office, including a judge seeking to be retained in office,¹⁴⁸⁷ is required to form a candidate committee upon receiving contributions or making expenditures at a threshold financial level.¹⁴⁸⁸ If the candidate's contributions and expenditures (in any combination) exceed the then-current threshold, the candidate is required to form a committee within 10 days.¹⁴⁸⁹ Use of a candidate's own personal monies for electoral purposes counts towards the registration threshold.¹⁴⁹⁰ The current threshold is posted on the Secretary of State's website at <https://www.azsos.gov/elections/campaign-finance-reporting/contribution-limits>.

For example, a prospective statewide candidate who solicits a \$600 check from a family friend, and thereafter spends \$500 on campaign supplies, will trigger the \$1,100 registration threshold in effect for the 2018 election cycle. The candidate will be required to file a statement of organization with the appropriate filing officer within 10 days after reaching the \$1,100 threshold.

If a candidate never reaches the requisite financial threshold, committee registration and campaign finance reporting are not required.

Only receipts or spending "in connection with" one's prospective candidacy qualify toward the threshold, which includes (but is not limited to) the following:

¹⁴⁸⁶ For purposes of this Section, a "county" office includes any candidates who file a nomination paper with the county officer in charge of elections or county school superintendent. [A.R.S. § 16-311\(F\)](#).

¹⁴⁸⁷ [A.R.S. § 16-901\(7\)](#); [A.R.S. § 16-905\(A\)](#). Arizona Supreme Court Justices, Court of Appeals judges, and Superior Court judges in Maricopa, Pima and Pinal Counties seek retention in office pursuant to [Ariz. Const. Art. VI, § 38](#) after their initial appointment. Although they are required to form campaign committees if they reach the requisite financial threshold, Arizona judicial ethics rules prohibit judges from personally soliciting campaign contributions. See *Ariz. Code of Judicial Conduct*, Rule 4.1(A)(6).

¹⁴⁸⁸ The base financial threshold is \$1,000 but is adjusted biennially by \$100. [A.R.S. § 16-905\(G\)](#); [A.R.S. § 16-931\(A\)\(1\)](#). See [Chapter 8, Section 8.1.1.1.1](#).

¹⁴⁸⁹ [A.R.S. § 16-905\(A\)](#); [A.R.S. § 16-906\(A\)](#).

¹⁴⁹⁰ A candidate's "personal monies" include all sources of income or wealth available to the candidate or candidate's spouse. [A.R.S. § 16-901\(40\)](#); [Chapter 8, Section 8.4.2](#).

- Receiving contributions;
- Purchasing campaign signs;
- Conducting polling;
- Purchasing email lists;
- Hiring attorneys or consultants;
- Taking out a loan;
- Incurring travel expenses;
- Leasing or renting campaign facilities;
- Purchasing supplies or equipment; or
- Any other expense incurred for campaign purposes.¹⁴⁹¹

Any contributions received or expenditures made before registration are reportable in the candidate’s first campaign finance report, therefore a candidate must keep track of all financial activity from dollar one.¹⁴⁹²

8.1.1.1.1 FINANCIAL THRESHOLD FOR CANDIDATE REGISTRATION

		Financial Threshold for Registration		
		2017-2018 Election Cycle	2019-2020 Election Cycle	2021-2022 Election Cycle
Committee Type	Candidate Committee	\$1,100	\$1,200	\$1,300

8.1.1.2 POLITICAL ACTION COMMITTEES

An entity¹⁴⁹³ is required to be registered as a political action committee (PAC) if:

- The entity is organized for the primary purpose¹⁴⁹⁴ of influencing the result of an election;¹⁴⁹⁵ and

¹⁴⁹¹ Candidate registration is triggered if a candidate raises or spends at least \$1,100 “in connection with” his or her candidacy. [A.R.S. § 16-905\(A\)](#); [A.R.S. § 16-931\(A\)\(1\)](#).

¹⁴⁹² [A.R.S. § 16-907\(I\)](#); Chapter 8, Section 8.3.

¹⁴⁹³ An “entity” is “a corporation, limited liability company, labor organization, partnership, trust, association, organization, joint venture, cooperative, unincorporated organization or association or other organized group that consists of more than one individual.” [A.R.S. § 16-901\(22\)](#).

¹⁴⁹⁴ “Primary purpose” is synonymous with an entity’s “predominant” purpose. [A.R.S. § 16-901\(43\)](#).

¹⁴⁹⁵ [A.R.S. § 16-905\(B\)\(1\)](#).

- The entity knowingly receives contributions or makes expenditures (in any combination) in excess of the current threshold financial level.¹⁴⁹⁶

If the entity has a primary political purpose and its contributions and expenditures (in any combination) exceed the then-current threshold for that election cycle, the entity is required to register itself as a PAC within 10 days.¹⁴⁹⁷ The current threshold is posted on the Secretary of State’s website at <https://www.azsos.gov/elections/campaign-finance-reporting/contribution-limits>.

If a corporation, LLC, union or partnership establishes a separate fund for the purpose of influencing the result of an election, the entity must register that fund as a PAC.¹⁴⁹⁸

8.1.1.2.1 FINANCIAL THRESHOLD FOR PAC REGISTRATION

		Financial Threshold for Registration		
		2017-2018 Election Cycle	2019-2020 Election Cycle	2021-2022 Election Cycle
Committee Type	Political Action Committee	\$1,100	\$1,200	\$1,300

8.1.1.3 POLITICAL PARTIES

An entity¹⁴⁹⁹ may register as a political party only if the entity achieved official recognition by filing enough valid signatures to form a new party.¹⁵⁰⁰

8.1.2 WHERE TO REGISTER A COMMITTEE

A committee is formed by filing a statement of organization with the appropriate filing officer within 10 days of qualifying as a committee. The filing officer is the election official with whom campaign finance reports are filed for the office in question.¹⁵⁰¹

¹⁴⁹⁶ [A.R.S. § 16-905\(B\)\(2\)](#). The base financial threshold is \$1,000 but is adjusted biennially by \$100. [A.R.S. § 16-905\(G\)](#); [A.R.S. § 16-931\(A\)\(1\)](#). See [Chapter 8, Section 8.1.1.2.1](#).

¹⁴⁹⁷ [A.R.S. § 16-905\(A\)](#); [A.R.S. § 16-906\(A\)](#).

¹⁴⁹⁸ [A.R.S. § 16-905\(E\)](#).

¹⁴⁹⁹ An “entity” is defined as “a corporation, limited liability company, labor organization, partnership, trust, association, organization, joint venture, cooperative, unincorporated organization or association or other organized group that consists of more than one individual.” [A.R.S. § 16-901\(22\)](#).

¹⁵⁰⁰ [A.R.S. § 16-905\(E\)](#); see also Chapter 7.

¹⁵⁰¹ [A.R.S. § 16-901\(27\)](#); [A.R.S. § 16-906\(A\)](#). See Chapter 8, Section 8.8.4.

8.2 FILING A STATEMENT OF ORGANIZATION

8.2.1 PRELIMINARY COMMITTEE INFORMATION

Each committee must have a chairperson and treasurer to head the organization.¹⁵⁰²

A chairperson may be assigned as many or as few duties as the committee sees fit. However, the treasurer is responsible for keeping the committee's books and records, must sign off on financial transactions, and remains legally and personally responsible for filing complete and accurate campaign finance reports.¹⁵⁰³

Candidates may serve as both chairperson and treasurer of their own committee.¹⁵⁰⁴ However, PACs and political parties must designate different individuals to serve as chairperson and treasurer. The committee will also need basic contact information such as physical address and email address.¹⁵⁰⁵

Finally, a committee must establish a bank account and be prepared to disclose the name of its bank or other financial institution.¹⁵⁰⁶ (Bank account numbers should not be listed in a statement of organization). The committee must open its own account and may not commingle other monies in the account.¹⁵⁰⁷ Committees are solely responsible for adhering to banking policies, and filing officers are unable to assist in establishing a bank account.

Sometimes a committee might have to forecast in its statement of organization the bank where it intends to open an account.¹⁵⁰⁸ In that case, it is permissible to list the committee's future financial institution on a statement of organization as long as the committee ultimately opens that account. The committee should wait no longer than 30 days after filing the statement of organization to open the account to avoid a campaign finance violation.¹⁵⁰⁹

¹⁵⁰² [A.R.S. § 16-906\(B\)\(3\)](#).

¹⁵⁰³ [A.R.S. § 16-907\(A\)](#); [A.R.S. § 16-926\(B\)\(5\)](#); [A.R.S. § 16-934\(B\)](#).

¹⁵⁰⁴ [A.R.S. § 16-906\(B\)\(3\)](#).

¹⁵⁰⁵ [A.R.S. § 16-906\(B\)\(6\)](#). A condition of filing a statement of organization is that the committee agrees to accept all notices via email in lieu of certified mail or personal delivery. Failure to regularly check one's email will not be considered a valid defense to any enforcement action.

¹⁵⁰⁶ [A.R.S. § 16-906\(B\)\(5\)](#).

¹⁵⁰⁷ [A.R.S. § 16-907\(B\)\(1\)](#).

¹⁵⁰⁸ Some banks might require a committee to have certain formalities already established prior to opening an account, such as filing a statement of organization, incorporating with the Arizona Corporation Commission, and/or obtaining a taxpayer ID number from the Internal Revenue Service (IRS).

¹⁵⁰⁹ The deadline to open a bank account is not addressed in statute. However, failure to open a bank account within 30 days of filing a statement of organization will be deemed a violation of [A.R.S. § 16-906\(B\)\(5\)](#).

8.2.2 COMPONENTS OF A STATEMENT OF ORGANIZATION

8.2.2.1 COMMITTEE INFORMATION

The following information must be provided about a committee:

- Committee name;¹⁵¹⁰
 - A candidate committee’s name must include the candidate’s first or last name and, if the candidate has a candidate committee open for more than one office, the office sought;¹⁵¹¹
 - If a PAC is sponsored,¹⁵¹² the PAC’s name must include the sponsor’s name or commonly known nickname;¹⁵¹³
 - For a new political party, the party’s name should match the name circulated on the new party petition.¹⁵¹⁴
- Candidate’s political party (if applicable);¹⁵¹⁵
 - A candidate must identify his or her political party in the statement of organization if the candidate is running for a partisan office where the candidate’s party affiliation will appear on the ballot;¹⁵¹⁶
- Committee mailing address;¹⁵¹⁷
- Committee email address;¹⁵¹⁸
- Committee website (if applicable);¹⁵¹⁹

¹⁵¹⁰ [A.R.S. § 16-906\(B\)\(1\)](#).

¹⁵¹¹ [A.R.S. § 16-906\(B\)\(1\)\(a\)](#). It is not necessary to identify the district with the “office sought,” however legislative candidates must specify whether they are running for the Senate or House of Representatives. Abbreviations and shorthand phrases are permissible. For example, “Johnson 4 House” or “Smith Corp. Comm. Committee” are sufficiently descriptive committee names. If applicable, committee names must include the office sought because candidates are permitted to establish multiple candidate committees for different offices; therefore, it is necessary for any fundraising solicitations or advertising disclaimers to properly disclose which committee actually paid for the expenditure. See [A.R.S. § 16-906\(F\)](#) (barring multiple committees for the same office but imposing no restrictions on forming multiple committees for different offices); [A.R.S. § 16-925\(A\)\(1\)](#) (requiring “paid for” followed by the committee name on any fundraising solicitation or political advertisement).

¹⁵¹² See Chapter 8, Section __.

¹⁵¹³ [A.R.S. § 16-906\(B\)\(1\)\(b\)](#).

¹⁵¹⁴ See Chapter 7, Section __.

¹⁵¹⁵ [A.R.S. § 16-906\(B\)\(4\)](#).

¹⁵¹⁶ Partisan candidates must be registered with the political party for which they seek a nomination at the time they form their committee and through the period when they file a nomination paper to seek ballot access. [A.R.S. § 16-311\(A\)](#).

¹⁵¹⁷ [A.R.S. § 16-906\(B\)\(1\)](#).

¹⁵¹⁸ [A.R.S. § 16-906\(B\)\(1\)](#).

- A committee must identify its website only if one exists;
- Committee telephone number;¹⁵²⁰
- Name of any banks or other financial institutions used by the committee.¹⁵²¹

8.2.2.1.1 PAC SPONSORSHIP

A PAC “sponsor” is “any person that establishes, administers or contributes financial support to the administration of a political action committee or that has common or overlapping membership or officers with that political action committee.”¹⁵²² If a PAC is sponsored, the sponsor’s name (or commonly known nickname) must be included in the PAC’s name.¹⁵²³

Factors indicative of sponsorship include, but are not limited to, whether the putative sponsoring organization:

- Provides or arranges for the provision of funds or goods to administer the PAC, including:
 - Fundraising expenses;
 - Salaries or compensation;
 - Office equipment or supplies;
 - Rent or utilities;
 - Postage;
 - Post office box rental;
 - Polling or research; or
 - Any other non-contribution support for the PAC’s administrative operations;¹⁵²⁴
- Has the authority or ability to direct or participate in the governance of the PAC through its bylaws, charter, contract or other rules, or through formal or informal practices or procedures;¹⁵²⁵

¹⁵¹⁹ [A.R.S. § 16-906\(B\)\(1\)](#).

¹⁵²⁰ [A.R.S. § 16-906\(B\)\(1\)](#).

¹⁵²¹ [A.R.S. § 16-906\(B\)\(5\)](#).

¹⁵²² [A.R.S. § 16-901\(47\)](#).

¹⁵²³ [A.R.S. § 16-906\(B\)\(1\)\(b\)](#).

¹⁵²⁴ *See e.g.* [11 C.F.R. § 100.5\(g\)\(4\)\(ii\)\(G\)-\(H\)](#); [11 C.F.R. § 110.3\(a\)\(3\)\(ii\)\(G\)-\(H\)](#); [FEC AO 2002-15 \(UROPAC\)](#). Funding a PAC with contributions that will be used for electoral, non-administrative purposes does not constitute indicia of sponsorship.

¹⁵²⁵ *See e.g.* [11 C.F.R. § 100.5\(g\)\(4\)\(ii\)\(B\)](#); [11 C.F.R. § 110.3\(a\)\(3\)\(ii\)\(B\)](#); [FEC AO 2012-12 \(Dunkin’ Brands\)](#); [FEC AO 2007-16 \(American Kennel Club\)](#).

- Has the authority or ability to hire, appoint, demote or otherwise control the officers or other decision-making employees, officers or members of the PAC;¹⁵²⁶
- Has employees, officers or members who are or were employees, officers or members of the PAC, indicating a formal or ongoing relationship or the creation of a successor entity;¹⁵²⁷
- Had an active or significant role in the formation of the PAC;¹⁵²⁸ or
- Makes or receives contributions in a pattern similar to that of the PAC, indicating a formal or ongoing relationship between them.¹⁵²⁹

8.2.2.2 CHAIRPERSON AND TREASURER INFORMATION

The following information must be provided about a committee’s chairperson and treasurer:

- Name;¹⁵³⁰
 - A candidate may serve as chairperson and treasurer of his or her own campaign committee, but non-candidate committees must identify separate individuals to serve as chairman and treasurer;¹⁵³¹
- Physical location or street address;¹⁵³²
 - The chairperson and treasurer must provide a physical or street address where he or she can be located, and therefore may not list a P.O. Box;¹⁵³³
- Email address;¹⁵³⁴
 - The chairperson and treasurer should provide separate email addresses;
- Telephone number¹⁵³⁵

¹⁵²⁶ See e.g. [11 C.F.R. § 100.5\(g\)\(4\)\(ii\)\(C\)](#); [11 C.F.R. § 110.3\(a\)\(3\)\(ii\)\(C\)](#); [FEC AO 2012-12 \(Dunkin’ Brands\)](#); [FEC AO 2007-16 \(American Kennel Club\)](#).

¹⁵²⁷ See e.g. [11 C.F.R. § 100.5\(g\)\(4\)\(ii\)\(F\)](#); [11 C.F.R. § 110.3\(a\)\(3\)\(ii\)\(F\)](#); [FEC AO 2002-15 \(UROPAC\)](#).

¹⁵²⁸ See e.g. [11 C.F.R. § 100.5\(g\)\(4\)\(ii\)\(I\)](#); [11 C.F.R. § 110.3\(a\)\(3\)\(ii\)\(I\)](#); [FEC AO 2007-16 \(American Kennel Club\)](#); [FEC AO 2006-12 \(IAM\)](#).

¹⁵²⁹ See e.g. [11 C.F.R. § 100.5\(g\)\(4\)\(ii\)\(J\)](#); [11 C.F.R. § 110.3\(a\)\(3\)\(ii\)\(J\)](#).

¹⁵³⁰ [A.R.S. § 16-906\(B\)\(3\)](#).

¹⁵³¹ [A.R.S. § 16-906\(B\)\(3\)](#).

¹⁵³² [A.R.S. § 16-906\(B\)\(3\)](#).

¹⁵³³ A candidate whose residential address is protected pursuant to [A.R.S. § 16-153](#) may use the phrase “protected address” in lieu of listing his or her actual residential address. See e.g. [A.R.S. § 16-321\(E\)](#); see also Chapter 1, Section 1.10.1.1 and Chapter 9, Section 9.2.1.1.1.2.3.1. However, the committee still must list an actual mailing address pursuant to [A.R.S. § 16-906\(B\)\(1\)](#).

¹⁵³⁴ [A.R.S. § 16-906\(B\)\(3\)](#).

¹⁵³⁵ [A.R.S. § 16-906\(B\)\(3\)](#).

- The chairperson and treasurer should provide separate telephone numbers;
- Occupation¹⁵³⁶
 - The occupation should be sufficiently specific to identify the person’s line of work;
 - “Attorney,” “accountant,” “doctor,” etc. are sufficiently descriptive. Occupations such as “consultant” should be more specific (for example, “political consultant,” “management consultant,” etc. are sufficiently descriptive);
 - “Retired,” “homemaker,” “unemployed,” “student,” etc. are sufficient occupational descriptions, if applicable;
 - If the person has multiple occupations, the person’s primary or principal occupation should be listed;
- Employer;¹⁵³⁷
 - If the person has multiple employers, the person’s primary or principal employer should be listed;
 - If the person is self-employed, the name, company, or title through which the person does business should be listed;
 - “Retired,” “homemaker,” “unemployed,” “student,” etc. are sufficient employment descriptions, if applicable.

8.2.2.3 FINALIZING STATEMENT OF ORGANIZATION

A chairperson and treasurer must swear under penalty of perjury that he or she:

- Read the filing officer’s applicable campaign finance guide;¹⁵³⁸
- Agrees to comply with Arizona campaign finance law; and
- Agrees to accept all notifications, statements, service of process, or other important documents via the committee’s email address.¹⁵³⁹

For candidate committees, the candidate must make the same affirmation as the chairperson and treasurer.

¹⁵³⁶ [A.R.S. § 16-906\(B\)\(3\)](#).

¹⁵³⁷ [A.R.S. § 16-906\(B\)\(3\)](#).

¹⁵³⁸ The filing officer may create a local campaign finance guide or provide the Secretary of State’s guide.

¹⁵³⁹ [A.R.S. § 16-906\(B\)\(6\)](#). Because official notifications will be exclusively sent via email, committee officers should list email addresses that will be routinely monitored. In the event a campaign finance complaint is later filed, for example, the filing officer will not typically accept failure to monitor the email account(s) as a legitimate defense to enforcement.

Original signatures are not required for a statement of organization.¹⁵⁴⁰ A complete statement of organization is considered filed upon receipt by the filing officer.

Once registration is complete, the filing officer must issue an identification number for the committee.¹⁵⁴¹ This identification number will be used to identify the committee in future correspondence.

8.2.3 ESTABLISHING A STANDING COMMITTEE

A PAC or political party at any time may request “standing committee” status if the committee intends to conduct political activity in multiple Arizona jurisdictions.¹⁵⁴² A standing committee:

- Files a statement of organization with the Secretary of State;
- Designates which local jurisdictions it intends to register with at the time of filing with the Secretary of State;
- Must be issued a committee ID by the Secretary of State;
- Must provide a copy of the filed/approved statement of organization to each designated jurisdiction before conducting political activity in that jurisdiction;
- Only files campaign finance reports with the Secretary of State’s office;
- Files pre-election and post-election campaign finance reports during each quarter; and
- Is subject to campaign finance enforcement only by the Secretary of State, not local filing officers.¹⁵⁴³

A standing committee may cease participation in one jurisdiction (and remain active in other jurisdictions) by filing a statement of that intent with the filing officer in each applicable jurisdiction.¹⁵⁴⁴

8.2.4 CHANGES IN COMMITTEE INFORMATION

If there is a change in any committee information provided in the statement of organization, a committee must file an amended statement of organization within 10 days of the change.¹⁵⁴⁵

¹⁵⁴⁰ Original signatures are not required because a filing officer must provide an electronic filing option for all committees. [A.R.S. § 16-928\(C\)](#).

¹⁵⁴¹ [A.R.S. § 16-906\(D\)](#).

¹⁵⁴² [A.R.S. § 16-901\(48\)](#); [A.R.S. § 16-906\(E\)](#); [A.R.S. § 16-928\(B\)](#).

¹⁵⁴³ See Chapter 8, Section 8.10.

¹⁵⁴⁴ [A.R.S. § 16-934\(E\)](#).

¹⁵⁴⁵ [A.R.S. § 16-906\(C\)](#).

8.2.5 FORMING MULTIPLE CANDIDATE COMMITTEES

A candidate may only have one campaign committee in existence for the same office during the same election cycle.¹⁵⁴⁶ This prevents a candidate from subverting contribution limits by having donors contribute to multiple affiliated committees.

In the event a candidate seeks to open multiple committees for the same office, a filing officer is authorized to reject any extraneous statements.¹⁵⁴⁷

If a candidate runs for the same office in consecutive election cycles, it is not necessary to open a new campaign committee for the next election cycle while terminating the previous committee. In that case, a candidate may continue using the previously-existing committee and amend that committee's statement of organization to make any necessary changes.¹⁵⁴⁸

A candidate may simultaneously maintain multiple committees for different offices; however, that does not necessarily mean the candidate is permitted to freely transfer money between these committees.¹⁵⁴⁹

8.3 COMMITTEE RECORD KEEPING AND FINANCIAL MANAGEMENT

A committee is required to maintain accurate financial records. The legal responsibility for compliance falls on the committee treasurer.¹⁵⁵⁰

¹⁵⁴⁶ [A.R.S. § 16-906\(F\)](#). Arizona law prohibits a candidate from submitting multiple nomination papers to run for multiple offices. *See e.g.* [Ariz. Const. Art. 22, § 18](#); [A.R.S. § 38-296](#); [A.R.S. § 38-296.01](#).

¹⁵⁴⁷ Even if not rejected by the filing officer, the candidate could be subject to a campaign finance complaint for maintaining multiple committees in violation of [A.R.S. § 16-906\(F\)](#).

¹⁵⁴⁸ If a candidate closes a committee and reopens another committee for the same office during the same election cycle, contribution limits will not reset for the new committee. Contributions to the original committee will be deemed to be contributions to the new committee, so both committees must keep accurate records to reconcile both committees' financial activities.

¹⁵⁴⁹ *See* Chapter 8, Section 8.3.2.4. In adjudicating any campaign finance complaint, a filing officer may find reasonable cause that a campaign finance violation occurred if one committee appears to draw resources from another committee in a way that subverts campaign finance limits or disclosure requirements. For example, paying for a generic campaign ad out of one campaign account that arguably bolsters candidacies for multiple offices is more likely to be deemed a campaign finance violation.

¹⁵⁵⁰ [A.R.S. § 16-907\(A\)](#).

8.3.1 GATHERING CONTRIBUTOR INFORMATION

8.3.1.1 INDIVIDUAL CONTRIBUTIONS OVER \$50

For contributions from individuals who contribute at least \$50 during the election cycle, a committee is required to record and report the following information:¹⁵⁵¹

- Contributor’s name;¹⁵⁵²
 - The contributor must provide a first and last name;¹⁵⁵³
 - If a joint contribution is made by a married couple, each spouse’s first and last name must be provided to the committee;
- Contributor’s residential location or street address¹⁵⁵⁴
 - Only a residential address or location may be provided; a work address or P.O. Box is not permitted;¹⁵⁵⁵
- Contributor’s occupation;¹⁵⁵⁶
 - The occupation should be sufficiently specific to identify the contributor’s line of work;
 - “Attorney,” “accountant,” “doctor,” etc. are sufficiently descriptive. Occupations such as “consultant” should be more specific (for example, “political consultant,” “management consultant,” etc. are sufficiently descriptive);
 - “Retired,” “homemaker,” “unemployed,” “student,” etc. are sufficient occupational descriptions, if applicable;
 - If the contributor has multiple occupations, the contributor’s primary or principal occupation should be provided;
- Contributor’s employer;¹⁵⁵⁷
 - If the contributor has multiple employers, the contributor’s primary or principal employer should be provided;
 - If the contributor is self-employed, the contributor should list the name, company, or title through which he or she does business;

¹⁵⁵¹ [A.R.S. § 16-901\(29\)](#). A candidate committee must fully “identify” any individual who contributes at least \$50 during the election cycle. [A.R.S. § 16-907\(C\)](#); [A.R.S. § 16-926\(B\)\(2\)\(a\)\(i\)](#).

¹⁵⁵² [A.R.S. § 16-901\(29\)\(a\)](#).

¹⁵⁵³ [A.R.S. § 16-901\(29\)\(a\)](#).

¹⁵⁵⁴ [A.R.S. § 16-901\(29\)\(a\)](#).

¹⁵⁵⁵ [A.R.S. § 16-901\(29\)\(a\)](#).

¹⁵⁵⁶ [A.R.S. § 16-901\(29\)\(a\)](#).

¹⁵⁵⁷ [A.R.S. § 16-901\(29\)\(a\)](#).

- “Retired,” “homemaker,” “unemployed,” “student,” and the like are sufficient employment descriptions, if applicable.

8.3.1.2 INDIVIDUAL CONTRIBUTIONS UNDER \$50

If an individual contributor did not give at least \$50 to a committee during the election cycle, the committee need not report the contributor’s name, address, occupation and employer in campaign finance reports. However, the committee must keep records of this information.¹⁵⁵⁸

As a general matter, contributions of \$20 or less at regularly held political party raffles, meetings, or fundraisers do not trigger an ongoing obligation to gather identifying information, even if party members routinely attend such meetings or events.¹⁵⁵⁹ Outside the context of political party-sponsored events, however, a candidate should gather identifying information if there is a substantial likelihood of encountering small dollar contributors who will exceed \$50 in contributions during the election cycle.

8.3.1.3 POLITICAL ACTION COMMITTEE AND POLITICAL PARTY CONTRIBUTIONS

For PAC or political party contributions in any amount, the recipient committee is required to record and report the contributor’s name and address:¹⁵⁶⁰

- PAC or political party’s name;¹⁵⁶¹
 - A PAC or party should provide its name as reflected in its statement of organization or articles of incorporation.¹⁵⁶²
- PAC or political party’s physical location or street address;¹⁵⁶³

¹⁵⁵⁸ For example, if an individual contributor eventually reaches the \$50 threshold during the election cycle, the contributor’s identifying information will be required to be reported going forward. If the committee does not track a person’s small-dollar contributions from the beginning, it will be difficult to know when the contributor’s \$50 aggregate threshold has been reached.

¹⁵⁵⁹ If there is an entrance fee that exceeds \$50, however, identifying information should be reported.

¹⁵⁶⁰ [A.R.S. § 16-901\(29\)\(b\)](#). All PAC and political party contributors must be identified, as there is no \$50 reporting threshold similar to what exists in the individual context. Compare [A.R.S. § 16-926\(B\)\(2\)\(a\)\(i\)](#) with [A.R.S. § 16-926\(B\)\(2\)\(a\)\(iii\)-\(iv\)](#).

¹⁵⁶¹ [A.R.S. § 16-901\(29\)\(b\)](#).

¹⁵⁶² Only PACs and political parties registered in Arizona are permitted to make contributions to candidate committees. See [A.R.S. § 16-901\(41\)](#) (defining a “political action committee” as an entity “that is required to register” with an Arizona filing officer pursuant to [A.R.S. § 16-905](#)); [A.R.S. § 16-901\(42\)](#) (defining a “political party” as a committee that has met “the requirements for recognition as a political party pursuant to [Arizona law]”).

¹⁵⁶³ [A.R.S. § 16-901\(29\)\(b\)](#).

- Only a physical address or street location may be provided.¹⁵⁶⁴ A P.O. Box is not permitted.

8.3.1.4 PARTNERSHIP CONTRIBUTIONS

For partnership contributions in any amount, a recipient committee is required to record and report the partnership's name and address:

- Partnership's name¹⁵⁶⁵
 - A partnership should provide its name as reflected in its articles of incorporation/organization, partnership agreement, or other official document filed with a government entity.
- Partnership's physical location or street address¹⁵⁶⁶
 - Only a physical address or street location may be provided.¹⁵⁶⁷ A P.O. Box is not permitted.
- Individual contributing partners' information;
 - A partnership must provide the name, address, occupation and employer for each individual partner who has agreed to participate in the partnership's contribution.¹⁵⁶⁸

8.3.1.5 FUNDRAISING DISCLAIMERS

Committees not only must ask for identifying information, they must also inform the contributor that they are legally required to do so.¹⁵⁶⁹ Thus, when sending out a fundraising solicitation for a forthcoming fundraiser, the following disclaimer will normally suffice:

“The committee is legally required to request identifying information from each contributor.”¹⁵⁷⁰

¹⁵⁶⁴ [A.R.S. § 16-901\(29\)\(b\).](#)

¹⁵⁶⁵ [A.R.S. § 16-901\(29\)\(b\).](#)

¹⁵⁶⁶ [A.R.S. § 16-901\(29\)\(b\).](#)

¹⁵⁶⁷ [A.R.S. § 16-901\(29\)\(b\).](#)

¹⁵⁶⁸ See Chapter 8, Section 8.3.3.2.4.

¹⁵⁶⁹ [A.R.S. § 16-907\(C\).](#)

¹⁵⁷⁰ The content of the disclaimer is not statutorily prescribed. Any substantially similar disclaimer will suffice.

8.3.1.6 USING “BEST EFFORTS” TO SEEK MISSING INFORMATION

A treasurer should scrutinize all contributions upon receipt to ensure they sufficiently meet the above standards.¹⁵⁷¹ Contributions found to be lacking are known as “incomplete contributions.”¹⁵⁷² If a committee discovers an incomplete contribution, it is required to affirmatively seek out the missing information in order to file a complete and accurate campaign finance report.¹⁵⁷³

A committee need only make its “best effort” to acquire the missing information. In order to qualify as a “best effort,” the committee treasurer (or the treasurer’s agent) must make at least one attempted written communication, such as by email, text message, private message through social media or other similar communication, or at least one attempted oral communication to the contributor that is documented in writing.¹⁵⁷⁴ In either case, the treasurer should keep written records documenting these attempts.¹⁵⁷⁵

Each follow-up request for information must clearly identify the missing information sought and inform the contributor that the committee was legally required to seek that information.¹⁵⁷⁶

8.3.1.7 REPORTING AND AMENDING REPORTS

If a committee’s best effort to contact a contributor ultimately fails, the committee has done all it can do. It should timely file its campaign finance report with the incomplete contributor information.

If a contributor belatedly provides this information to the committee after the applicable campaign finance report was filed, the committee must amend that report with the updated contributor information within a reasonable period.¹⁵⁷⁷

If a previously small dollar individual donor reaches \$50 in aggregate contributions during the election cycle, the committee need not amend any previous reports.

¹⁵⁷¹ [A.R.S. § 16-901\(29\)](#).

¹⁵⁷² [A.R.S. § 16-901\(30\)](#).

¹⁵⁷³ [A.R.S. § 16-907\(C\)](#).

¹⁵⁷⁴ [A.R.S. § 16-901\(5\)](#).

¹⁵⁷⁵ Written records of all “best efforts” attempts will normally be sufficient to defend against a campaign finance complaint alleging incomplete campaign finance reports.

¹⁵⁷⁶ [A.R.S. § 16-907\(C\)](#). There is no specific required wording for a follow-up request.

¹⁵⁷⁷ [A.R.S. § 16-907\(C\)](#).

8.3.2 MANAGING FINANCIAL ACTIVITY AND RECORDS

A committee treasurer is charged with preserving the committee's financial records, managing the committee's financial affairs, and ensuring the accuracy of campaign finance reports.¹⁵⁷⁸

8.3.2.1 ACTIVITIES REQUIRING TREASURER APPROVAL

A committee may not engage in any financial activity without the authorization of the treasurer or someone designated by the treasurer.¹⁵⁷⁹ The treasurer is ultimately responsible for campaign finance reporting.

8.3.2.2 METHODS OF ACCEPTING CONTRIBUTIONS

A committee may accept a contribution made by cash, check, credit card, payroll deduction, wire transfer, or any other method of online payment.¹⁵⁸⁰

The committee need not provide a receipt for cash contributions.

For contributions by check or credit card, the treasurer (or treasurer's agent) has a duty to ensure that the contributor is the account holder of the instrument.¹⁵⁸¹ For example, the committee may not accept a check drawn from the account of "David Johnson" when the accompanying contribution form is from "Marcy Smith." In these cases, the committee must attempt to reconcile the discrepancy and be prepared to issue a refund.

Special attribution rules apply to married couples. If a check has both spouses' names printed on it but only one spouse signs the check, the contribution is deemed to be from the signing spouse only.¹⁵⁸² The same rule applies to credit card transactions: if a contribution is made from a joint account, only the spouse who authorized the transaction is deemed the contributor. A married couple seeking to make a joint contribution, therefore, must jointly sign the check or otherwise clearly indicate that the contribution should be dually-attributed to both spouses.¹⁵⁸³ A joint contribution is normally assumed to be allocated 50/50 between spouses, but any other allocation percentage chosen by joint contributors is permissible.¹⁵⁸⁴

¹⁵⁷⁸ [A.R.S. § 16-907\(A\)](#).

¹⁵⁷⁹ [A.R.S. § 16-907\(A\)](#).

¹⁵⁸⁰ [A.R.S. § 16-907\(E\)-\(F\)](#).

¹⁵⁸¹ [A.R.S. § 16-907\(F\)](#).

¹⁵⁸² [A.R.S. § 16-907\(F\)](#).

¹⁵⁸³ [A.R.S. § 16-907\(F\)](#).

¹⁵⁸⁴ Joint contributions require the name, address, occupation and employer for both joint contributors.

8.3.2.3 METHOD OF RECORDING CONTRIBUTIONS AND EXPENDITURES

A committee must determine the date of contributions and expenditures. The date is significant because when a contribution or expenditure was made will dictate when the transaction must be reported.

For contributions, the date of receipt is either:

- The date the committee knowingly takes possession of the contribution; or
- The date shown on the check, credit card payment, or other instrument.¹⁵⁸⁵

“Knowing possession” means that the committee is aware that it likely possesses a contribution (for example, the committee’s most recent mail delivery contains several return envelopes issued by the committee to receive contributions).

Committee expenditures and disbursements are determined by the following rules:

- For a transaction by check, the expenditure or disbursement is deemed to have been made on the date the committee signs the check.¹⁵⁸⁶
- For credit card transaction on paper (*i.e.* when a committee is presented with a paper slip that must be signed in order to charge a credit card), the expenditure or disbursement is made on the date that authorization slip is signed.¹⁵⁸⁷
- For an online transaction, the expenditure or disbursement is deemed made on the date that the committee authorizes the transaction.¹⁵⁸⁸
- For an agreement to purchase goods or services, the expenditure or disbursement is deemed made either:
 - On the date of the parties’ agreement; or
 - The date that the committee was issued a purchase order or similar invoice.¹⁵⁸⁹

If a particular expenditure or disbursement does not fall into one of the above categories, the committee is permitted to treat the expenditure/disbursement as being made:

- On the date that the committee authorized the expenditure/disbursement; or
- The date that the money is withdrawn from the committee’s account.¹⁵⁹⁰

¹⁵⁸⁵ [A.R.S. § 16-926\(C\)\(1\).](#)

¹⁵⁸⁶ [A.R.S. § 16-926\(C\)\(2\).](#)

¹⁵⁸⁷ [A.R.S. § 16-926\(C\)\(2\).](#)

¹⁵⁸⁸ [A.R.S. § 16-926\(C\)\(2\).](#)

¹⁵⁸⁹ [A.R.S. § 16-926\(C\)\(2\).](#)

No particular reporting method must be used. However, the method utilized must be applied consistently throughout the election cycle.¹⁵⁹¹ For example, a candidate may not selectively use the date of the check for some contributions while using date of possession for other contributions received at the same time. A more consistent method would entail using the date of possession for all mailed checks and the date of the check for all in-person fundraisers. As long as the committee’s approach is consistent (and not strategic or random), a filing officer should defer to the committee’s judgment.

8.3.2.4 MAINTAINING SEPARATE BANK ACCOUNTS

A committee’s monies should be held in an account under the committee’s name at the financial institution listed in the committee’s statement of organization.¹⁵⁹²

A committee also must ensure that certain monies are not commingled in the same bank account.

8.3.2.4.1 CANDIDATE COMMITTEE ACCOUNTS

For candidate committees, committee monies may not be commingled in the same bank account as the candidate’s personal monies—or any other person’s monies.¹⁵⁹³

Additional safeguards apply if the candidate is the subject of a recall election. In the event a recall petition serial number has been taken out, the targeted officeholder is permitted to begin fundraising to defeat the recall effort.¹⁵⁹⁴ Since the officeholder operates under a brand-new election cycle for that purpose, any recall-related contributions, expenditures, or disbursements must be conducted through a new committee and must be drawn from an account separate from the officeholder’s principal campaign account.¹⁵⁹⁵ The committee treasurer is not permitted to commingle or transfer money between these accounts.¹⁵⁹⁶ Thus, an officeholder should contact his or her financial institution to set up a separate bank account in the event a recall effort has been initiated. Once the recall election cycle has concluded, the recall committee may dispose of its monies in accordance with Arizona law and terminate the recall committee accordingly.¹⁵⁹⁷

¹⁵⁹⁰ [A.R.S. § 16-926\(C\)\(2\)](#).

¹⁵⁹¹ [A.R.S. § 16-926\(C\)\(3\)](#).

¹⁵⁹² [A.R.S. § 16-907\(B\)](#).

¹⁵⁹³ [A.R.S. § 16-907\(B\)\(1\)](#).

¹⁵⁹⁴ See [A.R.S. § 16-901\(18\)](#) (creating a separate “election cycle” for a recall election, which commences with “the issuance of a recall petition serial number”); Chapter 8, Section 8.7.

¹⁵⁹⁵ [A.R.S. § 16-907\(B\)\(5\)](#). A targeted officeholder must form a separate candidate committee to fend off the recall effort. Chapter 8, Section 8.7.

¹⁵⁹⁶ [A.R.S. § 16-907\(B\)\(5\)](#).

¹⁵⁹⁷ See Chapter 8, Section 8.9.

8.3.2.4.2 POLITICAL ACTION COMMITTEE ACCOUNTS

For a PAC:

- Committee monies must be segregated in different bank accounts from personal monies; and
- Contributions from individuals, partnerships, candidate committees, political parties, and other PACs must be segregated in different bank accounts from contributions from other donors.¹⁵⁹⁸

8.3.2.4.3 POLITICAL PARTY ACCOUNTS

For a political party:

- Committee monies must be segregated in different bank accounts from personal monies;
- Contributions from individuals, partnerships, candidate committees, political parties, and other PACs must be segregated in different bank accounts from contributions from other entities; and
- Contributions to defray operating expenses or support party-building activities must be segregated in different bank accounts from contributions used to support candidates.¹⁵⁹⁹

However, a political party is permitted to commingle funds in the same account if the account is maintained pursuant to federal regulations governing political party finances.¹⁶⁰⁰

8.3.2.5 MAINTAINING FINANCIAL RECORDS

A committee treasurer is responsible for maintaining records of all financial activity, even if the information will not be disclosed in a campaign finance report.¹⁶⁰¹ In general, this means keeping records of all the money flowing in and out of the committee, including:

- All contributions made or received by the committee;¹⁶⁰²
- The identity of any contributor that contributed at least \$50 during the election cycle, including the name and address of all contributors (along with the occupation and employer for individual contributors), the date of each contribution, and the date the contribution was deposited into the committee's account;¹⁶⁰³

¹⁵⁹⁸ [A.R.S. § 16-907\(B\)\(1\)-\(2\).](#)

¹⁵⁹⁹ [A.R.S. § 16-907\(B\)\(1\)-\(3\).](#)

¹⁶⁰⁰ [A.R.S. § 16-907\(B\)\(4\); 11 C.F.R. § 106.7.](#)

¹⁶⁰¹ [A.R.S. § 16-907\(A\).](#)

¹⁶⁰² [A.R.S. § 16-907\(D\)\(1\).](#)

¹⁶⁰³ [A.R.S. § 16-907\(D\)\(2\).](#)

- The cumulative amount contributed by each donor during the election cycle;¹⁶⁰⁴ and
- The name and address of every person who receives any money from the committee, including the date, amount, and purpose of any expenditure or disbursement.¹⁶⁰⁵

These categories largely overlap with the information that must be disclosed in campaign finance reports.¹⁶⁰⁶

All the record keeping information must be maintained by the committee for a period of two years following the election cycle in which the activity occurred.¹⁶⁰⁷ The filing officer or the enforcement officer may request these records from the committee at any time, regardless of whether a campaign finance complaint is pending.¹⁶⁰⁸

8.3.2.6 PRESERVING RECORDS PRIOR TO COMMITTEE FORMATION

A candidate or group need not form a committee and file campaign finance reports until the registration threshold has been triggered.¹⁶⁰⁹ However, a candidate or group must preserve records of all financial activity incurred prior to registration.¹⁶¹⁰

Once the registration requirement has been triggered, the committee’s cumulative, pre-registration financial activity must be reported in the committee’s first campaign finance report.¹⁶¹¹

8.3.3 RECEIVING CONTRIBUTIONS

8.3.3.1 DEFINITION OF A CONTRIBUTION

In general, a “contribution” is anything of value provided to a committee for the purpose of influencing an election.¹⁶¹²

¹⁶⁰⁴ [A.R.S. § 16-907\(D\)\(3\)](#).

¹⁶⁰⁵ [A.R.S. § 16-907\(D\)\(4\)](#).

¹⁶⁰⁶ Compare [A.R.S. § 16-907\(D\)\(2\)](#) (record keeping statute) with [A.R.S. § 16-926\(B\)](#) (reporting statute); compare [A.R.S. § 16-907\(D\)\(4\)](#) (record keeping statute) with [A.R.S. § 16-926\(B\)\(3\)](#) (reporting statute).

¹⁶⁰⁷ [A.R.S. § 16-907\(G\)](#).

¹⁶⁰⁸ [A.R.S. § 16-907\(H\)](#). The “filing officer” is the Secretary of State, county election director, County School Superintendent, or city/town clerk as applicable. The “enforcement officer” is the Attorney General, county attorney, or city/town attorney. [A.R.S. § 16-901\(21\), \(27\)](#).

¹⁶⁰⁹ See Chapter 8, Section 8.1.1.

¹⁶¹⁰ See Chapter 8, Section 8.3.2.

¹⁶¹¹ [A.R.S. § 16-907\(I\)](#). As a practical matter, the responsibility to maintain these early records falls upon the candidate or group, since technically there is no treasurer until a formal campaign committee has been organized.

¹⁶¹² [A.R.S. § 16-901\(11\)](#).

Subject to exceptions outlined below, all sources of money that flow into a committee are “contributions.”¹⁶¹³

Contributions principally fall into three categories: monetary contributions, loans, and in-kind contributions.

8.3.3.1.1 MONETARY CONTRIBUTIONS

Monetary contributions are traditional sources of payment directly received by a committee, whether in cash, by check, or through online payment. These sources of support are typically provided by third-party donors and are subject to contribution limits.

Monetary contributions also include personal monies supplied by a candidate or candidate’s family to fund the candidate’s campaign, but these monetary contributions are not subject to limits.¹⁶¹⁴

8.3.3.1.2 LOANS

A loan is considered a contribution.¹⁶¹⁵ Loans are advances of money, or extensions of credit, provided to a committee which the committee has agreed to pay back.

Any individual who endorses or guarantees a loan on a committee’s behalf (*i.e.* agrees to be financially responsible for repaying the loan in the event the committee defaults) is deemed to have made a contribution as well.¹⁶¹⁶ However, a candidate’s spouse may guarantee the committee’s loan without limitation.¹⁶¹⁷

¹⁶¹³ Consequences flow from something being deemed a “contribution.” First, contributions are subject to source restrictions. For example, a candidate committee may not accept contributions from unions, corporations, LLCs, or any other organization, group or business entity (other than partnerships). [A.R.S. § 16-913\(D\)](#); [A.R.S. § 16-916\(A\)](#). Second, contributions from permissible sources are subject to contribution limits. [A.R.S. § 16-911](#) to [A.R.S. § 16-917](#). Finally, contributions are reportable: the committee must gather identifying information about the contributor and file regular campaign finance reports.

¹⁶¹⁴ [A.R.S. § 16-901\(40\)](#); *see also* [A.R.S. § 16-913\(F\)](#).

¹⁶¹⁵ [A.R.S. § 16-901\(11\)\(d\)](#). The loan is also subject to source restrictions; therefore corporations, LLCs and unions are not permitted to provide loans to candidate committees. [A.R.S. § 16-913\(D\)](#); [A.R.S. § 16-916\(A\)](#).

¹⁶¹⁶ [A.R.S. § 16-911\(B\)\(14\)](#).

¹⁶¹⁷ [A.R.S. § 16-911\(B\)\(14\)](#).

As a committee pays back a loan, the loan balance remains a contribution to the extent the loan remains outstanding.¹⁶¹⁸ In tandem, the lender's and guarantor's contribution limits correspondingly free up to the extent of repayment.¹⁶¹⁹ For example:

- Individual lender provides a \$5,000 loan to a candidate committee. The candidate's friend agrees to guarantee the loan on behalf of the committee. Lender and friend have \$100 left to contribute during the election cycle (contribution limits are \$5,100).
- Committee repays \$1,000 on the loan and files its campaign finance report.
- Lender and friend now have \$1,100 left on their contribution limit.

Loans are subject to source restrictions when made to candidate committees. For example, financial institutions are generally incorporated and therefore prohibited from making contributions (even in the form of a loan) directly to a candidate committee.¹⁶²⁰ However, a financial institution may make a loan to the candidate as an individual, who in turn may loan or contribute that amount as "personal monies" to the candidate's own campaign committee.¹⁶²¹ The candidate's spouse may endorse or guarantee this personal loan as well.¹⁶²²

8.3.3.1.3 IN-KIND CONTRIBUTIONS

In-kind contributions are non-monetary benefits, including goods, services or anything else of value, that are provided to a committee without charge or at less than the usual and normal charge.¹⁶²³ Donated or discounted goods and services generally constitute contributions, and therefore are subject to contribution limits and source restrictions.

For example, goods and services may include (but are not limited to) the donation of wood/rebar for campaign signs, printing services, donor lists from other candidates, or designing a campaign website. If a committee receives a special discount on the purchase of these goods or services (for example, a candidate receives a discount *because* he or she is a candidate), the amount of the discount is likewise an in-kind contribution and subject to contribution limits and source restrictions.

¹⁶¹⁸ [A.R.S. § 16-901\(11\)\(d\)](#).

¹⁶¹⁹ [A.R.S. § 16-901\(11\)\(d\)](#).

¹⁶²⁰ [A.R.S. § 16-913\(D\)](#); [A.R.S. § 16-916\(A\)](#). Arizona law permits a financial institution to make a loan "in the ordinary course of business and not for the purpose of influencing the results of an election," [A.R.S. § 16-901\(11\)\(d\)](#), but a candidate committee is deemed to be *exclusively* organized for the purpose of influencing the results of an election and therefore may not invoke the financial institution exception.

¹⁶²¹ [A.R.S. § 16-901\(40\)\(g\)](#); [A.R.S. § 16-911\(B\)\(14\)](#); [A.R.S. § 16-913\(F\)](#). This amount is reported as "personal monies" in a campaign finance report.

¹⁶²² [A.R.S. § 16-901\(40\)\(g\)](#); [A.R.S. § 16-911\(B\)\(14\)](#).

¹⁶²³ [A.R.S. § 16-901\(32\)](#).

In-kind contributions can also result from benefits provided to elected officials. For example, while a statewide elected official or member of the Legislature may accept contributions into an officeholder expenses or constituent services account (a benefit not available to local elected officials unless authorized under local law),¹⁶²⁴ direct acceptance of any item of value for the purpose of defraying the expense of communications with constituents constitutes an in-kind contribution.¹⁶²⁵

In-kind contributions must be reported at fair market value, which is the price it would cost someone else to purchase the same good or service.¹⁶²⁶

8.3.3.2 PERMISSIBLE CONTRIBUTORS TO A COMMITTEE

A candidate committee may only accept contributions from an individual, PAC, political party, or partnership.¹⁶²⁷ A PAC or political party generally may accept contributions from all sources, including corporations and unions.¹⁶²⁸

8.3.3.2.1 INDIVIDUAL CONTRIBUTORS

This section outlines how to address several types of individual contributions.

8.3.3.2.1.1 CONTRIBUTIONS FROM FOREIGN NATIONALS

An individual contributor must be an American citizen or lawful permanent resident of the United States.¹⁶²⁹ Committees are not required to seek proof of citizenship or confirm immigration status, however checks drawn on a foreign bank account should trigger further inquiry.

¹⁶²⁴ [A.R.S. § 41-133](#).

¹⁶²⁵ [A.R.S. § 16-901\(11\)\(b\)](#). For example, an elected official at the statewide or legislative level may not accept a donation of stationary to communicate with constituents, but the official may directly pay for stationary out of the official's constituent services account.

¹⁶²⁶ [A.R.S. § 16-926\(B\)\(2\)\(a\)\(xii\)](#).

¹⁶²⁷ [A.R.S. § 16-913\(D\)](#). The PAC or political party must be registered with the appropriate filing officer in Arizona.

¹⁶²⁸ [A.R.S. § 16-912\(B\)](#); [A.R.S. § 16-913\(E\)](#); [A.R.S. § 16-914\(D\)](#); [A.R.S. § 16-915\(D\)](#); [A.R.S. § 16-916\(B\)](#).

¹⁶²⁹ [52 U.S.C. § 30121](#); [11 C.F.R. § 110.20](#).

8.3.3.2.1.2 JOINT CONTRIBUTIONS FROM SPOUSES

Spouses each have their own contribution limit but are permitted to make a joint contribution.¹⁶³⁰ Special rules apply to such contributions.

First, a joint contribution from both spouses on the same instrument is deemed to be made from both spouses' personal monies as long as both spouses are account holders, even if only one spouse has an income.

Second, a contribution may be jointly attributed to both spouses as long as both spouses sign the instrument or otherwise clearly indicate the contribution should be treated jointly.

For example, notwithstanding that contribution limits are \$5,100 during a particular election cycle, spouses may jointly contribute \$10,200 if the contribution is drawn from a joint account and both spouses sign the check. The committee must report both spouse's identifying information for purposes of completing a campaign finance report.¹⁶³¹

8.3.3.2.1.3 CONTRIBUTIONS FROM MINORS

Minors under 18 years old are permitted to make contributions. However, the contribution is treated as a contribution by the minor's custodial parent(s).¹⁶³² Thus, the committee is required to obtain the parent(s)' identifying information for reporting and contribution limit purposes.

8.3.3.2.1.4 CONTRIBUTIONS FROM LOBBYISTS

Legislative candidates may accept contributions from lobbyists or "principals" registered with the Secretary of State only when the Arizona Legislature is not in regular session.¹⁶³³ The Governor likewise may not accept lobbyist or principal contributions when the Arizona Legislature is in regular session, or when the Legislature has adjourned *sine die* but there is still regular session legislation that is pending the Governor's signature or veto.¹⁶³⁴

¹⁶³⁰ Notwithstanding Ariz. [Const. Art. XXX, § 1](#), same sex spouses are permitted to make a joint contribution to Arizona candidates. *Obergefell v. Hodges*, 135 S. Ct. 2584 (U.S. 2015).

¹⁶³¹ [A.R.S. § 16-907\(D\)\(2\), \(F\)](#); [A.R.S. § 16-926\(B\)\(2\)\(a\)\(i\)](#).

¹⁶³² [A.R.S. § 16-912\(C\)](#).

¹⁶³³ [A.R.S. § 41-1234.01\(A\)\(1\)](#). The lobbying prohibition applies to lobbyists, principals, public bodies, designated public lobbyists, and authorized public lobbyists. [A.R.S. § 41-1234.01\(A\)](#). A "principal" is "any person [including an individual] . . . that employs, retains, engages or uses, with or without compensation, a lobbyist." [A.R.S. § 41-1231\(16\)](#).

¹⁶³⁴ [A.R.S. § 41-1234.01\(A\)\(2\)](#). A contribution may be accepted by the Governor or a member of the Legislature within the first three calendar days of the regular session as long as the contribution was mailed and postmarked prior to the first day of the regular session. [A.R.S. § 41-1234.01\(C\)](#).

The Governor and legislative members who receive contributions during the regular legislative session are expected to verify whether the contributor is a registered lobbyist or principal prior to depositing the contribution.¹⁶³⁵

8.3.3.2.2 PAC CONTRIBUTORS

A committee may accept contributions only from PACs registered with the applicable filing officer.¹⁶³⁶ For example, a PAC that contributes to a legislative candidate must be registered with the Secretary of State's Office; a PAC that contributes to a mayoral candidate must be registered with that city or town's clerk. Federal and out-of-state PACs may not make contributions to committees unless also registered in Arizona.¹⁶³⁷

A PAC must be registered with the appropriate filing officer prior to making a contribution.¹⁶³⁸ A committee is not required to verify whether a PAC is properly registered before depositing a PAC contribution (but this is recommended).

If a Mega PAC attempts to contribute more than the standard contribution limit to a candidate committee, the PAC must provide a copy of its Mega PAC certification to the recipient committee.¹⁶³⁹ A candidate committee is not permitted to accept or deposit an over-limit contribution unless it receives this certification from a PAC.¹⁶⁴⁰

8.3.3.2.3 POLITICAL PARTY CONTRIBUTORS

A candidate who prevailed in the primary election (a "nominee"¹⁶⁴¹) may accept a contribution from his or her political party. (This effectively means that a candidate may only accept political party contributions during the 10-week period between the primary and general election). The nominee need not wait until the primary election has been officially canvassed by the jurisdiction

¹⁶³⁵ Lobbyists and principal information is available by searching the Secretary of State's website.

¹⁶³⁶ A "political action committee" is defined as an entity "required to register" with the applicable filing officer in Arizona. [A.R.S. § 16-901\(41\)](#).

¹⁶³⁷ An out-of-state PAC need not register (and thereafter file campaign finance reports) unless its Arizona-based political activity meets the criteria for PAC registration. *See* Chapter 8, Section 8.1.1.2.

¹⁶³⁸ [A.R.S. § 16-928](#).

¹⁶³⁹ [A.R.S. § 16-908\(C\)](#); [A.R.S. § 16-914\(B\)](#). A "Mega PAC" is a PAC certified by the Secretary of State to give contributions at twice the level specified for standard PACs. [A.R.S. § 16-914\(B\)](#). A PAC qualifies for Mega PAC status if it receives at least \$10 in contributions from at least 500 individuals in the 4-year period immediately before making an application to the Secretary of State. [A.R.S. § 16-908\(B\)](#).

¹⁶⁴⁰ [A.R.S. § 16-914\(B\)](#). If a candidate committee is unable to acquire the certification despite making best efforts, the candidate committee may verify Mega PAC status through the Secretary of State's website (or other filing officer's website) and make a written record documenting the committee's verification efforts.

¹⁶⁴¹ [A.R.S. § 16-901\(38\)](#).

in question, but in the event the candidate loses a recount, election contest, or otherwise does not become the official nominee, the candidate must promptly return any political party contributions.¹⁶⁴² Only candidates who run in partisan races are permitted to accept political party contributions. A nominee may only accept a political party contribution from the nominee's own political party.¹⁶⁴³

PACs and political parties may receive unlimited contributions from political party contributors.¹⁶⁴⁴

A political party must be registered with the appropriate filing officer prior to making a contribution.¹⁶⁴⁵ Political parties include the state political party, county party, legislative district party, or a city/town political party.¹⁶⁴⁶

8.3.3.2.4 PARTNERSHIP CONTRIBUTORS

A committee may accept a contribution from a general partnership, limited partnership (LP), limited liability partnership (LLP), or limited liability limited partnership (LLLP).¹⁶⁴⁷ The partnership need not be registered with a government agency or domiciled in Arizona.

A partnership may contribute in its own name, but the contribution is dually attributed to any participating individual partners.¹⁶⁴⁸ The partnership must include a written notice with the contribution identifying the participating partners, along with instructions how the contribution should be allocated between the partners.¹⁶⁴⁹ A partnership contribution need not be accompanied by the participating partners' signatures, but the committee must acquire identifying information for each partner.¹⁶⁵⁰

The contribution affects the partnership's contribution limit along with the participating partners' individual contribution limits to the candidate:¹⁶⁵¹

¹⁶⁴² See [A.R.S. § 16-645](#); [A.R.S. § 16-661](#); [A.R.S. § 16-671](#).

¹⁶⁴³ For example, if a nominee prevailed in the Libertarian Party primary, the nominee may only accept a political party contribution from the state, county, or local Libertarian Party committee.

¹⁶⁴⁴ [A.R.S. § 16-915\(D\)](#).

¹⁶⁴⁵ [A.R.S. § 16-928](#).

¹⁶⁴⁶ See [A.R.S. § 16-801](#) to [A.R.S. § 16-804](#); [A.R.S. § 16-821](#) to [A.R.S. § 16-827](#). See Chapter 7, Section 7.1.3.

¹⁶⁴⁷ [A.R.S. § 16-917\(A\)-\(B\)](#).

¹⁶⁴⁸ [A.R.S. § 16-917\(C\)\(1\)-\(2\)](#). The partnership may not attribute any portion of the contribution to a partner that is a corporation, limited liability company, or union. [A.R.S. § 16-917\(C\)\(3\)](#).

¹⁶⁴⁹ [A.R.S. § 16-917\(C\)\(1\)](#).

¹⁶⁵⁰ [A.R.S. § 16-917\(C\)\(4\)](#); see also [A.R.S. § 16-907\(C\) & \(D\)\(2\)](#); [A.R.S. § 16-926\(B\)\(2\)\(a\)\(i\)](#).

¹⁶⁵¹ [A.R.S. § 16-917\(C\)\(1\)-\(2\)](#).

Example 1

- A partnership gives a candidate a \$4,000 contribution. Contribution limits are \$5,100.
- The partnership allocates \$2,000 of the contribution to one partner, \$1,500 to a second partner, and \$500 to a third partner.
- The candidate reports a \$4,000 contribution from the partnership and \$2,000, \$1,500 and \$500 contributions from the respective individual partners.

Example 2

- Same scenario as above, except the candidate committee discovers that the first partner had already contributed \$4,000 to the candidate.
- The candidate committee contacts the partnership, who advises that the excess amount may be allocated from the first partner to the second partner.
- The candidate reports a \$4,000 contribution from the partnership, \$1,100 contribution from the first partner (\$5,100 limit - \$4,000 previous contribution = \$1,100 maximum remaining contribution), \$2,400 from the second partner (\$1,500 original intended contribution + \$900 excess allocated from the first partner), and \$500 from the third partner.

Example 3

- Same scenario as above, except the partnership did not disclose how the contribution should be allocated among the participating partners. The candidate committee makes best efforts to seek clarification but is unsuccessful.
- If each partner has not exceeded their individual contribution limits, the candidate may divide the contribution equally among the partners and inform the partnership.

A partnership may also establish a PAC and make contributions through that PAC.¹⁶⁵² A partnership's PAC contributions to a candidate committee do not require allocation among any individual partners. These contributions are treated like any other PAC contributions.

8.3.3.2.5 CORPORATE, LLC, AND UNION CONTRIBUTORS

A corporation, limited liability company, or union may make unlimited contributions to PACs and political parties. However, a candidate committee may not accept these contributions.¹⁶⁵³

¹⁶⁵² [A.R.S. § 16-917\(D\)](#).

¹⁶⁵³ [A.R.S. § 16-913\(D\)](#).

8.3.3.3 CONTRIBUTION LIMITS

Contribution limits are adjusted each 2-year election cycle.¹⁶⁵⁴

8.3.3.3.1 2017-2018 CONTRIBUTION LIMITS

Contribution limits for the 2017-2018 election cycle are as follows:

	Recipient				
	Statewide Candidate (privately financed)	Legislative Candidate (privately financed)	Local Candidate (privately financed)	PAC	Political Party
Individual	\$5,100	\$5,100	\$6,350	Unlimited	Unlimited
Partnership	\$5,100	\$5,100	\$6,350	Unlimited	Unlimited
Candidate Committee	Generally prohibited (except surplus funds)	Generally prohibited (except surplus funds)	Generally prohibited (except surplus funds)	Unlimited	Unlimited
PAC without Mega PAC status (using non-corp./non-union funds)	\$5,100	\$5,100	\$6,350	Unlimited	Unlimited
PAC with Mega PAC status (using non-corp./non-union funds)	\$10,200	\$10,200	\$12,700	Unlimited	Unlimited
Political Party (using non- corp./non-union funds)	\$80,100 (to a party nominee only)	\$8,100 (to a party nominee only)	\$10,100 (to a party nominee only)	Unlimited	Unlimited
Corporation	Prohibited	Prohibited	Prohibited	Unlimited	Unlimited
Limited Liability Co.	Prohibited	Prohibited	Prohibited	Unlimited	Unlimited
Trust, Joint Venture, Co-op, or Other Unincorp. Org. or Ass'n	Prohibited	Prohibited	Prohibited	Unlimited	Unlimited
Union	Prohibited	Prohibited	Prohibited	Unlimited	Unlimited

¹⁶⁵⁴ [A.R.S. § 16-931\(A\)\(2\)](#).

8.3.3.3.2 2019-2020 CONTRIBUTION LIMITS

Contribution limits for the 2019-2020 election cycle are as follows:

	Recipient				
	Statewide Candidate (privately financed)	Legislative Candidate (privately financed)	Local Candidate (privately financed)	PAC	Political Party
Individual	\$5,200	\$5,200	\$6,450	Unlimited	Unlimited
Partnership	\$5,200	\$5,200	\$6,450	Unlimited	Unlimited
Candidate Committee	Generally prohibited (except surplus funds)	Generally prohibited (except surplus funds)	Generally prohibited (except surplus funds)	Unlimited	Unlimited
PAC without Mega PAC status (using non-corp./non-union funds)	\$5,200	\$5,200	\$6,450	Unlimited	Unlimited
PAC with Mega PAC status (using non-corp./non-union funds)	\$10,400	\$10,400	\$12,900	Unlimited	Unlimited
Political Party (using non- corp./non-union funds)	\$80,200 (to a party nominee only)	\$8,200 (to a party nominee only)	\$10,200 (to a party nominee only)	Unlimited	Unlimited
Corporation	Prohibited	Prohibited	Prohibited	Unlimited	Unlimited
Limited Liability Co.	Prohibited	Prohibited	Prohibited	Unlimited	Unlimited
Trust, Joint Venture, Co-op, or Other Unincorp. Org. or Ass'n	Prohibited	Prohibited	Prohibited	Unlimited	Unlimited
Union	Prohibited	Prohibited	Prohibited	Unlimited	Unlimited

8.3.3.3.3 DEFINITION OF ELECTION CYCLE FOR CONTRIBUTION LIMIT PURPOSES

Contribution limits apply over the course of an election cycle.¹⁶⁵⁵ For statewide, legislative and county races, the election cycle runs for the two-year period beginning on January 1 after a statewide general election and ending on December 31 in the year of the next statewide general election.¹⁶⁵⁶

For city and town races, the election cycle constitutes the two-year period beginning on the first day of the calendar quarter after the calendar quarter in which the city's or town's second, runoff or general election is scheduled and ending on the last day of the calendar quarter in which the city's or town's immediately following second, runoff or general election is scheduled (however designated or characterized by the city or town).¹⁶⁵⁷

¹⁶⁵⁵ [A.R.S. § 16-912\(A\)](#); [A.R.S. § 16-914\(A\)-\(B\)](#); [A.R.S. § 16-915\(A\)](#); [A.R.S. § 16-917\(A\)](#).

¹⁶⁵⁶ [A.R.S. § 16-901\(18\)](#); *see also* [A.R.S. § 16-211](#).

¹⁶⁵⁷ [A.R.S. § 16-912\(A\)](#); [A.R.S. § 16-914\(A\)-\(B\)](#); [A.R.S. § 16-915\(A\)](#); [A.R.S. § 16-917\(A\)](#).

Example 1

- Legislative candidate decides to run for office in May 2017. The candidate spends \$1,100 through late May and registers her campaign committee with the Secretary of State in June 2017.
- The candidate loses in the August 2018 primary election and terminates her committee in October 2018.
- The election cycle runs from January 1, 2017 to December 31, 2018.

Example 2

- County candidate decides to run for office in May 2017. The candidate spends \$1,100 through late May and registers his campaign committee with the county officer in charge of elections in June 2017.
- The candidate loses in the August 2020 primary election and terminates his committee in October 2020.
- The county race covered two election cycles. The first election cycle ran from January 1, 2017 to December 31, 2018, while the second election cycle ran from January 1, 2019 to December 31, 2020.

Example 3

- City requires city council candidate to receive a majority of votes cast to prevail in the city's first election held in August in an odd-numbered year. The top two vote-getters advance to the second/runoff election held in November.
- No candidate received a majority of votes during the August 2015 first election, therefore a second/runoff election was held in November 2015.
- The election cycle runs from January 1, 2014 to December 31, 2015.

Example 4

- Same scenario as above, except a local candidate did receive a majority of votes cast during the August 2015 first election. A second/runoff election was not held in November 2015.
- The election cycle still runs from January 1, 2014 to December 31, 2015.¹⁶⁵⁸

¹⁶⁵⁸ A local election cycle as “the two-year period beginning on the first day of the calendar quarter after the calendar quarter in which the city’s or town’s second, runoff or general election is scheduled and ending on the last day of the calendar quarter in which the city’s or town’s immediately following second,

A special election means the period between the date of issuance of a proclamation or order calling the special election and the last day of the calendar quarter in which the special election is held.¹⁶⁵⁹

Example 5

- A local city council member resigns from office in May 2016. On June 15th, a special/first election is called for November 2016.
- No candidate received a majority of votes during the November 2016 first election, therefore a second/runoff election must be held in March 2017 (the next available election date).
- The election cycle runs from June 15, 2016 to March 31, 2017.¹⁶⁶⁰

A donor's contribution limit resets every two years, even if a candidate's term of office exceeds the two-year period.¹⁶⁶¹ For example, an incumbent mayor serving a four-year term may accept the maximum contribution from a particular donor in each of the two-year periods of the mayor's term.

8.3.4 REMEDYING EXCESSIVE AND UNLAWFUL CONTRIBUTIONS

A candidate committee is prohibited from knowingly receiving a contribution in excess of contribution limits.¹⁶⁶²

A candidate committee is given 60 days to remedy an excess contribution by refunding the amount of the excess contribution to the original donor.¹⁶⁶³

runoff or general election is scheduled, however that election is designed by the city or town.” [A.R.S. § 16-901\(18\)](#). In other words, the election cycle is based on the date which a second, runoff or general election normally would be scheduled to occur on the calendar, even if that second, runoff or general election is not actually held.

¹⁶⁵⁹ A special election cycle is “the period between the date of issuance of a proclamation or order calling the special election and the last day of the calendar quarter in which the special election is held.” [A.R.S. § 16-901\(18\)](#).

¹⁶⁶⁰ The only exception for an alternative election cycle is when a recall election has been called. [A.R.S. § 16-901\(18\)](#).

¹⁶⁶¹ Contribution limits reset the day after the applicable general election.

¹⁶⁶² [A.R.S. § 16-913\(C\)](#). An “excess contribution” is defined as a contribution that exceeds the applicable contribution limits for a particular election. [A.R.S. § 16-901\(23\)](#).

¹⁶⁶³ [A.R.S. § 16-913\(C\)](#). The 60-day clock begins to run from the date of receipt of the contribution. The standard on when a contribution is “received” should be the same standard used for campaign finance reporting purposes, as discussed in Chapter 8, Section 8.3.2.3.

In the case of contributions from individuals, the committee alternatively may reattribute the amount of the excess contribution to the other individual who was identified as a joint account holder in the original contribution.¹⁶⁶⁴ For example:

- Spouse makes a \$6,000 contribution to a statewide candidate using a check that shows both spouses as joint account holders. Only one spouse signed the check. The contributing spouse had not made any previous contributions during the election cycle. The contribution limit is \$5,100.
- Candidate committee contacts the contributing spouse to inform the spouse that the contribution exceeded applicable limits and inquires how to proceed. The spouse verbally authorizes the committee to reattribute the excess contribution to the other spouse.
- The committee documents the conversation in its records, and files a campaign finance report that shows a \$5,100 contribution from the first spouse and \$900 contribution from the second spouse.

A candidate committee is not provided any grace period for prohibited contributions. A candidate committee is not permitted to accept (and is strictly prohibited from depositing) a contribution from a corporation, LLC, union, or any other business, group, organization or association (with the exception of a partnership) that is not registered as a PAC.¹⁶⁶⁵

If a prohibited contribution nonetheless has been accepted by a candidate committee, the committee must refund the contribution immediately and, if possible, document the circumstances how the breakdown occurred and what actions were taken to remedy the mistake.

8.4 SPECIAL FUNDING MECHANISMS FOR CANDIDATES

Candidates may support their campaign other than through traditional contributions.

8.4.1 TRANSFERS FROM PRIOR CAMPAIGNS

8.4.1.1 RUNNING FOR THE SAME OFFICE

A candidate committee is permitted to use surplus funds raised during a prior election cycle for the same office. The candidate is not required to terminate and reorganize the committee, or amend the committee's statement of organization, in order to reuse the campaign committee in a

¹⁶⁶⁴ [A.R.S. § 16-913\(C\)\(2\)](#).

¹⁶⁶⁵ [A.R.S. § 16-913\(D\)](#).

subsequent race for the same office.¹⁶⁶⁶ Arizona law prohibits a candidate from having multiple committees open for the same office, however.¹⁶⁶⁷

8.4.1.2 RUNNING FOR A DIFFERENT OFFICE

A candidate may transfer funds to a new committee for a different office, or amend the original committee's statement of organization to reflect a run for a different office, depending on the election jurisdiction.¹⁶⁶⁸

Transfers are generally unlimited if both the transferring committee and receiving committee are registered with the same filing officer. For example, a candidate may laterally transfer funds from a legislative committee to a statewide committee since both committees file with the Secretary of State's Office.

Candidate transfers are also freely permitted to local jurisdictions. For example, a legislative committee may transfer funds to a county committee, while a county committee may freely transfer funds to a city or town committee.¹⁶⁶⁹

Transfers toward the statewide level are more difficult, as candidates are only permitted to transfer funds one jurisdiction at a time.¹⁶⁷⁰ For example, a city or town committee may transfer funds to a county committee, while a county committee may transfer funds to a legislative or statewide committee.¹⁶⁷¹ But if a city or town committee seeks to transfer funds to legislative or statewide committee for the same candidate, the candidate must transfer the funds to a county committee first and then wait at least 24 months before transferring funds to a legislative or statewide committee.¹⁶⁷² Violation of this "cooling off" period may trigger a campaign finance complaint before either filing officer.

¹⁶⁶⁶ The only exception is if the filing officer requires an amendment for the purpose of properly operating the filing officer's electronic campaign finance filing system.

¹⁶⁶⁷ [A.R.S. § 16-906\(F\)](#).

¹⁶⁶⁸ [A.R.S. § 16-913\(B\)](#). A resignation or vacancy in office does not necessarily have campaign finance implications. A candidate committee still must follow all laws applicable to contributions, expenditures, reporting, transfers, and termination.

¹⁶⁶⁹ [A.R.S. § 16-913\(B\)](#).

¹⁶⁷⁰ Upward transfers are more restricted due to the difference in contribution limits. Contribution limits are higher at the local level because the Clean Elections Act reduces the contribution limits for statewide and legislative candidates by 20%.

¹⁶⁷¹ [A.R.S. § 16-913\(B\)\(1\)-\(2\)](#).

¹⁶⁷² [A.R.S. § 16-913\(B\)\(2\)](#).

8.4.1.3 AGGREGATING CONTRIBUTIONS FROM DIFFERENT SOURCES

A candidate who transfers funds between committees during an election cycle must aggregate contributions made by the same donor to both committees during that election cycle.¹⁶⁷³ If a particular donor's aggregated contributions would exceed the applicable contribution limit for the election cycle, the transferring committee must refrain from transferring the excess amount to the receiving committee.¹⁶⁷⁴

Example 1

- After the first regular legislative session concludes in 2017, a candidate decides to forego reelection to the Legislature and run for statewide office instead in 2018. The candidate opens a statewide committee and seeks to transfer funds from the legislative committee.
- A donor made a \$5,000 contribution to the candidate in September 2016 (the maximum contribution during the 2015-2016 cycle) and a \$5,100 contribution to the newly formed statewide committee in December 2017 (the maximum contribution during the 2017-2018 cycle).
- The candidate may freely transfer funds to the statewide committee because the donor's aggregate contributions in any particular election cycle did not exceed contribution limits.

Example 2

- Same scenario as above, except the donor made a \$3,000 contribution to the legislative committee in March 2017. The donor later makes a \$4,000 contribution to the candidate's statewide committee in December 2017.
- The donor's aggregate contributions during the election cycle amount to \$7,000, which exceeds the \$5,100 contribution limit.
- The legislative committee may transfer no more than \$1,100 to the statewide committee, leaving \$1,900 of the March 2017 contribution in the legislative committee.

The committees' transfers must be disclosed in the next campaign finance reports.

8.4.2 USE OF PERSONAL MONIES

A privately funded candidate may contribute unlimited "personal monies" to his or her own campaign.¹⁶⁷⁵ Personal monies donated to one's own campaign constitute "contributions," but

¹⁶⁷³ [A.R.S. § 16-913\(B\)\(3\)](#). Just because a transfer is lawful between a candidate's committees does not mean that an unlimited amount may be transferred. Otherwise, a candidate could circumvent contribution limits by allowing donors to max out to both committees.

¹⁶⁷⁴ [A.R.S. § 16-913\(B\)\(3\)](#).

¹⁶⁷⁵ [A.R.S. § 16-901\(40\)](#); [A.R.S. § 16-913\(F\)](#).

they are not subject to contribution limits.¹⁶⁷⁶ However, publicly funded statewide and legislative candidates are strictly limited in how much personal money may be spent by a candidate committee.¹⁶⁷⁷

Contributions of personal monies must be disclosed in campaign finance reports.¹⁶⁷⁸

Personal monies from privately funded candidates are defined to include the following categories.

8.4.2.1 ASSETS

Assets are money or property in which a candidate or candidate's spouse hold legal title or an equitable interest.¹⁶⁷⁹ Legal title means that the candidate or candidate's spouse has full ownership, such as in cash or precious metals. An equitable interest means that the candidate or candidate's spouse has the right to acquire formal legal title, such as a home that has been mortgaged.

8.4.2.2 SALARY

Salary means the earned income from a candidate or candidate's spouse's employment.¹⁶⁸⁰ This includes income received as a draw from a business wholly owned by the candidate or candidate's spouse.

8.4.2.3 INVESTMENTS

The proceeds from stock, dividends, or the sale of investments held by a candidate or candidate's spouse constitute personal monies.¹⁶⁸¹

¹⁶⁷⁶ [A.R.S. § 16-913\(F\)](#).

¹⁶⁷⁷ See [A.R.S. § 16-941\(A\)\(2\)](#) (“[A] participating candidate . . . [s]hall not make expenditures of more than a total of five hundred dollars of the candidate’s personal monies for a candidate for the legislature or more than one thousand dollars for a candidate for statewide office[.]”); see also [A.R.S. § 16-945\(B\)](#) (“[A] candidate’s personal monies . . . may be spent only during the exploratory period and the qualifying period. Any early contributions not spent by the end of the qualifying period shall be paid to the [Clean Elections] fund.”); [A.R.S. § 16-945\(C\)](#) (“If a participating candidate has a debt from an election campaign in this state during a previous election cycle in which the candidate was not a participating candidate, then, during the exploratory period only, the candidate may accept, in addition to early contributions . . . , [private] contributions . . . or may exceed the limit on personal monies . . . , provided that such contributions and monies are used solely to retire such debt.”); [A.R.S. § 16-961\(A\)](#) (clarifying that the term “personal monies” is defined in [A.R.S. § 16-901](#)).

¹⁶⁷⁸ [A.R.S. § 16-926\(B\)\(2\)\(viii\)](#).

¹⁶⁷⁹ [A.R.S. § 16-901\(40\)\(a\)](#).

¹⁶⁸⁰ [A.R.S. § 16-901\(40\)\(b\)](#).

¹⁶⁸¹ [A.R.S. § 16-901\(40\)\(c\)](#).

8.4.2.4 BEQUESTS

Bequests include money received by a candidate or candidate's spouse by will or through intestate succession (*i.e.* the candidate receives money through probate).¹⁶⁸²

8.4.2.5 TRUST INCOME

Qualified trust income is income derived from a revocable trust for which the candidate or candidate's spouse is a beneficiary.¹⁶⁸³ Income from an irrevocable trust does not qualify as personal monies.

8.4.2.6 PERSONAL GIFTS

Certain gifts of a personal nature, which would have been given to a candidate or candidate's spouse regardless of whether the candidate ran for or was elected to office, constitute personal monies.¹⁶⁸⁴ For example, a birthday gift of money by a longtime family friend likely qualifies as permissible personal gift for campaign finance purposes. However, an unexpected, large gift from a casual acquaintance should be considered carefully.

8.4.2.7 LOANS

The proceeds of a loan obtained by the candidate or candidate's spouse, which is secured by collateral or security provided by the candidate or candidate's spouse, constitute personal monies.¹⁶⁸⁵ Thus, a candidate who seeks to fund his or her campaign through a loan must take out the loan in his or her name (or spouse's name), and then loan the campaign committee the desired amount of money. The candidate or candidate's spouse may require repayment or forgive the loan entirely.

If the candidate makes a loan to his or her campaign, this is still classified as a contribution of personal monies for campaign finance reporting purposes. The candidate should include a memo entry of "Personal Loan" (or similar notation) to properly identify this loan for reporting purposes.

8.4.2.8 FAMILY CONTRIBUTIONS

Family contributions are contributions to the candidate's committee from close family members, which include the candidate's or candidate's spouse's parents, grandparents, aunts, uncles,

¹⁶⁸² [A.R.S. § 16-901\(40\)\(d\).](#)

¹⁶⁸³ [A.R.S. § 16-901\(40\)\(e\).](#)

¹⁶⁸⁴ [A.R.S. § 16-901\(40\)\(f\).](#)

¹⁶⁸⁵ [A.R.S. § 16-901\(40\)\(g\).](#)

children or siblings.¹⁶⁸⁶ Family relationships established by marriage or adoption equally qualify for purposes of the personal monies exemption.

8.4.3 JOINT FUNDRAISING EVENTS

A group of candidates may find it strategically advantageous to jointly conduct fundraising.

Joint fundraising efforts are permissible among privately funded candidates as long as the candidates make a written agreement prior to the fundraising effort that outlines how the proceeds of the fundraising effort will be distributed or reimbursed.¹⁶⁸⁷ For example, two House candidates and one Senate candidate from the same district could agree to split proceeds equally among them. The agreement need not be formal; an email will suffice.

Fundraising solicitations should disclose the joint nature of the fundraiser by identifying the collaborating candidates who will benefit from the joint fundraising effort. Once the fundraising effort has concluded, the collaborating candidates must make distributions or reimbursements in accordance with the written agreement.¹⁶⁸⁸

A separate joint fundraising committee need not be organized. Thus, checks can be made out to any of the collaborating candidates (even in amounts that exceed contribution limits for an individual candidate) as long as the recipient candidate deposits and promptly distributes the fundraising proceeds in accordance with the written fundraising agreement. Distributions and reimbursements made according to the joint fundraising agreement must be reported by the collaborating candidates.¹⁶⁸⁹

If the candidates have not reached a prior agreement, any distributions or reimbursements of the joint fundraising proceeds could constitute prohibited candidate-to-candidate transfers.¹⁶⁹⁰

¹⁶⁸⁶ [A.R.S. § 16-901\(40\)\(h\)](#); *see also* [A.R.S. § 16-901\(26\)](#).

¹⁶⁸⁷ [A.R.S. § 16-911\(B\)\(6\)\(b\)](#); [A.R.S. § 16-921\(B\)\(4\)\(b\)](#). The agreement must be reached before the first fundraising solicitation has been issued, even if the event has not yet occurred. Moreover, after the fundraising effort has concluded, the participating candidates must make distributions or reimbursements that conform to the written agreement.

¹⁶⁸⁸ [A.R.S. § 16-911\(B\)\(6\)\(b\)](#); [A.R.S. § 16-921\(B\)\(4\)\(b\)](#).

¹⁶⁸⁹ [A.R.S. § 16-926\(B\)\(4\)](#). The recipient candidate must provide contributors' identifying information to the other collaborating candidates in the joint fundraising agreement. Each collaborating candidate must identify each contributor along the contributor's net contribution amount.

¹⁶⁹⁰ [A.R.S. § 16-911\(B\)\(6\)\(b\)](#); [A.R.S. § 16-921\(B\)\(4\)\(b\)](#); *see also* [A.R.S. § 16-913\(A\)](#).

8.4.4 VOLUNTEER ACTIVITY

An individual volunteer’s services, including any expenses the individual incurs in the course of volunteering, are not considered contributions to a campaign.¹⁶⁹¹ As non-contributions, volunteer services need not be reported or capped in any fashion.

8.4.4.1 TRAVEL EXPENSES

Travel expenses incurred by the volunteer, such as placing campaign signs, traveling to campaign events, or canvassing door-to-door, are not considered contributions.¹⁶⁹²

8.4.4.2 REAL OR PERSONAL PROPERTY

Use of a volunteer’s real or personal property, such as using a volunteer’s vehicle in a parade or hosting a fundraiser at a volunteer’s home, is not a contribution.¹⁶⁹³

8.4.4.3 EVENT EXPENSES

The cost of invitations, food, or beverages purchased or provided by a volunteer for a campaign-related event is not considered a contribution.¹⁶⁹⁴

8.4.4.4 INTERNET ACTIVITY

A volunteer’s email activity, blogging, social media activity, or other Internet-based efforts on behalf of a campaign do not constitute contributions, as long as the activity is free and does not constitute a paid advertisement or paid fundraising solicitation by the volunteer.¹⁶⁹⁵ This contribution exemption is interpreted broadly.¹⁶⁹⁶ For example, an individual may freely share links to campaign videos found on YouTube, retweet a campaign advertisement, forward a

¹⁶⁹¹ [A.R.S. § 16-911\(B\)\(1\)](#); [A.R.S. § 16-921\(B\)\(1\)](#).

¹⁶⁹² [A.R.S. § 16-911\(B\)\(1\)\(a\)](#); [A.R.S. § 16-921\(B\)\(1\)\(a\)](#).

¹⁶⁹³ [A.R.S. § 16-911\(B\)\(1\)\(b\)](#); [A.R.S. § 16-921\(B\)\(1\)\(b\)](#).

¹⁶⁹⁴ [A.R.S. § 16-911\(B\)\(1\)\(c\)](#); [A.R.S. § 16-921\(B\)\(1\)\(c\)](#).

¹⁶⁹⁵ [A.R.S. § 16-911\(B\)\(1\)\(d\)](#); [A.R.S. § 16-921\(B\)\(1\)\(d\)](#). “Social media messages” are defined as “forms of communication, including internet sites for social networking or blogging, through which users create a personal profile and participate in online communities to share information, ideas and personal messages.” [A.R.S. § 16-901\(46\)](#).

¹⁶⁹⁶ The statutes refer to “internet activities [that] do not contain or include transmittal of a paid advertisement or paid fund-raising solicitation.” See [A.R.S. § 16-911\(B\)\(1\)\(d\)](#); [A.R.S. § 16-921\(B\)\(1\)\(d\)](#). In light of the First Amendment implications of restricting individuals from discussing, posting, or forwarding material that happens to contain an item paid for by a campaign, the provision is interpreted to only regulate advertisements or solicitations paid for *by the volunteer*, not the candidate committee.

fundraising invitation by email, post a campaign-related item on his or her Facebook timeline, or conduct any other similar Internet activity.

8.4.5 POLITICAL PARTY SUPPORT

If a candidate becomes a political party nominee and is running in a partisan general election (*i.e.* the candidate's political party affiliation appears next to his or her name on the ballot), the party is permitted to directly pay for certain expenses that will benefit the candidate committee.¹⁶⁹⁷ While these expenditures must be reported by the candidate committee, they do not constitute in-kind contributions.

First, the party may print, distribute and pay for items that promote its nominees, such as voter guides, sample ballots, pins, bumper stickers, pamphlets, brochures, posters, yard signs, and other similar items.¹⁶⁹⁸

Second, the party may coordinate with its nominee to directly pay for goods and services on the nominee's behalf.¹⁶⁹⁹ This exemption for "coordinated party expenditures" extends both to efforts initiated by the party (such as designing and running a political party ad that was coordinated with the nominee) or initiated by the nominee (such as paying a candidate campaign bill at the nominee's request). However, a political party is only permitted to make coordinated expenditures *to third parties* on a nominee's behalf.¹⁷⁰⁰ For example, a political party is permitted to directly pay the nominee's political consultant or mail house for the expenses of a mailer, but may not reimburse the nominee for those same services. After all, any direct transfer of money to a nominee constitutes a contribution and is therefore subject to contribution limits.¹⁷⁰¹

8.4.6 LEGAL AND ACCOUNTING EXPENSES

The provision of legal and accounting expenses to any committee does not constitute a contribution.¹⁷⁰² This exemption applies to legal expenses intended to proactively ensure legal compliance (such as consulting an attorney on whether an advertising disclosure complies with Arizona law), expenses to commence litigation (such as financing a lawsuit to challenge an opponent's petitions), or expenses to defend litigation (such as defending against a campaign finance complaint).

¹⁶⁹⁷ [A.R.S. § 16-911\(B\)\(4\)](#). As a result, this type of political party support is only available during the 10-week period between the primary election and general election.

¹⁶⁹⁸ [A.R.S. § 16-911\(B\)\(4\)\(a\)](#).

¹⁶⁹⁹ [A.R.S. § 16-901\(14\)](#); [A.R.S. § 16-911\(B\)\(4\)\(b\)](#).

¹⁷⁰⁰ "'Coordinated party expenditures' means expenditures that are made by a political party to *directly* pay for goods or services on behalf of its nominee." [A.R.S. § 16-901\(14\)](#).

¹⁷⁰¹ [A.R.S. § 16-915\(A\)](#).

¹⁷⁰² [A.R.S. § 16-911\(B\)\(6\)\(c\)](#); [A.R.S. § 16-921\(B\)\(4\)\(c\)](#).

Committees are still permitted to pay for legal and accounting services using campaign funds.¹⁷⁰³ However, the legal and accounting exemption allows professional firms to donate those services to benefit a committee, without running afoul of any contribution limits or source restrictions.

8.4.7 CANDIDATE APPEARANCES AT BUSINESS AND LABOR FACILITIES

A candidate is permitted to make campaign-related appearances at outside organizations' facilities without the "value" of that appearance being deemed an in-kind contribution.¹⁷⁰⁴ This exemption applies as long as the venue is furnished by the venue's owner, is not paid for by a third-party, and is not a sports stadium, coliseum, convention center, hotel ballroom, concert hall or other similar arena that is generally open to the public.¹⁷⁰⁵ For example, a candidate is permitted to appear at the headquarters of ABC Corporation to address the company's employees and invited guests. However, ABC Corporation may not host a candidate fundraiser at the corporation's suite during a professional sports game.¹⁷⁰⁶

8.4.8 ELECTED OFFICIAL TOURS AND CONFERENCES

For elected officials acting in the course of their official duties, it is not necessary to use campaign funds to meet with constituents or attend an informational tour, conference, seminar or presentation.¹⁷⁰⁷ A third party may provide this support without creating an in-kind contribution. For example, a timber company or conservationist organization may provide a helicopter ride to an elected official to tour wildfire devastation from the air. A private school may provide its facilities for the purpose of allowing an elected official to conduct a town hall on education policy.¹⁷⁰⁸

For this exemption to apply, neither the candidate nor the host may engage in any electioneering or campaign-related activity.¹⁷⁰⁹ Additionally, if the benefit triggers a reporting responsibility under the financial disclosure or lobbying statutes, that benefit must be properly reported under those statutes; otherwise an in-kind contribution may result.¹⁷¹⁰ For example, if a legislator

¹⁷⁰³ Candidates may not use campaign funds for personal use. Therefore, the payment of legal expenses unrelated to one's candidacy constitutes a prohibited use of campaign funds.

¹⁷⁰⁴ [A.R.S. § 16-911\(B\)\(11\)](#).

¹⁷⁰⁵ [A.R.S. § 16-911\(B\)\(11\)](#).

¹⁷⁰⁶ A fundraiser could be held at a stadium, coliseum, convention center, hotel ballroom, concert hall or other similar arena if the committee pays for the facility rental at fair market value.

¹⁷⁰⁷ [A.R.S. § 16-911\(B\)\(3\)](#). The exemption likewise applies to public officials who were appointed to a position normally filed by an elected official.

¹⁷⁰⁸ An event held at a public school may be subject to more stringent conditions. See [A.R.S. § 15-511](#) (prohibiting the use of public school resources to influence the outcome of an election).

¹⁷⁰⁹ [A.R.S. § 16-911\(B\)\(3\)](#).

¹⁷¹⁰ [A.R.S. § 16-911\(B\)\(3\)](#).

received the benefit of at least \$1,000 in travel expenses from a corporation, the elected official must report the travel expenses in his or her next financial disclosure statement in order to avoid the travel expenses from being potentially deemed an illegal in-kind contribution.¹⁷¹¹

8.4.9 STATEWIDE AND LEGISLATIVE OFFICEHOLDER EXPENSE ACCOUNTS

Statewide and legislative elected officials may establish officeholder accounts (also known as constituent services accounts) for the purpose of defraying the expenses of performing official duties.¹⁷¹² An officeholder account must register with the Secretary of State's Office the same way as a campaign committee, but the monies must be kept separate from campaign funds.¹⁷¹³

8.4.9.1 USE OF OFFICEHOLDER MONIES

A statewide/legislative officeholder account may be used to fund office equipment and supplies, official travel, communicating with constituents, or incurring expenses for informational and education purposes, including:¹⁷¹⁴

- Newspaper, magazine, or other informational subscriptions;
- Participation in community, professional or fraternal organizations; and
- Participation in conferences and seminars.

No campaign or electioneering activity may take place in the course of using officeholder account monies.¹⁷¹⁵

8.4.9.2 OFFICEHOLDER ACCOUNT SOURCE RESTRICTIONS

8.4.9.2.1 NON-INDIVIDUAL CONTRIBUTIONS

Only individuals are permitted to contribute to a statewide/legislative officeholder account.¹⁷¹⁶ Contributions to an officeholder account do not affect an individual's contribution limit to the

¹⁷¹¹ [A.R.S. § 16-911\(B\)\(3\)](#). The exemption references Title 38, Chapter 3.1 ("Standards of Financial Disclosure"), which at the time of passage in 2016 included A.R.S. § 38-542. Section 38-542 was renumbered as [A.R.S. § 18-444](#) during the same legislative session. Nevertheless, the Secretary of State's Office interprets the contribution exemption in [A.R.S. § 16-911\(B\)\(3\)](#) to include a requirement to comply with the financial disclosure standards now codified in [A.R.S. § 18-444](#).

¹⁷¹² [A.R.S. § 41-133\(A\), \(K\)](#). Persons appointed to an elected office are likewise eligible to establish an officeholder account. [A.R.S. § 41-133\(A\)](#).

¹⁷¹³ [A.R.S. § 41-133\(C\)](#).

¹⁷¹⁴ [A.R.S. § 41-133\(D\)](#).

¹⁷¹⁵ [A.R.S. § 41-133\(D\)](#).

¹⁷¹⁶ [A.R.S. § 41-133\(A\)\(1\)](#).

same officeholder’s campaign account.¹⁷¹⁷ PAC, political party, partnership, corporate, and union contributions are not permitted.

8.4.9.2.2 LOBBYIST PROHIBITION

Individuals who are registered lobbyists or principals are prohibited from making contributions to a gubernatorial or legislative officeholder account while the Legislature is in regular session.¹⁷¹⁸

8.4.9.3 OFFICEHOLDER ACCOUNT CONTRIBUTION LIMITS

The contribution limit to a statewide/legislative officeholder account is \$150 per election cycle, and is not subject to biennial increases.¹⁷¹⁹

8.4.9.3.1 LIMITATION ON PERSONAL MONEY CONTRIBUTIONS

A statewide/legislative official may contribute limited personal monies to his or her own officeholder account during an election cycle.¹⁷²⁰

Personal money caps are increased on a biennial basis.¹⁷²¹

8.4.9.3.1.1 2017-2018 PERSONAL MONEY CONTRIBUTION LIMITS

Personal money contribution limits for the 2017-2018 election cycle are as follows:

Aggregate Contribution Limit of Personal Monies	Officeholder							
	Governor	Secretary of State	Attorney General	Treasurer	Superintendent of Public Instruction	Mine Inspector	Corporation Commissioner	Legislator
	\$31,635	\$16,638	\$16,638	\$8,343	\$8,343	\$8,343	\$8,343	\$3,198

¹⁷¹⁷ [A.R.S. § 41-133\(B\)](#). If an elected official fails to properly accept or report monies contributed to his or her officeholder account, the improperly received/reported monies are deemed contributions to the official’s campaign committee. [A.R.S. § 41-133\(B\)](#).

¹⁷¹⁸ [A.R.S. § 41-133\(G\)](#). As applied to the Governor, this prohibition extends past *sine die* and through the time period when all regular session legislation has been signed or vetoed. [A.R.S. § 41-1234.01\(A\)\(2\)](#).

¹⁷¹⁹ [A.R.S. § 41-133\(A\)\(1\)](#).

¹⁷²⁰ [A.R.S. § 41-133\(A\)\(3\)](#). “Personal monies” are defined in [A.R.S. § 16-901\(40\)](#) and discussed in Chapter 8, Section 8.4.2.

¹⁷²¹ [A.R.S. § 16-931\(A\)\(2\)](#); [A.R.S. § 41-133\(A\)\(2\)](#).

8.4.9.3.1.2 2019-2020 PERSONAL MONEY CONTRIBUTION LIMITS

Personal money contribution limits for the 2019-2020 election cycle are as follows:

Aggregate Contribution Limit of Personal Monies	Officeholder							
	Governor	Secretary of State	Attorney General	Treasurer	Superintendent of Public Instruction	Mine Inspector	Corporation Commissioner	Legislator
	\$31,735	\$16,738	\$16,738	\$8,443	\$8,443	\$8,443	\$8,443	\$3,298

8.4.9.3.2 AGGREGATE CONTRIBUTION LIMIT

Unlike campaign contributions, a statewide/legislative officeholder account is subject to an aggregate cap on all contributions received during an election cycle.¹⁷²²

Aggregate contribution limits are inclusive of personal monies.¹⁷²³ For example, 2018 aggregate contribution limits, a legislator who contributes the maximum \$3,198 in personal monies to his or her officeholder account may only accept \$7,462 in aggregate contributions from other individuals.

If an elected statewide/legislative official is winding down his or her campaign committee, the official may transfer excess campaign funds into his or her officeholder account.¹⁷²⁴ These funds may be transferred in any amount, as long as the officeholder account does not exceed its aggregate cap.

Aggregate contribution limits are increased on a biennial basis.¹⁷²⁵

8.4.9.3.2.1 2017-2018 AGGREGATE CONTRIBUTION LIMITS

Aggregate contribution limits for the 2017-2018 election cycle are as follows:

2017-2018 Aggregate Contribution Limits	Officeholder							
	Governor	Secretary of State	Attorney General	Treasurer	Superintendent of Public Instruction	Mine Inspector	Corporation Commissioner	Legislator
	\$105,450	\$55,460	\$55,460	\$27,810	\$27,810	\$27,810	\$27,810	\$10,660

¹⁷²² [A.R.S. § 41-133\(A\)\(2\)](#). Aggregate limits from the 2015-2016 election cycle have been increased by \$100 pursuant to [A.R.S. § 16-931\(A\)\(2\)](#) and [A.R.S. § 41-133\(A\)\(2\)](#) for the 2017-2018 cycle.

¹⁷²³ [A.R.S. § 41-133\(A\)\(2\)](#).

¹⁷²⁴ [A.R.S. § 16-933\(A\)\(5\)](#).

¹⁷²⁵ [A.R.S. § 16-931\(A\)\(2\)](#); [A.R.S. § 41-133\(A\)\(2\)](#).

8.4.9.3.2.2 2019-2020 AGGREGATE CONTRIBUTION LIMITS

Aggregate contribution limits for the 2019-2020 election cycle are as follows:

2017-2018 Aggregate Contribution Limits	Officeholder							
	Governor	Secretary of State	Attorney General	Treasurer	Superintendent of Public Instruction	Mine Inspector	Corporation Commissioner	Legislator
	\$105,550	\$55,560	\$55,560	\$27,910	\$27,910	\$27,910	\$27,910	\$10,760

8.4.9.4 OFFICEHOLDER ACCOUNT SPENDING LIMITS

8.4.9.4.1 AGGREGATE SPENDING LIMIT

A statewide/legislative official may not spend more than the aggregate contribution limit from his or her officeholder account during an election cycle.¹⁷²⁶

Aggregate spending limits are increased on a biennial basis.¹⁷²⁷

8.4.9.4.1.1 2017-2018 AGGREGATE SPENDING LIMITS

Aggregate spending limits for the 2017-2018 election cycle are as follows:

2017-2018 Aggregate Spending Limits	Officeholder							
	Governor	Secretary of State	Attorney General	Treasurer	Superintendent of Public Instruction	Mine Inspector	Corporation Commissioner	Legislator
	\$105,450	\$55,460	\$55,460	\$27,810	\$27,810	\$27,810	\$27,810	\$10,660

8.4.9.4.1.2 2019-2020 AGGREGATE SPENDING LIMITS

Aggregate spending limits for the 2019-2020 election cycle are as follows:

2017-2018 Aggregate Spending Limits	Officeholder							
	Governor	Secretary of State	Attorney General	Treasurer	Superintendent of Public Instruction	Mine Inspector	Corporation Commissioner	Legislator
	\$105,550	\$55,560	\$55,560	\$27,910	\$27,910	\$27,910	\$27,910	\$10,760

¹⁷²⁶ [A.R.S. § 41-133\(A\)\(2\).](#)

¹⁷²⁷ [A.R.S. § 16-931\(A\)\(2\); A.R.S. § 41-133\(A\)\(2\).](#)

8.4.9.4.2 PERMISSIBLE SPENDING TIMEFRAME

A statewide/legislative official only may spend officeholder account monies during what is deemed the non-election period for that candidate: from the day after the previous general election until April 30th of the year when the officeholder seeks reelection.¹⁷²⁸ For example:

- Legislators elected in 2016 may spend officeholder account monies between November 9, 2016 and April 30, 2018;
- Statewide officials elected in 2018 may spend officeholder account monies between November 7, 2018 and April 30, 2022.

8.4.9.4.3 DISPOSAL OF OFFICEHOLDER MONIES

After April 30th of an election year, a statewide/legislative official may dispose of officeholder account monies in the following ways:¹⁷²⁹

- Roll the money over to the elected official's officeholder account for the next election cycle (as long as the elected official will hold office during the next election cycle);
- Contribute the money to a PAC or political party (as long as the elected official will not hold office during the next election cycle);
- Donate the money to a social welfare organization recognized under § 501(c)(4) of the Internal Revenue Code (as long as the elected official will not hold office during the next election cycle);¹⁷³⁰ or
- Donate the money to the general fund of the State of Arizona.

8.4.9.5 REPORTING RESPONSIBILITIES

A statewide/legislative official must file officeholder account reports in the same manner and under the same schedule as campaign finance reports.¹⁷³¹

¹⁷²⁸ [A.R.S. § 41-133\(E\)](#).

¹⁷²⁹ [A.R.S. § 41-133\(E\)](#). The elected official may not contribute officeholder account monies to another elected official or candidate. [A.R.S. § 41-133\(F\)](#).

¹⁷³⁰ This exemption is only available for § 501(c)(4) social welfare organizations. Surplus officeholder monies may not be contributed to a § 501(c)(3) charity or § 501(c)(6) trade association.

¹⁷³¹ [A.R.S. § 41-133\(C\)](#). An elected official may use the same methods used for campaign contributions to determine when a contribution is "received" or expenditure is "made." See Chapter 8, Section 8.3.2.3.

8.4.9.6 ENFORCEMENT PENALTIES

Violations with respect to officeholder accounts are enforced in the same manner as campaign finance violations.¹⁷³²

8.5 MAKING CONTRIBUTIONS

A committee may make contributions in accordance with the contribution limits and source restrictions specified under Arizona law.¹⁷³³

Candidate contributions to other candidates are presumptively prohibited.¹⁷³⁴ A candidate committee may contribute to another candidate committee only under the following conditions:¹⁷³⁵

- The contribution must be made after the candidate filing deadline, which is 90 days before the primary election (or first election in a city or town);¹⁷³⁶
- The contributing candidate must be in the last year of his or her term and not seeking reelection (or have already left office);¹⁷³⁷
- If the recipient is a legislative candidate, the contributing candidate may not make the contribution while the Legislature is in regular session;¹⁷³⁸ and
- The contribution must be made in accordance with the contribution limit applicable to individuals.¹⁷³⁹

In other words, a candidate may contribute to another candidate only in connection with the disposal of surplus monies. Otherwise, candidate-to-candidate contributions are prohibited.¹⁷⁴⁰

¹⁷³² [A.R.S. § 41-133\(I\)](#). The treble damages penalty that remains in [A.R.S. § 41-133\(H\)](#) contradicts the penalties more recently prescribed in A.R.S. § 16-938 and [A.R.S. § 41-133\(I\)](#). As such, the Secretary of State's Office presumes the more recently enacted provisions in A.R.S. § 16-938(E)(2) take precedence in enforcement.

¹⁷³³ See Chapter 8, Section 8.3.3.

¹⁷³⁴ [A.R.S. § 16-913\(A\)](#); see also [A.R.S. § 16-933\(A\)\(3\)](#).

¹⁷³⁵ [A.R.S. § 16-933\(A\)\(3\)\(a\)](#).

¹⁷³⁶ See [A.R.S. § 16-311\(A\)](#). The contribution need not be made before the contributing candidate finishes his or her term of office.

¹⁷³⁷ [A.R.S. § 16-933\(A\)\(3\)\(b\)](#). The contributing candidate must not have filed a nomination paper with any filing officer at the 90-day deadline to seek reelection. [A.R.S. § 16-311\(A\)](#) and [A.R.S. § 16-933\(A\)\(3\)\(b\)](#).

¹⁷³⁸ [A.R.S. § 16-933\(A\)\(3\)\(c\)](#). This restriction only becomes significant if the Legislature fails to adjourn *sine die* before the candidate filing deadline.

¹⁷³⁹ [A.R.S. § 16-933\(A\)\(3\)\(d\)](#); see also [A.R.S. § 16-912\(A\)](#).

¹⁷⁴⁰ [A.R.S. § 16-913\(A\)](#).

8.6 CAMPAIGN ADVERTISING

Any campaign advertisement¹⁷⁴¹ or fundraising solicitation must include a disclaimer that indicates it was paid for and authorized by the committee.¹⁷⁴² For example, a proper disclaimer would read:

Paid for by Smith for House
Authorized by Smith for House

If a disclaimer contains any acronym or nickname that is not commonly known, the disclosure must spell out the acronym or provide the full name.¹⁷⁴³

8.6.1 FORM OF DISCLAIMER

The disclaimer on a fundraising solicitation should be clearly readable.

With respect to advertisements, how the disclaimer must be presented depends upon the medium in which the advertisement appears. For example, if the advertisement is:

- Broadcast on radio, the disclaimer must be clearly spoken at the beginning or end of the advertisement;¹⁷⁴⁴
- Delivered by hand, by mail, or electronically, the disclosure must be clearly readable;¹⁷⁴⁵
- Displayed on a sign or billboard, the disclosure must be displayed in a height that is at least four percent of the vertical height of the sign or billboard;¹⁷⁴⁶
- Broadcast on television or in a video, both of the following requirements must be met:
 - The disclosure must be both written and spoken at the beginning or end of the advertisement, except that if the written disclosure statement is displayed for the greater of at least one-sixth of the broadcast duration or four seconds, a spoken disclosure statement is not required; and
 - The written disclosure statement must be printed in letters that are displayed in a height that is at least four percent of the vertical picture height.¹⁷⁴⁷

¹⁷⁴¹ An “advertisement” means information or materials, other than nonpaid social media messages, that are mailed, emailed, posted, distributed, published, displayed, delivered, broadcasted or placed in a communication medium and that are for the purpose of influencing an election. [A.R.S. § 16-901\(1\)](#).

¹⁷⁴² [A.R.S. § 16-925\(A\)](#).

¹⁷⁴³ [A.R.S. § 16-925\(C\)](#).

¹⁷⁴⁴ [A.R.S. § 16-925\(D\)\(1\)](#).

¹⁷⁴⁵ [A.R.S. § 16-925\(D\)\(2\)](#).

¹⁷⁴⁶ [A.R.S. § 16-925\(D\)\(3\)](#).

8.6.2 WHEN A DISCLAIMER IS NOT REQUIRED

A committee is not required to include a disclaimer in the following situations:

- Advertisements or fundraising solicitations made via social media messages or text messages;¹⁷⁴⁸
- Advertisements that are placed as a paid link on a website, as long as the message is not more than two hundred characters in length and the hyperlink directs the user to another website that contains the requisite disclaimer;¹⁷⁴⁹
- Advertisements that are placed as a graphic or picture link where the disclaimer cannot be conveniently printed due to the size of the graphic or picture, as long as the hyperlink directs the user to another website that contains the requisite disclaimer;¹⁷⁵⁰
- Bumper stickers, pins, buttons, pens and similar small items on which a disclaimer cannot be conveniently printed;¹⁷⁵¹ or
- A published book or a documentary film or video.¹⁷⁵²

8.7 FINANCING A RECALL ELECTION

A potential recall election has the following campaign finance implications:

- A new and separate “election cycle” is triggered at the time a filing officer issues a recall petition serial number.¹⁷⁵³ This allows the targeted officeholder to solicit and receive campaign contributions to specifically defeat the recall effort.¹⁷⁵⁴
- A recall election cycle lasts only as necessary and therefore ends:¹⁷⁵⁵
 - If the filing officer determines there are not sufficient valid recall petition signatures to call a recall election;¹⁷⁵⁶

¹⁷⁴⁷ [A.R.S. § 16-925\(D\)\(4\).](#)

¹⁷⁴⁸ [A.R.S. § 16-925\(E\)\(1\).](#)

¹⁷⁴⁹ [A.R.S. § 16-925\(E\)\(2\).](#)

¹⁷⁵⁰ [A.R.S. § 16-925\(E\)\(3\).](#)

¹⁷⁵¹ [A.R.S. § 16-925\(E\)\(4\).](#)

¹⁷⁵² [A.R.S. § 16-925\(E\)\(7\).](#)

¹⁷⁵³ [A.R.S. § 16-901\(18\)\(a\).](#)

¹⁷⁵⁴ Since a new election cycle has been created, any donor who had reached his or her contribution limit in the regular election cycle may also contribute to the officeholder’s recall committee in the recall election cycle.

¹⁷⁵⁵ While the recall effort was pending, the regular election cycle continued uninterrupted and (other than in cities and towns) still runs from January 1 to December 31 of the following year. *See* Chapter 8, Section 8.3.3.3.3.3.

- If the targeted officeholder resigns from office in order to stave off a recall election;¹⁷⁵⁷ or
- If the recall election occurs;¹⁷⁵⁸
- A targeted officeholder must organize a separate candidate committee in order to defeat the recall effort. In this case:
 - The name of the officeholder’s recall committee must be unambiguously distinguishable from the officeholder’s regular candidate committee;¹⁷⁵⁹
 - The officeholder’s recall committee must establish a different bank account than the account used for the officeholder’s regular candidate committee;
 - The officeholder may not transfer money between the recall committee and the regular candidate committee;¹⁷⁶⁰
 - Otherwise, the officeholder’s recall committee must abide by other restrictions applicable to his or her regular candidate committee, which includes a prohibition on accepting contributions from corporations, limited liability companies, and unions;¹⁷⁶¹
- For campaign finance reporting purposes, the targeted officeholder must continue to report all disbursements and expenditures as operating expenses, similar to reporting practices for the candidate’s regular candidate committee.¹⁷⁶² However, any other committees or entities that spend money on the recall effort must report these expenditures as “recall expenditures.”¹⁷⁶³

8.8 CAMPAIGN FINANCE REPORTING

8.8.1 TYPES OF CAMPAIGN FINANCE REPORTS

A committee or entity may be required to file one of three types of campaign finance reports:¹⁷⁶⁴

- Comprehensive campaign finance report;¹⁷⁶⁵
- Independent expenditure report;¹⁷⁶⁶ or

¹⁷⁵⁶ [A.R.S. § 16-901\(18\)\(a\)\(iii\)](#); *see also* Chapter 5, Section 5.3.2.2.

¹⁷⁵⁷ [A.R.S. § 16-901\(18\)\(a\)\(ii\)](#); *see also* Chapter 5, Section 5.3.2.3.1.

¹⁷⁵⁸ [A.R.S. § 16-901\(18\)\(a\)\(i\)](#); *see also* Chapter 5, Section 5.3.2.3.2.

¹⁷⁵⁹ *See e.g.* [A.R.S. § 16-906\(B\)\(1\)\(a\)](#).

¹⁷⁶⁰ [A.R.S. § 16-907\(B\)\(5\)](#).

¹⁷⁶¹ Ariz. Atty. Gen. Op. II 1-003 (R11-005) (2011).

¹⁷⁶² [A.R.S. § 16-926\(B\)\(3\)\(a\)](#).

¹⁷⁶³ [A.R.S. § 16-926\(B\)\(3\)\(n\)](#).

¹⁷⁶⁴ This Chapter only outlines campaign finance reports required under Title 16, Chapter 6, Articles 1 through 1.7.

¹⁷⁶⁵ [A.R.S. § 16-926\(A\)](#).

- Ballot measure report.¹⁷⁶⁷

A registered committee must file a comprehensive campaign finance report, regardless of how much political or financial activity it conducts during the period covered by the report.¹⁷⁶⁸

Entities that are not organized for the primary purpose of influencing an election,¹⁷⁶⁹ such as corporations and unions,¹⁷⁷⁰ are not expected to file comprehensive campaign finance reports. Instead, these entities only have to file reports if they conduct independent expenditures or ballot measure expenditures (and those expenditures exceed \$1,000 during the reporting period).¹⁷⁷¹ An “independent expenditure” is an expenditure that expressly advocates the election or defeat of a clearly identified candidate,¹⁷⁷² while a “ballot measure expenditure” is an expenditure that expressly advocates the support or opposition of a clearly identified ballot measure.¹⁷⁷³ Independent expenditure reports and ballot measure reports are more limited than a comprehensive campaign finance report and need only be filed if the \$1,000 threshold is reached.

8.8.2 CONTENT OF CAMPAIGN FINANCE REPORTS

8.8.2.1 COMPREHENSIVE CAMPAIGN FINANCE REPORTS

A comprehensive campaign report must set forth the following information, as applicable:¹⁷⁷⁴

- The amount of cash on hand at the beginning of the reporting period;¹⁷⁷⁵
- Total receipts during the reporting period, including:¹⁷⁷⁶
 - An itemized list of contributions or income received in the following categories, including the contributor’s name, the amount of each contribution and the date of

¹⁷⁶⁶ [A.R.S. § 16-901\(31\)](#); [A.R.S. § 16-922\(F\)](#); [A.R.S. § 16-926\(H\)](#).

¹⁷⁶⁷ [A.R.S. § 16-901\(4\)](#); [A.R.S. § 16-926\(H\)](#).

¹⁷⁶⁸ See Chapter 8, Section 8.8.2.1.

¹⁷⁶⁹ [A.R.S. § 16-905\(B\)-\(C\)](#).

¹⁷⁷⁰ An “entity” is defined as “a corporation, limited liability company, labor organization, partnership, trust, association, organization, joint venture, cooperative, unincorporated organization or association or other organized group that consists of more than one individual.” [A.R.S. § 16-901\(22\)](#).

¹⁷⁷¹ The \$1,000 reporting threshold for independent expenditures and ballot measure expenditures is not adjusted on a biennial basis.

¹⁷⁷² [A.R.S. § 16-901\(31\)](#). An independent expenditure may not be made in cooperation or consultation with, or at the request or suggestion of, the supported or opposed candidate or candidate’s agent. [A.R.S. § 16-901\(31\)\(b\)](#).

¹⁷⁷³ [A.R.S. § 16-901\(4\)](#).

¹⁷⁷⁴ [A.R.S. § 16-926\(B\)](#).

¹⁷⁷⁵ [A.R.S. § 16-926\(B\)\(1\)](#).

¹⁷⁷⁶ [A.R.S. § 16-926\(B\)\(2\)](#).

receipt by committee, together with the total amount of contributions in each category during the reporting period:¹⁷⁷⁷

- Contributions from individuals whose contributions exceed \$50 for the election cycle, including identification of the contributor’s occupation and employer;¹⁷⁷⁸
- Contributions from candidate committees;¹⁷⁷⁹
- Contributions from political action committees;¹⁷⁸⁰
- Contributions from political parties;¹⁷⁸¹
- Contributions from partnerships;¹⁷⁸²
- For a political action committee or political party, contributions from corporations and limited liability companies, including identification of the corporation’s or limited liability company’s file number issued by the corporation commission;¹⁷⁸³
- For a political action committee or political party, contributions from labor organizations, including identification of the labor organization’s file number issued by the corporation commission;¹⁷⁸⁴
- For a candidate committee, a candidate’s contribution of personal monies;¹⁷⁸⁵
- All loans, including identification of any endorser or guarantor other than a candidate’s spouse,¹⁷⁸⁶ and the contribution amount endorsed or guaranteed by each;¹⁷⁸⁷
- Rebates and refunds;¹⁷⁸⁸
- Interest on committee monies;¹⁷⁸⁹

¹⁷⁷⁷ [A.R.S. § 16-926\(B\)\(2\)\(a\).](#)

¹⁷⁷⁸ [A.R.S. § 16-926\(B\)\(2\)\(a\)\(i\).](#)

¹⁷⁷⁹ [A.R.S. § 16-926\(B\)\(2\)\(a\)\(ii\).](#) Candidate committees are not permitted to accept contributions from other candidate committees except under limited circumstances. [A.R.S. § 16-933\(A\)\(3\)](#); Chapter 8, Section 8.9.2.

¹⁷⁸⁰ [A.R.S. § 16-926\(B\)\(2\)\(a\)\(iii\).](#)

¹⁷⁸¹ [A.R.S. § 16-926\(B\)\(2\)\(a\)\(iv\).](#)

¹⁷⁸² [A.R.S. § 16-926\(B\)\(2\)\(a\)\(v\).](#)

¹⁷⁸³ [A.R.S. § 16-926\(B\)\(2\)\(a\)\(vi\).](#)

¹⁷⁸⁴ [A.R.S. § 16-926\(B\)\(2\)\(a\)\(vii\).](#)

¹⁷⁸⁵ [A.R.S. § 16-926\(B\)\(2\)\(a\)\(viii\).](#)

¹⁷⁸⁶ For an individual, “identification” means listing the individual’s first and last name, residence location or street address, occupation, and name of the individual’s primary employer. For any other person, “identification” means listing the person or entity’s full name and physical location or street address. [A.R.S. § 16-901\(29\).](#)

¹⁷⁸⁷ [A.R.S. § 16-926\(B\)\(2\)\(a\)\(ix\).](#)

¹⁷⁸⁸ [A.R.S. § 16-926\(B\)\(2\)\(a\)\(x\).](#)

¹⁷⁸⁹ [A.R.S. § 16-926\(B\)\(2\)\(a\)\(xi\).](#)

- The fair market value of in-kind contributions received;¹⁷⁹⁰ and
- Extensions of credit that remain outstanding, including identification¹⁷⁹¹ of the creditor and the purpose of the extension.¹⁷⁹²
- The aggregate amount of contributions from all individuals whose contributions do not exceed \$50 for the election cycle.¹⁷⁹³
- Total disbursements during the reporting period, including:¹⁷⁹⁴
 - An itemized list of all payments or expenses incurred in excess of \$250 during the reporting period in the following categories, including the identity of the recipient of the payment,¹⁷⁹⁵ the recipient’s address, a description of the reason for the payment, the amount of the payment, and date of the payment, together with the total of all payments in each category during the reporting period:¹⁷⁹⁶
 - Disbursements for operating expenses;¹⁷⁹⁷
 - Contributions to candidate committees;¹⁷⁹⁸
 - Contributions to political action committees;¹⁷⁹⁹
 - Contributions to political parties;¹⁸⁰⁰
 - Contributions to partnerships;¹⁸⁰¹
 - For a political action committee or political party, contributions to corporations and limited liability companies, including identification of the corporation’s or limited liability company’s file number issued by the corporation commission;¹⁸⁰²

¹⁷⁹⁰ [A.R.S. § 16-926\(B\)\(2\)\(a\)\(xii\).](#)

¹⁷⁹¹ For an individual, “identification” means listing the individual’s first and last name, residence location or street address, occupation, and name of the individual’s primary employer. For any other person, “identification” means listing the person or entity’s full name and physical location or street address.

[A.R.S. § 16-901\(29\).](#)

¹⁷⁹² [A.R.S. § 16-926\(B\)\(2\)\(a\)\(xiii\).](#)

¹⁷⁹³ [A.R.S. § 16-926\(B\)\(2\)\(b\).](#)

¹⁷⁹⁴ [A.R.S. § 16-926\(B\)\(4\).](#)

¹⁷⁹⁵ For an individual, “identification” means listing the individual’s first and last name, residence location or street address, occupation, and name of the individual’s primary employer. For any other person, “identification” means listing the person or entity’s full name and physical location or street address.

[A.R.S. § 16-901\(29\).](#)

¹⁷⁹⁶ [A.R.S. § 16-926\(B\)\(3\).](#)

¹⁷⁹⁷ [A.R.S. § 16-926\(B\)\(3\)\(a\).](#)

¹⁷⁹⁸ [A.R.S. § 16-926\(B\)\(3\)\(b\).](#) Candidate committees are not permitted to make contributions to other candidate committees except under limited circumstances. [A.R.S. § 16-933\(A\)\(3\)](#); Chapter 8, Section 8.9.2.

¹⁷⁹⁹ [A.R.S. § 16-926\(B\)\(3\)\(c\).](#)

¹⁸⁰⁰ [A.R.S. § 16-926\(B\)\(3\)\(d\).](#)

¹⁸⁰¹ [A.R.S. § 16-926\(B\)\(3\)\(e\).](#)

- For a political action committee or political party, contributions to labor organizations, including identification of the labor organization’s file number issued by the corporation commission;¹⁸⁰³
- Repayment of loans;¹⁸⁰⁴
- Refunds of contributions;¹⁸⁰⁵
- Loans made;¹⁸⁰⁶
- The value of in-kind contributions provided;¹⁸⁰⁷
- Independent expenditures that are made to advocate the election or defeat of a candidate, including identification of the candidate being supported or opposed, the office sought by the candidate being supported or opposed, the election date where the candidate will appear on the ballot, the mode of advertising (such as radio, television, etc.), and the distribution or publication date of the advertisement;¹⁸⁰⁸
- Expenditures to advocate the passage or defeat of a ballot measure, including identification of the ballot measure, the ballot measure serial number, the election date where the ballot measure will appear on the ballot, the mode of advertising (such as radio, television, etc.), and the distribution or publication date of the advertisement;¹⁸⁰⁹
- Expenditures to advocate for or against the issuance of a recall election order or for the election or defeat of a candidate in a recall election,¹⁸¹⁰ including identification of the officer to be recalled or candidate supported or opposed, mode of advertising (such as radio, television, etc.), and distribution or publication date of the advertisement;¹⁸¹¹ and
- Any other disbursements or expenditures;¹⁸¹²
- The aggregate amount of all payments or expenses to a person or entity that do not exceed \$250 for the election cycle;

¹⁸⁰² [A.R.S. § 16-926\(B\)\(3\)\(f\).](#)

¹⁸⁰³ [A.R.S. § 16-926\(B\)\(3\)\(g\).](#)

¹⁸⁰⁴ [A.R.S. § 16-926\(B\)\(3\)\(h\).](#)

¹⁸⁰⁵ [A.R.S. § 16-926\(B\)\(3\)\(i\).](#)

¹⁸⁰⁶ [A.R.S. § 16-926\(B\)\(3\)\(j\).](#)

¹⁸⁰⁷ [A.R.S. § 16-926\(B\)\(3\)\(k\).](#)

¹⁸⁰⁸ [A.R.S. § 16-926\(B\)\(3\)\(l\).](#)

¹⁸⁰⁹ [A.R.S. § 16-926\(B\)\(3\)\(m\).](#)

¹⁸¹⁰ Once a recall election has been ordered pursuant to [A.R.S. § 19-209](#), a third-party expenditure to support or defeat a candidate running in a recall election should be categorized as a recall expenditure instead of an independent expenditure.

¹⁸¹¹ [A.R.S. § 16-926\(B\)\(3\)\(n\).](#)

¹⁸¹² [A.R.S. § 16-926\(B\)\(3\)\(o\).](#)

- The total sum of all receipts and disbursements for the reporting period;¹⁸¹³ and
- A certification by the committee treasurer, issued under penalty of perjury, that the contents of the report are true and correct.¹⁸¹⁴

The format for a campaign finance report generated through an electronic filing system may be determined by the filing officer, provided that all required information is capable of being captured and reported through the system. The format for a paper campaign finance report (to be used in local jurisdictions only) is available on the Secretary of State’s website at: <https://www.azsos.gov/elections/arizona-election-laws-publications>.¹⁸¹⁵

8.8.2.2 INDEPENDENT EXPENDITURE REPORTS

An independent expenditure report must set forth the following information:¹⁸¹⁶

- Identification of the candidate being supported or opposed;
- The office sought by the candidate being supported or opposed;
- The election date where the candidate will appear on the ballot;
- The mode of advertising (such as radio, television, etc.); and
- The first date of publication, display, distribution or broadcast of the advertisement.¹⁸¹⁷

An independent expenditure report is deemed to be filed under penalty of perjury by the “responsible person” acting on behalf of the entity.¹⁸¹⁸

8.8.2.3 BALLOT MEASURE REPORTS

A ballot measure report must set forth the following information:¹⁸¹⁹

- Identification of the ballot measure being supported or opposed;
- The election date where the measure will appear on the ballot;

¹⁸¹³ [A.R.S. § 16-926\(B\)\(4\)](#).

¹⁸¹⁴ [A.R.S. § 16-926\(B\)\(5\)](#). All campaign finance reports are deemed to be filed by the committee treasurer under penalty of perjury, notwithstanding that the committee treasurer does not personally sign a campaign finance report. Accordingly, it is no defense to a campaign finance complaint that someone other than the treasurer filed an incomplete or inaccurate campaign finance report.

¹⁸¹⁵ [A.R.S. § 16-926\(A\)](#).

¹⁸¹⁶ [A.R.S. § 16-926\(H\)](#).

¹⁸¹⁷ [A.R.S. § 16-926\(H\)](#).

¹⁸¹⁸ In order to file an independent expenditure report or ballot measure expenditure report, the entity must designate a “responsible person” who is authorized to file the report on the entity’s behalf.

¹⁸¹⁹ [A.R.S. § 16-926\(H\)](#).

- The mode of advertising (such as radio, television, etc.); and
- The first date of publication, display, distribution or broadcast of the advertisement.¹⁸²⁰

A ballot measure expenditure report is deemed to be filed under penalty of perjury by the “responsible person” acting on behalf of the entity.¹⁸²¹

8.8.3 CAMPAIGN FINANCE REPORTING PERIOD

A campaign finance report covers activity conducted during the most recent “reporting period,” and must be filed within 15 days after the reporting period ends.¹⁸²²

8.8.3.1 GENERAL REPORTING REQUIREMENTS

For campaign finance reports filed by committees, the reporting period varies according to the type of committee and whether an election was held during the reporting period:

- Except for candidate committees, a committee’s first campaign finance report covers activity from the beginning of the election cycle.
- Reports generally must be filed on a quarterly basis.¹⁸²³ For example, a first quarter report covers January 1 to March 31 and must be filed between April 1 and April 15.
- If an election is scheduled during a particular quarter, a pre-election report also must be filed. The pre-election report covers activity from the beginning of the quarter through 17 days before the election and must be filed 7 days later.¹⁸²⁴ For example, if there is a primary election August 28, the pre-election report covers July 1 to August 11 and must be filed between August 12 and August 18.
 - An election conducted on behalf of another jurisdiction does not trigger a pre-election report. For example, if Pima County conducts an election on behalf of the City of Tucson, committees registered with the City of Tucson must file a pre-election report but Pima County committees do not have a pre-election reporting obligation.
 - In order to maintain continuity of reporting, a post-election report must be filed in order to resume the quarterly reporting schedule.¹⁸²⁵ For example, if there is a

¹⁸²⁰ [A.R.S. § 16-926\(H\)](#).

¹⁸²¹ In order to file an independent expenditure report or ballot measure expenditure report, the entity must designate a “responsible person” who is authorized to file the report on the entity’s behalf.

¹⁸²² [A.R.S. § 16-927](#).

¹⁸²³ [A.R.S. § 16-927\(A\)\(1\), \(A\)\(2\)\(b\)](#). A “calendar quarter” is defined as “a period of three consecutive calendar months ending on March 31, June 30, September 30 or December 31.” [A.R.S. § 16-901\(6\)](#).

¹⁸²⁴ [A.R.S. § 16-927\(A\)\(2\)\(a\)](#).

¹⁸²⁵ [A.R.S. § 16-927\(A\)\(2\)\(b\)](#).

primary election on August 28, the post-election report (or 3rd quarter report) covers August 12 to September 30 and must be filed between October 1 and October 15.

- A pre-election report need not be filed if an election never materializes. For example, if all candidates receive at least 51% of the vote at an August primary election (thus allowing them to be elected without conducting a November general election), committees need not file a pre-election report in October and instead file a quarterly report comprising October 1 to December 31. However, if at least one office moves on to the November general election, all committees registered in that jurisdiction must file a pre-election report in October.¹⁸²⁶
- Committees must file campaign finance reports until terminated, regardless of the level of political or financial activity.¹⁸²⁷

If an entity conducts an independent expenditure or ballot measure expenditure, the entity must file a report if the expenditure was conducted during one of the reporting periods outlined above.¹⁸²⁸ For example, if a corporation spends \$5,000 to oppose a town ballot measure 3 weeks before the general election, the corporation must file a ballot measure report with the town clerk between 10 and 17 days before the election. The corporation need not file any additional reports if no further political expenditures are conducted.

8.8.3.2 SPECIAL REPORTING REQUIREMENTS FOR CANDIDATE COMMITTEES

A candidate committee is only required to comply with quarterly, pre-election and post-election reporting requirements during the 12-month period preceding the general election at which the candidate seeks election.¹⁸²⁹ As a result, the timing and scope of a candidate's first campaign finance report depend on the following variables:

1. The date of the jurisdiction's general, second or runoff election. This determines the filing deadline for the candidate's first campaign finance report. For example:
 - If the general election will be held on November 6, 2018, the 12-month lookback period extends back to November 6, 2017.
 - Since November 6, 2017 falls within the 4th quarter, the candidate's first campaign finance report is due by January 15, 2018.

¹⁸²⁶ PACs and political parties, and candidates within their 12-month filing window, must file pre-election and post-election campaign finance reports if any irregularly-scheduled election is held (such as a special election, runoff election, or recall election) in that jurisdiction, regardless of whether that committee participates in the election.

¹⁸²⁷ [A.R.S. § 16-927\(C\)](#); [A.R.S. § 16-934\(D\)\(1\)](#). See Chapter 8, Section 8.9.3.

¹⁸²⁸ [A.R.S. § 16-926\(H\)](#).

¹⁸²⁹ [A.R.S. § 16-927\(B\)](#). For city and town candidates, reports must be filed covering the 12-months prior to the city's or town's second, runoff or general election. [A.R.S. § 16-927\(B\)](#).

2. The timing of when the candidate committee was established. This determines when the reporting period begins for the candidate's first campaign finance report. For example:
 - A new candidate committee must report any contributions or expenditures that pre-date the committee's existence, therefore the beginning date of the candidate's first reporting period will vary according to when (and whether) a candidate received contributions or made expenditures that pre-dated the committee's existence.
 - An existing candidate committee is not permitted to have any reporting gaps; therefore, the beginning date of the candidate's first reporting period begins after the previous reporting period ended in the prior election cycle.

The following examples illustrate the coverage for candidate campaign finance reports:

Example 1

- A legislative candidate forms a committee on August 20, 2017 and the general election will be held on November 6, 2018.
- The candidate did not receive any contributions, use any personal monies, or make any expenditures in connection with her candidacy.
- The candidate's initial reporting period covers August 20, 2017 to December 31, 2017 and must be filed between January 1 and January 15, 2018.
- Thereafter, the candidate must file quarterly, pre-election and post-election reports during the 2018 election year.
- The candidate's last report will cover October 21, 2018 to December 31, 2018 (a post-election report) and must be filed between January 1 and January 15, 2019.

Example 2

- Same example as above, except the legislative candidate formed a committee on August 20, 2017 because she reached at least \$1,100 in contributions or expenditures.¹⁸³⁰ The candidate's first campaign finance transaction was a contribution dated March 20, 2017.
- The candidate's initial reporting period covers March 20, 2017 to December 31, 2017 and must be filed between January 1 and January 15, 2018.

Example 3

- A legislative candidate formed a committee on August 20, 2017 and the general election will be held on November 6, 2018.

¹⁸³⁰ See Chapter 8, Section 8.1.1.1.1.

- The candidate’s 2018 4th quarter report will cover October 21, 2018 to December 31, 2018 and must be filed between January 1 and January 15, 2019.
- The candidate need not file campaign finance reports for the remainder of 2019.
- The candidate’s first campaign finance report of the 2020 election cycle will cover January 1, 2019 to December 31, 2019 and must be filed between January 1 and January 15, 2020.

If the candidate is seeking a 4-year term in office, the candidate is still only required to comply with quarterly, pre-election and post-election reporting requirements during the 12-month period preceding the general election at which the candidate seeks election.¹⁸³¹ For example:

- A city council candidate formed a committee on August 20, 2016 and the general election (or second or runoff election) was held on November 7, 2017;
- The candidate’s 2017 4th quarter report covered October 22, 2017 to December 31, 2017 and was filed between January 1 and January 15, 2018;
- The candidate need not file campaign finance reports for the remainder of 2018, 2019, or 2020;
- The candidate’s first campaign finance report of the 2021 election cycle will cover January 1, 2018 to December 31, 2020 and must be filed between January 1 and January 15, 2021;
- Thereafter, the candidate must file quarterly, pre-election and post-election reports during the 2021 election year.

A candidate committee must continue to file campaign finance reports until terminated.¹⁸³² The following specific rules apply:

- If a candidate is serving his or her last term in office and is not seeking election to any other office, but has not yet terminated his or her committee, the candidate must file campaign finance reports through the end of the term as if the candidate were seeking reelection.

¹⁸³¹ [A.R.S. § 16-927\(B\)](#) specifies that “a candidate committee’s first campaign finance report of the election cycle shall include the entire election cycle to date,” but if applied literally would exempt 4-year candidates from including the first 2 years of financial activity in their campaign finance report. *See Respect Promise in Opposition to R-14-02-Neighbors for a Better Glendale v. Hanna*, 238 Ariz. 296, 304 (App. 2015) (election statutes must be interpreted “to give them a fair and sensible meaning and to avoid absurd results”) (citation omitted). Since campaign finance reports must cover all financial activity from committee formation to termination, *see* [A.R.S. § 16-927\(C\)](#), the “election cycle to date” referenced in [A.R.S. § 16-927\(B\)](#) comprises the candidate’s current term in office to date.

¹⁸³² [A.R.S. § 16-927\(C\)](#); [A.R.S. § 16-934\(D\)\(1\)](#).

- If a candidate keeps the committee open after his or her term of office has expired and is not seeking election to any other office, the candidate must continue to file campaign finance reports as if he or she were seeking reelection to the same office. For example, if a candidate keeps his or her committee open after serving 4 consecutive terms in the State Senate, the now-former legislator must continue to file campaign finance reports in the calendar year of each even-numbered year as if the candidate were seeking reelection to that office.

8.8.4 FILING OFFICER FOR CAMPAIGN FINANCE REPORTS

Campaign finance reports must be filed with the proper filing officer.¹⁸³³

The Secretary of State is the filing officer for committees registered with the Secretary of State, including:¹⁸³⁴

- Statewide candidates;
- Legislative candidates;
- Supreme Court justices (seeking retention);¹⁸³⁵
Court of Appeals judges (seeking retention);¹⁸³⁶
- State-level political action committees; and
- State-level political parties.

The county officer in charge of elections is the filing officer for committees registered at the county level, including:¹⁸³⁷

- County candidates;¹⁸³⁸
- Candidates for precinct office, which include:¹⁸³⁹
 - Justice of the Peace candidates;

¹⁸³³ [A.R.S. § 16-928\(A\)](#).

¹⁸³⁴ [A.R.S. § 16-928\(A\)\(1\)](#).

¹⁸³⁵ A justice is statutorily permitted to form a candidate committee to support his or her own retention. *See* [Ariz. Const. Art. 6, § 28](#). However, other judicial ethics rules may apply.

¹⁸³⁶ An appellate judge is statutorily permitted to form a candidate committee to support his or her own retention. *See* [Ariz. Const. Art. 6, § 28](#). However, other judicial ethics rules may apply.

¹⁸³⁷ [A.R.S. § 16-928\(A\)\(2\)](#).

¹⁸³⁸ County candidates include County Sheriff, County Attorney, County Recorder, County Treasurer, County Assessor, County Superintendent of Schools, and County Supervisors. [Ariz. Const. Art. XII, § 3](#); [A.R.S. § 11-401](#).

¹⁸³⁹ [A.R.S. § 16-311\(F\)](#); *Nicol v. Superior Court, Maricopa County*, 106 Ariz. 208, 209 (1970) (Justices of the Peace and Constables are “precinct officers” pursuant to [A.R.S. § 22-102](#)).

- Constable candidates; and
- Precinct committeemen candidates;¹⁸⁴⁰
- Community college district governing board candidates;¹⁸⁴¹
- Special taxing district candidates;¹⁸⁴²
- Superior Court judges (seeking election or retention);¹⁸⁴³
- Clerk of the Superior Court candidates;¹⁸⁴⁴
- County-level political action committees; and
- County-level political parties.

The county school superintendent is the filing officer for the following committees:

- School district governing board candidates;¹⁸⁴⁵ and
- Joint technical education district governing board candidates.¹⁸⁴⁶

The city or town clerk is the filing officer for committees registered at the city or town level.¹⁸⁴⁷

8.8.5 PENALTY FOR LATE OR INCOMPLETE CAMPAIGN FINANCE REPORTS

A committee or entity must file a timely and complete campaign finance report.¹⁸⁴⁸

If a committee fails to file a campaign finance report by the applicable deadline,¹⁸⁴⁹ the appropriate filing officer must send a written notice to the committee treasurer by email within 5 calendar days after the filing deadline.¹⁸⁵⁰ The notice must:

¹⁸⁴⁰ The office of precinct committeeman is treated as a “precinct officer” for purposes of this Manual.

¹⁸⁴¹ [A.R.S. § 15-1442\(A\)](#); [A.R.S. § 16-928\(A\)\(2\)](#). Community college district governing board candidates must also file campaign finance reports with the clerk of the Board of Supervisors. [A.R.S. § 15-1442\(E\)](#).

¹⁸⁴² [A.R.S. § 16-928\(A\)\(2\)](#).

¹⁸⁴³ [A.R.S. § 16-928\(A\)\(2\)](#).

¹⁸⁴⁴ Ariz. Op. Atty. Gen. No. I85-086 (R85-071) (1985) (holding that candidates for Clerk of the Superior Court are treated as county candidates for the purpose of filing nomination petitions).

¹⁸⁴⁵ [A.R.S. § 15-424\(H\)](#); *but see* [A.R.S. § 16-928\(A\)\(2\)](#).

¹⁸⁴⁶ Joint technical education district (JTED) candidates are not referenced in [A.R.S. § 16-928\(A\)\(2\)](#), but JTED candidates are elected in the same manner as school district candidates. *See* [A.R.S. § 15-393\(C\)\(5\)](#); [A.R.S. § 15-422\(A\)](#).

¹⁸⁴⁷ [A.R.S. § 16-928\(A\)\(3\)](#).

¹⁸⁴⁸ [A.R.S. § 16-926\(A\), \(H\)](#); [A.R.S. § 16-937\(A\)](#).

¹⁸⁴⁹ *See* Chapter 8, Section 8.8.

¹⁸⁵⁰ [A.R.S. § 16-937\(A\)](#). At the filing officer’s discretion, the filing officer may also email the committee chairman or any other persons associated with the committee. The late-filing notice need not be sent by mail.

- Identify the campaign finance report that was not filed;
- Explain that penalties accrue at \$10.00 per day for the first 15 days following the deadline, and \$25.00 per day for each day thereafter the report is not filed; and
- Identify permissible methods of payment.¹⁸⁵¹

Financial penalties accrue until the late report is filed. A filing officer must accept a campaign finance report regardless of whether past-due financial penalties have been paid.

If the committee does not file its campaign finance report within 30 days after the filing deadline, the filing officer may refer the committee to the proper enforcement officer:¹⁸⁵²

- The Attorney General is the enforcement officer for matters within the Secretary of State’s jurisdiction;¹⁸⁵³
- The County Attorney is the enforcement officer for matters within the county officer in charge of elections’ and County School Superintendent’s jurisdiction;¹⁸⁵⁴ and
- The City or Town Attorney is the enforcement officer for matters within the city or town clerk’s jurisdiction.¹⁸⁵⁵

8.9 WINDING DOWN AND TERMINATING A COMMITTEE

The process of winding down a committee entails ceasing all campaign activity, zeroing out the committee’s bank account (in accordance with Arizona law), and filing a termination statement with the filing officer.

8.9.1 REPAYMENT OF DEBTS

A committee must repay its debts to creditors before terminating. If the committee has sufficient cash on hand at the conclusion of a campaign to pay all outstanding creditors, this process is routine.

¹⁸⁵¹ [A.R.S. § 16-937\(A\)-\(B\).](#)

¹⁸⁵² [A.R.S. § 16-901\(21\); A.R.S. § 16-937\(C\).](#)

¹⁸⁵³ [A.R.S. § 16-901\(21\); A.R.S. § 16-938\(C\)\(1\).](#)

¹⁸⁵⁴ [A.R.S. § 16-901\(21\); A.R.S. § 16-938\(C\)\(2\).](#)

¹⁸⁵⁵ [A.R.S. § 16-901\(21\); A.R.S. § 16-938\(C\)\(3\).](#)

8.9.1.1 FUNDRAISING TO RETIRE DEBT

A committee might lack sufficient funds to pay creditors and therefore must continue to fundraise after the election. However, source restrictions and the contribution limits from the prior election still apply.¹⁸⁵⁶ For example:

- A legislative committee is \$2,000 in debt and has no surplus funds from the 2015-2016 election cycle. Contribution limits were \$5,000.
- An individual donor contributed \$4,000 to the candidate during the 2015-2016 cycle.
- In January 2017 (in the new election cycle where contribution limits have increased to \$5,100), donor responds to the candidate's request for debt retirement assistance by writing a \$2,000 check.
- The donor may contribute only \$1,000 for debt retirement purposes (\$1,000 + \$4,000 previous contribution = \$5,000 contribution limit for 2015-2016 election cycle). The remaining \$1,000 may be used for the 2017-2018 election cycle or refunded to the donor.

8.9.1.2 DEBT FORGIVENESS

Debt may be retired through debt forgiveness, although forgiveness generally has the same effect as making a contribution.¹⁸⁵⁷

A debt may be settled or forgiven in its entirety only if the committee has been unable to repay the debt after 5 years, the creditor has agreed to discharge the debt, and the creditor consents to committee termination.¹⁸⁵⁸

8.9.2 DISPOSAL OF SURPLUS FUNDS

If a terminating committee has surplus monies remaining after payment of all debts,¹⁸⁵⁹ the committee may dispose of those surplus monies only in specified ways:

- For a candidate committee, transfer the surplus to a candidate committee organized by the same candidate;¹⁸⁶⁰

¹⁸⁵⁶ [A.R.S. § 16-901\(11\)\(a\)](#).

¹⁸⁵⁷ Since a candidate may contribute unlimited personal monies to his or her own campaign, the committee may forgive a loan of personal monies without restriction. [A.R.S. § 16-913\(F\)](#). Additionally, campaign staff may consent to converting their paid services to volunteer service in order to retire debt. [A.R.S. § 16-911\(B\)\(1\)](#); *see also* [11 C.F.R. § 116.6](#).

¹⁸⁵⁸ [A.R.S. § 16-934\(B\)\(2\)\(b\)](#).

¹⁸⁵⁹ "Surplus monies" are defined as monies that remain after a committee's expenditures have been made, all debts have been extinguished, and the committee ceases to accept contributions. A.R.S. § 16-901(50).

- Return surplus monies to the original contributor;¹⁸⁶¹
- Contribute surplus monies to a PAC or political party, subject to any applicable contribution limits;¹⁸⁶²
- For a candidate committee, contribute surplus monies to another candidate under the following conditions:
 - The contribution must be made after the candidate filing deadline, which is 90 days before the primary election (or first election in a city or town);¹⁸⁶³
 - The contributing candidate must be in the last year of his or her term and not seeking reelection (or have already left office);¹⁸⁶⁴
 - If the recipient is a legislative candidate, the contributing candidate may not make the contribution while the Legislature is in regular session;¹⁸⁶⁵ and
 - The contribution must be made in accordance with the contribution limit applicable to individuals;¹⁸⁶⁶
- Donate surplus monies to a nonprofit organization that has tax exempt status under § 501(c)(3) of the Internal Revenue Code;¹⁸⁶⁷ or
- In the case of a statewide or legislative candidate committee, transfer surplus monies to the candidate's officeholder expense account.¹⁸⁶⁸

Regardless of how the committee disposes of surplus monies, the monies may not be converted for personal use.¹⁸⁶⁹

¹⁸⁶⁰ See Chapter 8, Section 8.4.1 for guidance whether candidate monies may be transferred to another candidate committee for the same candidate.

¹⁸⁶¹ [A.R.S. § 16-933\(A\)\(1\)](#).

¹⁸⁶² [A.R.S. § 16-933\(A\)\(2\)](#).

¹⁸⁶³ See [A.R.S. § 16-311\(A\)](#) and [A.R.S. § 16-933\(A\)\(3\)\(a\)](#). The contribution need not be made before the contributing candidate finishes his or her term of office.

¹⁸⁶⁴ [A.R.S. § 16-933\(A\)\(3\)\(b\)](#). The contributing candidate must not have filed a nomination paper with any filing officer at the 90-day deadline to seek reelection. [A.R.S. § 16-311\(A\)](#) and [A.R.S. § 16-933\(A\)\(3\)\(b\)](#).

¹⁸⁶⁵ [A.R.S. § 16-933\(A\)\(3\)\(c\)](#). This restriction only becomes significant if the legislature fails to adjourn *sine die* before the candidate filing deadline.

¹⁸⁶⁶ [A.R.S. § 16-933\(A\)\(3\)\(d\)](#); see also [A.R.S. § 16-912\(A\)](#).

¹⁸⁶⁷ [A.R.S. § 16-933\(A\)\(4\)](#).

¹⁸⁶⁸ [A.R.S. § 16-933\(A\)\(5\)](#); Chapter 8, Section 8.4.9.

¹⁸⁶⁹ [A.R.S. § 16-933\(B\)](#).

8.9.3 TERMINATING A COMMITTEE

Once a committee has wound down its financial affairs, the committee may file a termination statement with the filing officer with whom the committee’s statement of organization was filed.¹⁸⁷⁰

In the termination statement, the committee treasurer is required to certify under penalty of perjury that all of the following apply:

- The committee will no longer receive any contributions or make any disbursements;
- The committee either:
 - Has no outstanding debts or obligations; or
 - Has outstanding debts or obligations that are more than 5 years old, the committee’s creditors have agreed to discharge the debts/obligations, and the creditors have agreed to termination of the committee;
- Any surplus monies have been disposed of and that the committee has no cash on hand; and
- All contributions and expenditures have been reported in a final campaign finance report, including any disposal of surplus monies.¹⁸⁷¹

A filing officer may reject the termination statement if it appears to the filing officer that the above requirements have not been satisfied.¹⁸⁷² For example, if the committee’s final campaign finance report shows that the committee still has outstanding debt, the filing officer may reject the termination statement for failure to satisfy the conditions of termination. In this case, the committee is still obligated to file campaign finance reports until properly terminated.

After a termination statement is filed and accepted, a committee is not required to file any further campaign finance reports.¹⁸⁷³

8.10 CAMPAIGN FINANCE ENFORCEMENT

Campaign finance enforcement is carried out through a bifurcated enforcement structure, relying on the initial determination by a filing officer followed by the final decision of an enforcement officer. The overall process is summarized as follows:

- The filing officer will make a preliminary determination whether a campaign finance violation has occurred, known as a “reasonable cause” finding.¹⁸⁷⁴

¹⁸⁷⁰ [A.R.S. § 16-934\(A\).](#)

¹⁸⁷¹ [A.R.S. § 16-934\(B\).](#)

¹⁸⁷² [A.R.S. § 16-934\(C\).](#)

¹⁸⁷³ [A.R.S. § 16-934\(D\).](#)

- If the filing officer makes a reasonable cause finding, the filing officer generally will refer the matter to the appropriate enforcement officer.¹⁸⁷⁵
- The enforcement officer makes the final determination whether a legal violation occurred, which may require an additional investigation beyond the information provided by the filing officer.¹⁸⁷⁶
- If the enforcement officer concludes that a campaign finance violation occurred, the enforcement officer may issue a notice of violation to the alleged violator. If the violation has not been timely remedied, the enforcement officer may initiate legal action to secure compliance with campaign finance law.¹⁸⁷⁷

This section details how to file and process a campaign finance complaint.

8.10.1 INITIATION OF CAMPAIGN FINANCE COMPLAINT

8.10.1.1 COMPLAINT GENERATED MATTERS

Any person¹⁸⁷⁸ may file a complaint if he or she believes a violation of Arizona campaign finance laws has occurred, including but not limited to:¹⁸⁷⁹

- Failure to register as a political committee when required;¹⁸⁸⁰
- Unlawful commingling of money;¹⁸⁸¹
- Violation of campaign contribution limits;¹⁸⁸²
- Making or accepting unlawful contributions;¹⁸⁸³

¹⁸⁷⁴ [A.R.S. § 16-928\(A\)](#); [A.R.S. § 16-938\(A\)](#); Chapter 8, Section 8.10.2.1. The filing officer is the applicable election official with whom campaign finance reports are required to be filed. [A.R.S. § 16-901\(27\)](#); Chapter 8, Section 8.8.4.

¹⁸⁷⁵ [A.R.S. § 16-938\(C\)](#); Chapter 8, Section 8.10.2.1.1. The enforcement officer is the prosecutor or other legal official with campaign finance enforcement authority in that jurisdiction. [A.R.S. § 16-901\(21\)](#).

¹⁸⁷⁶ [A.R.S. § 16-938\(C\), \(E\)](#); Chapter 8, Section 8.10.3.

¹⁸⁷⁷ [A.R.S. § 16-938\(C\), \(E\)-\(G\)](#); Chapter 8, Section 8.10.3.3.2.

¹⁸⁷⁸ A “person” is defined as “an individual or a candidate, nominee, committee, corporation, limited liability company, labor organization, partnership, trust, association, organization, joint venture, cooperative or unincorporated organization or association.” [A.R.S. § 16-901\(39\)](#).

¹⁸⁷⁹ [A.R.S. § 16-938\(A\)](#).

¹⁸⁸⁰ [A.R.S. § 16-905](#).

¹⁸⁸¹ [A.R.S. § 16-907](#).

¹⁸⁸² [A.R.S. § 16-912](#); [A.R.S. § 16-913](#); [A.R.S. § 16-914](#); [A.R.S. § 16-915](#); [A.R.S. § 16-916](#); [A.R.S. § 16-917](#); [A.R.S. § 16-922\(E\)](#).

¹⁸⁸³ [A.R.S. § 16-912\(C\)](#); [A.R.S. § 16-913\(D\)](#); [A.R.S. § 16-916\(A\)](#); [A.R.S. § 16-918](#); [A.R.S. § 16-922\(E\)](#); [A.R.S. § 16-933](#).

- Failure to include proper advertising disclaimers;¹⁸⁸⁴
- Failure to file campaign finance reports (if the filing officer has not already initiated an enforcement action);¹⁸⁸⁵ or
- Filing incomplete or inaccurate campaign finance reports.¹⁸⁸⁶

The complaint must be made in writing and submitted to the applicable filing officer for campaign finance reports.¹⁸⁸⁷ Email submissions are acceptable.

Regardless of whether a complainant is represented by counsel, a complaint must contain the full name, mailing address and signature of the complainant. A complaint should also:

- Clearly recite the facts that describe a violation of Arizona campaign finance law under the filing officer's jurisdiction (citations to the law are highly encouraged);
- Clearly identify each person, committee, organization or group that is alleged to have committed a violation;
- Include any supporting documentation supporting the alleged violation, if available; and
- Differentiate between statements based on a complainant's personal knowledge and those based on information and belief. Statements not based on personal knowledge should identify the source of the information.

Complaints should be as factually specific as possible (for example, by providing the date or approximate dates that the activities at issue occurred). Providing sworn affidavits from persons with first-hand knowledge of the facts is encouraged. If the allegations in the complaint are based in whole or in part upon information contained in an advertisement, news article, or website, the complaint should provide a copy of the relevant advertisement, news article, or link to the website, if possible.

¹⁸⁸⁴ [A.R.S. § 16-925](#).

¹⁸⁸⁵ [A.R.S. § 16-922\(F\)](#); [A.R.S. § 16-926](#); [A.R.S. § 16-937\(A\)](#); [A.R.S. § 16-938\(A\)](#). The filing officer has authority to independently enforce failure to file campaign finance reports without the existence of a third-party complaint. [A.R.S. § 16-937](#). A third-party complaint may be filed pursuant to [A.R.S. § 16-938\(A\)](#) if the filing officer has not timely initiated an enforcement action; however, if the filing officer later initiates an enforcement action pursuant [A.R.S. § 16-937](#), the third-party complaint abates and is subject to dismissal. Regardless of whether the enforcement action is initiated by the filing officer or a third-party complainant, however, the penalties prescribed by [A.R.S. § 16-937](#) (not [A.R.S. § 16-938](#)) are the exclusive penalty for failure to file campaign finance reports.

¹⁸⁸⁶ [A.R.S. § 16-926](#); [A.R.S. § 16-937\(A\)](#); [A.R.S. § 16-938\(A\)](#).

¹⁸⁸⁷ See Chapter 8, Section 8.8.4. Other than failure to file campaign finance reports, a filing officer does not have authority to conduct audits of non-committees or otherwise investigate a campaign finance complaint without a third-party complaint. [A.R.S. § 16-938\(A\), \(D\)](#).

Complaints should be filed as soon as possible after the alleged violation becomes known to the complainant in order to preserve evidence and initiate the enforcement process within the 4-year statute of limitations period.¹⁸⁸⁸

The filing officer must review the complaint for compliance with the required criteria outlined above, including confirmation that the complaint falls within the filing officer's jurisdiction.¹⁸⁸⁹ If the complaint does not meet the criteria, the filing officer should notify the complainant of the deficiencies and that no action can be taken on the complaint. If the complaint is deemed sufficient, the filing officer will:

- Assign the complaint a complaint number (in a format determined by the filing officer);
- Confirm in writing that the complaint has been received;
- Inform the complainant that the respondent will be entitled to file a response brief within 14 days, and the complainant will be entitled to file a reply brief within 7 days; and
- Inform the complainant that the filing officer will notify him or her once a preliminary decision has been made.

8.10.1.2 NON-COMPLAINT GENERATED MATTERS

In limited cases, a campaign finance enforcement matter may be initiated other than through a third-party complaint.

8.10.1.2.1 INTERNAL REFERRALS

A filing officer has authority to self-initiate a campaign finance complaint based on failure to timely file campaign finance reports.¹⁸⁹⁰

A filing officer also possesses the related authority to temporarily or permanently suspend a committee for repeated failure to file campaign finance reports.¹⁸⁹¹

¹⁸⁸⁸ [A.R.S. § 12-550](#). A filing officer should retain candidate filings for at least 4 years notwithstanding the retention period for “candidate records” in Schedule Number 000-12-65 of the Arizona State Library, Archives and Public Records general retention schedule.

¹⁸⁸⁹ [A.R.S. § 16-938\(A\)](#). For example, a filing officer does not have jurisdiction to adjudicate criminal complaints or otherwise enforce campaign laws exclusively within an enforcement officer's jurisdiction. *See e.g.* [A.R.S. § 15-511](#) (Attorney General and County Attorney enforce improper use of school district resources to influence an election); [A.R.S. § 16-1019](#) (criminal violation to knowingly remove, alter, deface or cover any political sign or mailers, handouts, flyers or other printed candidate materials); [A.R.S. § 16-1022](#) (outlining various campaign finance-related criminal provisions).

¹⁸⁹⁰ [A.R.S. § 16-937](#). Enforcement matters regarding the completeness or accuracy of an already-filed campaign finance report must be initiated by a third-party complaint. *See* Chapter 8, Section 8.10.1.1.

¹⁸⁹¹ [A.R.S. § 16-937\(D\)-\(E\)](#).

8.10.1.2.2 EXTERNAL REFERRALS

A campaign finance complaint may result from a referral or other information provided by law enforcement authorities or other government agencies.¹⁸⁹²

The filing officer may rely on the information provided by the government entity, without requiring the entity to comply with the same requirements as a third-party complainant. In that case, the filing officer becomes the complainant and will seek a response from the respondent.

8.10.1.2.3 *SUA SPONTE* SUBMISSIONS

A person may voluntarily self-report his or her own alleged campaign finance violation. A self-report should include:

- The person's full name, mailing address and signature (regardless of whether the person is represented by counsel);
- An admission of each violation;
- A description of the facts, along with all relevant documentation that explains how the violation was discovered;
- A description of any actions that were taken in response to the violation, if any; and
- A list of any other agencies that are investigating the violation (or facts surrounding the violation).

To encourage self-reporting, the filing officer may adjudicate and, if satisfied with the remedial measures voluntarily undertaken, close the campaign finance complaint without referral to the enforcement officer. If the filing officer deems the remedial measures insufficient and/or the conduct at issue is particularly severe, the filing officer may refer the matter to the enforcement officer in accordance with normal procedures.¹⁸⁹³

¹⁸⁹² The fact that a person is or was subject to a criminal investigation or prosecution does not necessarily preclude the filing officer from enforcing the civil liability provisions of campaign finance law, even when the conduct at issue is the same and similar facts are involved. However, the filing officer also has discretion to hold the campaign finance case in abeyance during the criminal proceedings.

¹⁸⁹³ See Chapter 8, Section 8.10.2.1.1.

8.10.1.3 NOTICE TO RESPONDENTS

A “respondent” is the person¹⁸⁹⁴ who is the subject of the campaign finance complaint or referral.

Within 3 business days after receiving a properly filed complaint, the filing officer will send the respondent a copy of the complaint and a letter describing the filing officer’s campaign finance processing procedures.¹⁸⁹⁵ The notification letter reflects no judgment about the accuracy of the allegations, but is merely a vehicle for: (1) informing the respondent that the filing officer has received allegations as to possible violations of campaign laws by the respondent; (2) providing a copy of the complaint or referral document, or in limited circumstances, a summary of the complaint; and (3) giving the respondent an opportunity to respond in writing in a timely manner.

In cases where a person voluntarily self-reports his or her own alleged campaign finance violation, the filing officer will merely acknowledge receipt of the submission and inform the person that the filing officer will notify him or her once a decision has been made.

8.10.1.3.1 MITIGATING CONFLICTS OF INTEREST

A filing officer should avoid actual or perceived conflicts of interest when adjudicating a campaign finance complaint.¹⁸⁹⁶ A conflict analysis should be undertaken promptly after a complaint is filed and before the respondent is directed to file a response brief.

If a filing officer determines that a conflict of interest exists, the filing officer should refer a campaign finance complaint to a filing officer in another jurisdiction (provided that the receiving officer accepts the referral).¹⁸⁹⁷ In that case, the receiving officer should issue the notification and letter called for in Chapter 8, Section 8.10.1.3.¹⁸⁹⁸

The receiving officer has the same jurisdiction to make a reasonable cause determination as the original officer.¹⁸⁹⁹ If the receiving officer ultimately does find reasonable cause, he or she must

¹⁸⁹⁴ A “person” is defined as “an individual or a candidate, nominee, committee, corporation, limited liability company, labor organization, partnership, trust, association, organization, joint venture, cooperative or unincorporated organization or association.” [A.R.S. § 16-901\(39\)](#).

¹⁸⁹⁵ Inadvertent failure to send the notification within 3 business days is not grounds for dismissing the complaint or alleging misconduct against a filing officer.

¹⁸⁹⁶ [A.R.S. § 38-503\(B\)](#).

¹⁸⁹⁷ [A.R.S. § 16-938\(A\)](#).

¹⁸⁹⁸ If the original filing officer cannot promptly identify another filing officer who will accept the referral, the original filing officer should notify the complainant and respondent within 3 business days after the complaint was filed that: (1) the filing officer has a conflict of interest; and (2) the new filing officer (once identified) will contact the parties and formally initiate the enforcement proceedings.

¹⁸⁹⁹ [A.R.S. § 16-938\(A\)](#).

refer the matter back to the original filing officer, and the original filing officer must refer the matter to the enforcement officer for that jurisdiction. For example, if the Secretary of State refers a campaign finance matter to the Maricopa County Recorder, and the Recorder issues a reasonable cause finding, the Recorder must send the matter back to the Secretary of State for referral to the Attorney General.¹⁹⁰⁰

If a filing officer makes a reasonable cause finding, but believes the corresponding enforcement officer will have a conflict of interest, the filing officer nonetheless must make the referral to that enforcement officer.¹⁹⁰¹ It is incumbent upon the enforcement officer to then declare a conflict of interest and refer the matter to another enforcement officer.

8.10.1.4 FILING A RESPONSE BRIEF

The response is the respondent's opportunity to demonstrate to the filing officer why the filing officer should not pursue an enforcement action, or to clarify, correct, or supplement the information in the complaint or referral. Respondents are not required to respond to the allegations.

Respondents, if they choose, may be represented by counsel. When the respondent is a political committee, the filing officer will assume the representation also covers the committee treasurer in his or her official capacity (unless the respondent specifies otherwise). Once the filing officer receives a notification that the respondent is represented by counsel, the filing officer will communicate only with the counsel unless otherwise authorized by the respondent.

There is no prescribed format for responses. While not required, providing documentation, including sworn affidavits from persons with first-hand knowledge of the facts, tends to be helpful. It is also helpful for a respondent to specifically address each allegation in the complaint. The response may be filed by email, and the respondent need not copy the complainant on the response.

Upon request by the respondent, the filing officer may extend the response deadline by 10 days for good cause shown.¹⁹⁰² The respondent must make the request to the filing officer in writing. The filing officer is normally expected to grant the extension request, but may decline to do so if good cause has not been demonstrated (and especially if the request appears timed to delay the

¹⁹⁰⁰ The original filing officer may not accept, reject or modify the receiving filing officer's decision under the Arizona Administrative Procedures Act, regardless of whether reasonable cause or no reasonable cause was found. The original filing officer therefore has a nondiscretionary duty to act upon the findings presented by the receiving filing officer, whether than entails referral to the enforcement officer or dismissal.

¹⁹⁰¹ *Comm. for Justice & Fairness v. Arizona Sec'y of State's Office*, 235 Ariz. 347, 350 (App. 2014); *Winn v. Maricopa County Attorney's Office*, CV2013-003007, Minute Entry pg. 5 (Maricopa County Super. Ct. May 3, 2013).

¹⁹⁰² "Good cause" in this context means any good faith reason for needing an extension.

enforcement matter past the forthcoming election). It is not necessary to copy the complainant on the extension request, but the filing officer will copy the complainant on the filing officer's decision on the extension request.

8.10.1.5 FILING A REPLY BRIEF

Within 3 business days after receiving a response, the filing officer will send the complainant a copy of the response brief and a letter that explains the opportunity for the complainant to file a reply brief.

The reply is the complainant's opportunity to address issues raised in the response brief and/or buttress the complaint's original allegations. The reply brief may not raise new issues that were not addressed in the original complaint. Complainants are not required to file a reply.

The filing officer may set a reply deadline not to exceed 14 calendar days. The filing officer may not take any action on the complaint or referral (other than dismiss the matter) until this time period has passed.

There is no prescribed format for replies. The reply may be filed by email, and the respondent need not copy the complainant on the response.

Upon request by the complainant, the filing officer may extend the reply deadline by up to 10 days for good cause shown.¹⁹⁰³ The same requirements for requesting a response extension apply to requests for a reply extension.¹⁹⁰⁴

8.10.2 DECISION BY FILING OFFICER

After the reply period (and any extension of time, if granted) has elapsed, the filing officer will evaluate the complaint, response and reply (if any) to determine whether there is reasonable cause to believe a violation occurred.

A filing officer should address complaints in the order received unless the matter is deemed high priority. In general, matters deemed high priority are those reflecting factors such as:

- A substantial amount of activity is involved;
- High legal complexity;
- The presence of possible knowing and willful intent; or
- Violations that potentially could affect the forthcoming election.

¹⁹⁰³ "Good cause" in this context means any good faith reason for needing an extension.

¹⁹⁰⁴ See Chapter 8, Section 8.10.1.4.

The filing officer should consider the complaint, response, and reply (if any), any relevant campaign finance reports or documents on file with the filing officer, and any other information available in the public record. The filing officer does not possess subpoena powers to compel production of evidence or attendance of witnesses concerning a potential campaign finance violation (nor may any party to the proceeding conduct discovery).¹⁹⁰⁵

8.10.2.1 DETERMINING WHETHER A VIOLATION OCCURRED

A filing officer may take one of three courses of action: find reasonable cause, dismiss the matter, or find no reasonable cause.¹⁹⁰⁶

8.10.2.1.1 FINDING REASONABLE CAUSE

A filing officer must find “reasonable cause to believe a person violated” campaign finance law as a precondition to referring the matter to an enforcement officer.¹⁹⁰⁷ A reasonable cause finding is not a definitive finding that the respondent violated campaign finance law, but instead simply means that the filing officer believes a violation may have occurred.

In determining whether there is reasonable cause, the standard of review is whether there is “probable cause” to support the complainant’s allegations. “Probable cause” requires evidence somewhat less than that necessary to meet a “preponderance of the evidence” standard. Rather, “probable cause” generally means there is reasonably trustworthy information and circumstances that would lead a reasonable person to conclude there is substantial likelihood that the respondent committed a violation.¹⁹⁰⁸

8.10.2.1.2 DISMISSAL OF COMPLAINT

Pursuant to an exercise of prosecutorial discretion, a filing officer may dismiss a matter that does not merit further use of government resources. The filing officer may take into account the following factors when deciding whether to dismiss a complaint:

- Whether there is a small dollar amount at issue;
- The insignificance of the alleged violation;

¹⁹⁰⁵ [A.R.S. § 16-938\(D\)](#).

¹⁹⁰⁶ A complainant or respondent may contact the filing officer at any time to ask questions they may have about the current status of the case. However, the filing officer should not address substantive questions before the matter has been decided, and should copy the opposing party on written communications if necessary to preserve the fairness and/or integrity of the investigation.

¹⁹⁰⁷ [A.R.S. § 16-938\(C\)](#).

¹⁹⁰⁸ See *In re Shaheen Tr.*, 236 Ariz. 498, 501 (App. 2015); *State v. Keener*, 206 Ariz. 29, 32 (App. 2003); see also Ariz. Admin Code R2-20-215.

- The vagueness or weakness of the evidence;
- Whether the alleged violation has been remedied and not likely to be repeated; and
- Whether the alleged violation was unintentional.

If dismissal is warranted, the filing officer may send a letter cautioning or reminding the respondent regarding the relevant legal obligations going forward.

8.10.2.1.3 FINDING NO REASONABLE CAUSE

A filing officer should find “no reasonable cause” a violation occurred when the complaint, response and reply (if any), along with any publicly available information, when taken together, fail to give rise to a reasonable inference that a violation has occurred (or even if the allegations were true, would not constitute a violation of the law). For example, a no reasonable cause finding would be appropriate when:

- A violation has been alleged, but the respondent’s response or other evidence demonstrates that no violation has occurred;
- A complaint alleges a violation but is either not credible or is so vague that further inquiry or investigation would be unwarranted; or
- A complaint fails to describe a violation of campaign finance law.

8.10.2.2 ISSUANCE AND NOTIFICATION OF DECISION

A filing officer should issue a reasoned decision with a reasonably complete factual and legal analysis. A filing office has no deadline to render a decision but should keep the parties reasonably apprised of the projected decision timetable. The filing officer should notify all parties in writing of the decision.

If the filing officer dismisses the complaint or finds no reasonable cause, the matter is closed and no notification is given to the enforcement officer. A dismissal or finding of no reasonable cause are not considered appealable actions.

If the filing officer finds reasonable cause, the filing officer must notify the enforcement officer and provided all relevant documentation from the case:¹⁹⁰⁹

- For matters investigated by the Secretary of State as filing officer, the Secretary must notify the Attorney General;

¹⁹⁰⁹ [A.R.S. § 16-938\(C\)](#).

- For matters investigated by a county filing officer, the county filing officer must notify the county attorney; or
- For matters investigated by a city or town filing officer, the city or town filing officer must notify the city or town attorney.¹⁹¹⁰

If the filing officer determines there is reasonable cause to believe that knowing and intentional representations were made, the filing officer may refer the matter to the enforcement officer for possible criminal prosecution as well.¹⁹¹¹

8.10.3 DECISION BY ENFORCEMENT OFFICER

Upon receipt of a reasonable cause finding from a filing officer, an enforcement officer must:

- Review the matter for potential conflicts of interest;¹⁹¹²
- If necessary, conduct an investigation and/or compel discovery through the enforcement officer's subpoena powers;¹⁹¹³ and
- Reach a final decision whether a campaign finance violation occurred.¹⁹¹⁴

¹⁹¹⁰ [A.R.S. § 16-938\(C\)\(1\)-\(3\)](#).

¹⁹¹¹ [A.R.S. § 16-1021](#).

¹⁹¹² An enforcement officer should avoid actual or perceived conflicts of interest when adjudicating campaign finance complaints. [A.R.S. § 38-503\(B\)](#). If an enforcement officer declares a conflict, the enforcement officer may refer a campaign finance complaint to an enforcement officer in another jurisdiction (provided that the receiving officer accepts the referral) unless other protocols have been established to address conflicts of interest. In that case, the receiving officer has the same jurisdiction to investigate and/or issue a notice of violation and enforcement order as the original officer.

A related conflict of interest involves blending the roles of filing officer and enforcement officer. In order to maintain the necessary degree of independence, the enforcement officer generally should not render legal advice to the filing officer while maintaining an enforcement role. For example, it is improper for the enforcement officer to advise the filing officer that reasonable cause exists and later initiate an enforcement action after receiving a referral from that filing officer. Alternative options include, but are not limited to, the following: (1) the enforcement officer could establish a conflict wall to ensure the same attorney providing advice is not the same attorney initiating enforcement; (2) the filing officer could seek legal advice from outside counsel (other than the enforcement officer) to reach a reasonable cause decision; or (3) the enforcement officer could delegate his or her enforcement authority to outside counsel, thereby allowing the original enforcement officer to continue providing legal advice to the filing officer.

¹⁹¹³ [A.R.S. § 16-938\(E\)\(1\)](#). The enforcement officer must keep any nonpublic information independently gathered in the course of the investigation (other than the complaint, response, reply and accompanying exhibits) confidential until the final disposition of any appeal of the enforcement order. [A.R.S. § 16-938\(E\)\(3\)](#).

8.10.3.1 ISSUANCE OF NOTICE OF VIOLATION

If the enforcement officer determines a violation occurred, the enforcement officer may serve a notice of violation on the respondent. The notice must¹⁹¹⁵

- State with reasonable particularity the nature of the violation;
- Specify the fine or penalty imposed, and any other corrective action required to be undertaken; and
- Require compliance within 20 calendar days after the date of issuance of the notice.¹⁹¹⁶

8.10.3.1.1 LATE CAMPAIGN FINANCE REPORTS

In the case of a registered committee's failure to file campaign finance reports, no further investigation or discovery are generally necessary and the enforcement officer may proceed to issue a notice of violation. The notice should include a calculation of the penalties that have accrued between the filing deadline and the date of the notice of violation,¹⁹¹⁷ and state that penalties will continue to accrue until paid in full or corrective action is taken.¹⁹¹⁸

8.10.3.1.2 OTHER CAMPAIGN FINANCE VIOLATIONS

In the case of any other campaign finance violation, the notice of violation should include a presumptive financial penalty equal to the amount of money improperly received, spent or promised in violation of the law.¹⁹¹⁹ In special circumstances, based on the severity, extent or willful nature of the violation, the enforcement officer may issue a financial penalty up to three times the amount of money improperly received, spent or promised.¹⁹²⁰ The enforcement officer should outline the special circumstances in the notice of violation.

¹⁹¹⁴ The enforcement officer has the sole and exclusive authority to initiate any proceedings to enforce an alleged violation of campaign finance law (other than the Citizens Clean Elections Act) that have been referred by the filing officer. [A.R.S. § 16-938\(F\)](#).

¹⁹¹⁵ [A.R.S. § 16-938\(E\)\(2\)](#). The notice of violation and order of compliance are combined in one document.

¹⁹¹⁶ [A.R.S. § 16-938\(E\)\(2\)](#).

¹⁹¹⁷ The penalty of \$10.00 per day for the first 15 days and \$25.00 per day for each day thereafter is the exclusive financial penalty for late campaign finance reports. [A.R.S. § 16-937\(B\)](#). Accordingly, the enforcement officer need not "impose a presumptive civil penalty equal to the amount of money that has been received, spent or promised in violation of [campaign finance law]" in these circumstances. See [A.R.S. § 16-938\(E\)\(2\)](#).

¹⁹¹⁸ [A.R.S. § 16-938\(E\)\(2\)](#).

¹⁹¹⁹ [A.R.S. § 16-938\(E\)\(2\)](#).

¹⁹²⁰ [A.R.S. § 16-938\(E\)\(2\)](#). The complainant is not required to plead or demonstrate that treble damages should be imposed by the filing or enforcement officer. The enforcement officer may make this decision solely in his or her prosecutorial discretion.

A notice of violation also may require the respondent to form a political committee and thereafter file campaign finance reports for past and future political activity. If the respondent timely appeals this ruling,¹⁹²¹ however, the respondent need not file the campaign finance reports unless and until the enforcement officer's notice of violation has been upheld.¹⁹²²

8.10.3.2 RESPONSE TO NOTICE OF VIOLATION

8.10.3.2.1 RESPONDENT TAKES CORRECTIVE ACTION

If a notice of violation requires corrective action and payment of a fine or financial penalty, and the respondent takes the specified corrective action within 20 days of being served with the notice, the respondent is not subject to any fine or financial penalty.¹⁹²³ In that case, the enforcement officer should close the matter and issue a confirmation in writing.

8.10.3.2.2 RESPONDENT TAKES NO CORRECTIVE ACTION

If the respondent fails to timely comply with a notice of violation, the enforcement officer may impose the fine or financial penalty (if any) and provide the respondent a final notice stating that the fine or penalty constitutes an appealable agency action.¹⁹²⁴ The final notice must:

- Identify the statute, rule or provision upon which the decision was based;
- Identify with reasonable particularity the reason why corrective action or a fine or financial penalty was imposed;
- Include a description of the respondent's right to request a hearing on the decision; and
- Include a description of the respondent's right to request an informal settlement conference pursuant to [A.R.S. § 41-1092.06](#).¹⁹²⁵

If the respondent does not appeal the final notice by requesting an administrative hearing within 30 days, the enforcement officer may file an action in Superior Court to enforce the order.

8.10.3.2.3 RESPONDENT APPEALS TO ADMINISTRATIVE LAW JUDGE

¹⁹²¹ See Chapter 8, Section 8.10.3.3.3.

¹⁹²² [A.R.S. § 16-938\(E\)\(2\)](#).

¹⁹²³ [A.R.S. § 16-938\(G\)\(1\)](#). If the violator takes corrective action prior to referral to the enforcement officer or otherwise meets the criteria for dismissal pursuant to Chapter 8, Section 8.10.2.1.2, the filing officer may waive any fine or financial penalty pursuant to [A.R.S. § 16-938\(G\)\(1\)](#).

¹⁹²⁴ [A.R.S. § 16-938\(G\)\(2\)](#).

¹⁹²⁵ [A.R.S. § 41-1092.03\(A\)](#).

If the respondent fails to comply with a final notice but timely files an appeal, the final notice is held in abeyance until the appeal is resolved.

A respondent must file the notice of appeal with the enforcement officer within 30 days after receiving the final decision.¹⁹²⁶ The notice of appeal must:

- Identify the respondent;
- Provide the respondent's address;
- Identify the enforcement officer and action being appealed; and
- Contain a concise statement of the reasons for the appeal.¹⁹²⁷

The notice of appeal must be served by personal delivery or certified mail, return receipt requested.¹⁹²⁸

Within 5 business days of receiving an appeal, the enforcement officer must:

- Notify the filing officer, the complainant, and any other persons potentially affected by the appeal; and
- Request a hearing from the Office of Administrative Hearings.¹⁹²⁹

8.10.3.2.3.1 ADMINISTRATIVE HEARING

If an informal settlement conference is not requested,¹⁹³⁰ the hearing before the Office of Administrative Hearings:

- Must be conducted no later than 60 days after the appeal was filed with the enforcement officer;
- Must include a complete and accurate record;
- Must be conducted in accordance with [A.R.S. § 41-1092.07](#); and
- Must be presided over by an administrative law judge, who must issue a recommended decision pursuant to [A.R.S. § 41-1092.08\(A\)](#).

The respondent bears the burden of persuasion to establish that no campaign finance violation occurred.

¹⁹²⁶ [A.R.S. § 16-938\(H\)](#); [A.R.S. § 41-1092.03\(B\)](#). If good cause is shown, the enforcement officer may accept an appeal that was not filed in a timely manner. [A.R.S. § 41-1092.03\(C\)](#).

¹⁹²⁷ [A.R.S. § 41-1092.03\(B\)](#).

¹⁹²⁸ [A.R.S. § 41-1092.04](#).

¹⁹²⁹ [A.R.S. § 41-1092.03\(B\)](#).

¹⁹³⁰ [A.R.S. § 41-1092.06](#).

The administrative hearing must be prosecuted by the enforcement officer's staff. The chief enforcement officer (*i.e.* the ultimate decision maker for the agency) must be walled off from the administrative matter and therefore may not:

- Personally participate in the hearing;
- Participate in strategy or preparation sessions for the hearing; or
- Direct or control the staff involved in prosecuting the hearing.¹⁹³¹

The administrative law judge must issue a recommended decision within 20 days after the hearing is concluded.¹⁹³²

8.10.3.2.3.2 ACTION ON RECOMMENDED DECISION

Within 30 days following issuance of the administrative law judge's recommended decision, the enforcement officer may accept, reject, or modify the decision by issuing a final determination.¹⁹³³ The enforcement officer must provide notice of the final determination to the respondent and any other interested parties.

If the enforcement officer issues a final determination that requires corrective action and/or payment of a fine or financial penalty, the notice must inform the respondent of his or her right to appeal the determination in Superior Court within 35 days.¹⁹³⁴

8.10.3.3 RESPONSE TO FINAL DETERMINATION

8.10.3.3.1 RESPONDENT TAKES CORRECTIVE ACTION

If the enforcement officer issues a final determination that requires corrective action and/or payment of a fine or financial penalty, and the respondent takes the specified corrective action and/or pays the fine or financial penalty within 35 days of being served with the final determination, the enforcement officer may close the matter and issue a confirmation in writing.

¹⁹³¹ *Horne v. Polk*, 242 Ariz. 226, 228 (2017).

¹⁹³² [A.R.S. § 41-1092.08\(A\)](#).

¹⁹³³ [A.R.S. § 41-1092.08\(B\)](#). The only remedy available is recommended reversal or modification of the Secretary of State's final decision. Damages of any kind may not be awarded.

¹⁹³⁴ [A.R.S. § 12-904\(A\)](#).

8.10.3.3.2 RESPONDENT TAKES NO CORRECTIVE ACTION

If the respondent fails to take corrective action and/or pay the fine or financial penalty, and does not appeal the final determination by filing an appeal in Superior Court within 35 days, the enforcement officer may file an action in Superior Court to enforce the order.

8.10.3.3.3 RESPONDENT APPEALS TO SUPERIOR COURT

If the respondent appeals the final determination by filing an action in Superior Court within 35 days,¹⁹³⁵ the appeal must be conducted in accordance with the provisions for judicial review of administrative decisions.¹⁹³⁶

¹⁹³⁵ [A.R.S. § 12-904\(A\)](#).

¹⁹³⁶ [A.R.S. § 16-938\(I\)](#); *see also* [A.R.S. § 12-901](#) to [A.R.S. § 12-914](#).

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CHAPTER 9 Holding Public Office

This chapter outlines:

- The qualifications to hold public office, including the qualifications that must be met when seeking elective office; and
- The procedures to seek elective office, which may involve filing various documents with the appropriate officer such as:¹⁹³⁷
 - A “nomination paper” that expresses the candidate’s intent to run for office, outlines the preferred spelling of the candidate’s name for the ballot,¹⁹³⁸ and contains a declaration that the candidate is qualified for the office sought;¹⁹³⁹
 - A requisite number of nomination petition signatures; and/or
 - A financial disclosure statement;¹⁹⁴⁰
- The requirements to meet upon assuming office; and
- The procedures the procedures to fill a vacancy, including a vacancy on the ballot.

9.1 QUALIFICATIONS TO HOLD PUBLIC OFFICE

Officials must be qualified to hold elective public office. An official must meet the requisite qualificationseven if he or she was appointed to an elective office.

9.1.1 QUALIFICATIONS COMMON TO ALL PUBLIC OFFICES

A candidate’s qualifications to hold public office may be judged at various stages of the electoral process. For example, a candidate might have to meet qualification requirements at the time he or she files a nomination paper, at the time of election, or at the time he or she takes office.

The following qualifications must be met at the time a candidate for elective office files a nomination paper with the filing officer:

¹⁹³⁷ The filing officer is the appropriate state, county, or local official charged with accepting nomination papers for the elective office in question. *See* Chapter 9, Section 9.2.3.

¹⁹³⁸ *See* Chapter 4, Section 4.1.6.1.1.1; Chapter 9, Section 9.2.1.1.1.1.1.

¹⁹³⁹ [A.R.S. § 16-311\(A\)-\(B\), \(D\), \(J\)\(2\)](#).

¹⁹⁴⁰ Federal candidates and precinct committeemen candidates are not required to file financial disclosure statements. County, city, town, and groundwater replenishment district governing board candidates are required to file financial disclosure statements in accordance with local ordinances, rules, resolutions or regulations governing financial disclosure. [A.R.S. § 38-541\(6\)](#); [A.R.S. § 38-545](#).

- The candidate (other than a federal candidate) must be a qualified elector in the jurisdiction in which he or she seeks election;¹⁹⁴¹
- The candidate (other than a federal candidate) must reside in the in the jurisdiction in which he or she seeks election;¹⁹⁴²
- The candidate (other than a federal candidate) must be able to speak, write, and read English;¹⁹⁴³ and
- The candidate must set forth facts in the nomination paper sufficient to prove that he or she will be qualified at the time of election to hold the office the candidate seeks.¹⁹⁴⁴

In addition, the following qualifications must be met at the time a candidate is elected to public office:

- The candidate (other than a federal candidate) must be at least 18 years old, unless a higher minimum age is required by the Arizona Constitution;¹⁹⁴⁵
- The candidate must be a U.S. Citizen;¹⁹⁴⁶
- The candidate must be a resident of Arizona;¹⁹⁴⁷ and
- If seeking election to a partisan office, the candidate must be continuously registered with the political party for which he or she seeks a nomination (beginning at the time of the first signature is obtained on the candidate’s nomination petitions through the date of the general election at which the person is a candidate).¹⁹⁴⁸

¹⁹⁴¹ [Ariz. Const. Art. VII, § 15](#); [A.R.S. § 16-311\(A\)-\(B\)](#); *O’Hern v. Bowling*, 109 Ariz. 90 (1973); *see also* [A.R.S. § 16-121](#); Chapter 1, Section 1.12. A federal candidate is not required to be a qualified elector. [A.R.S. § 16-311\(A\)](#); *see also* [U.S. Const. Art. I, § 2, cl. 2](#); *U.S. Term Limits, Inc. v. Thornton*, 514 U.S. 779, 783 (1995).

¹⁹⁴² [A.R.S. § 16-311\(A\)-\(B\)](#). A presidential candidate need not reside in Arizona. A candidate for U.S. Senate need only reside in Arizona at the time of election. [U.S. Const. Art. I, § 3, cl. 3](#); *Schaefer v. Townsend*, 215 F.3d 1031, 1037 (9th Cir. 2000). A congressional candidate is not required to reside in the congressional district. [A.R.S. § 16-311\(A\)](#); *see also* *Contreras v. Bennett*, CV2010-017685, at 3 (Maricopa County Sup. Ct. June 15, 2010).

¹⁹⁴³ Ariz. Enabling Act, Act of June 20, 1910, ch. 310, § 20, 36 Stat. 557, 570; [Ariz. Const. Art. XX, § 8](#); [A.R.S. § 38-201\(C\)](#); *see also* *Escamilla v. Cuello*, 230 Ariz. 202 (2012) (implying this qualification must be met at the time the candidate seeks office, not simply when the candidate is elected to office).

¹⁹⁴⁴ [A.R.S. § 16-311\(D\)](#).

¹⁹⁴⁵ [A.R.S. § 38-201\(A\)](#). *See* Chapter 9, Section 9.1.3; Chapter 9, Section 9.1.4.

¹⁹⁴⁶ [U.S. Const. Art. I, § 2, cl. 2](#); [U.S. Const. Art. I, § 3, cl. 3](#); [A.R.S. § 38-201\(A\)](#).

¹⁹⁴⁷ [U.S. Const. Art. I, § 2, cl. 2](#); [U.S. Const. Art. I, § 3, cl. 3](#); [A.R.S. § 38-201\(A\)](#).

¹⁹⁴⁸ [A.R.S. § 16-311\(A\)](#).

9.1.2 QUALIFICATIONS TO HOLD FEDERAL OFFICE

Federal offices (other than President of the United States)¹⁹⁴⁹ consist of U.S. Senator and member of the U.S. House of Representatives.¹⁹⁵⁰

In order to be elected to U.S. Senate, a candidate must meet the following qualifications at the time of the general election:

- Must be at least 30 years old;
- Must have been a U.S. citizen for at least 9 years; and
- Must be an Arizona resident.¹⁹⁵¹

In order to be elected to the U.S. House of Representatives, a candidate must meet the following qualifications at the time of the general election:

- Must be at least 25 years old;
- Must have been a U.S. citizen for at least 7 years; and
- Must be an Arizona resident.¹⁹⁵²

9.1.3 QUALIFICATIONS TO HOLD STATE OFFICE

Statewide offices consist of Governor, Secretary of State, Attorney General, State Treasurer, Superintendent of Public Instruction, State Mine Inspector, and Corporation Commissioner.¹⁹⁵³

¹⁹⁴⁹ See Chapter 9, Section 9.2.2.

¹⁹⁵⁰ A U.S. Senator holds a 6-year term beginning on January 3 after the general election in which he or she was elected. [U.S. Const. Art. I, § 2, cl. 1](#); [U.S. Const., XX Amendment, § 1](#); [2 U.S.C. § 1](#). A member of the U.S. House of Representatives holds a 2-year term beginning January 3 after the general election in which he or she was elected. [U.S. Const. Art. I, § 3, cl. 1](#); [U.S. Const., XX Amendment, § 1](#); [2 U.S.C. § 7](#).

¹⁹⁵¹ [U.S. Const. Art. I, § 3, cl. 3](#).

¹⁹⁵² [U.S. Const. Art. I, § 2, cl. 2](#).

¹⁹⁵³ [Ariz. Const. Art. V, § 1\(A\)](#); [Ariz. Const. Art. XIX](#); [Ariz. Const. Art. XV, § 1](#). Each officer holds a 4-year term beginning on the first Monday in January after the general election in which he or she was elected. [Ariz. Const. Art. V, § 1](#); [Ariz. Const. Art. XIX](#); [Ariz. Const. Art. XV, § 1\(B\)](#). The office of Governor, Secretary of State, Attorney General, State Treasurer, Superintendent of Public Instruction, and Corporation Commission are limited to 2 consecutive 4-year terms in office, while the State Mine Inspector is limited to 4 consecutive 4-year terms in office. [Ariz. Const. Art. V, § 1\(A\)](#); [Ariz. Const. Art. XV, § 1\(A\)](#); [Ariz. Const. Art. XIX](#); see also *Hughes v. Martin*, 203 Ariz. 165 (2002) (reconciling the conflicting 1992 amendments to Article XIX and holding that the State Mine Inspector, in effect, is entitled to hold 4 consecutive 4-year terms in office).

In order to be elected to statewide office, a candidate must meet the following qualifications at the time of the general election:

- Must be at least 25 years old;
- Must have been a U.S. citizen for at least 10 years; and
- Must have been an Arizona resident for at least 5 years.¹⁹⁵⁴

9.1.3.1 QUALIFICATIONS TO HOLD OFFICE OF ATTORNEY GENERAL

Upon assuming office, the Attorney General:

- Must be admitted to practice law before the Arizona Supreme Court for at least 5 years;¹⁹⁵⁵ and
- May not engage in the private practice of law or any other profession that conflicts with the duties of Attorney General.¹⁹⁵⁶

9.1.4 QUALIFICATIONS TO HOLD LEGISLATIVE OFFICE

Legislative offices consist of State Senator and State Representative.¹⁹⁵⁷

In order to be elected to legislative office, a candidate must meet the following qualifications at the time of the general election:

- Must be at least 25 years old;
- Must be a U.S. citizen;
- Must have been an Arizona resident for at least 3 years; and
- Must have been a resident in the county from which he or she was elected for at least 1 year.¹⁹⁵⁸

¹⁹⁵⁴ [Ariz. Const. Art. V, § 2](#). See also Chapter 9, Section 9.1.1. Once elected, members of the “executive department” (Governor, Secretary of State, Attorney General, State Treasurer, and Superintendent of Public Instruction) must reside at the “seat of government.” [Ariz. Const. Art. V, § 1\(C\)](#). Corporation commissioners must “maintain their chief office at the state capital.” [Ariz. Const. Art. XV, § 1\(B\)](#).

¹⁹⁵⁵ [A.R.S. § 41-191\(A\)](#).

¹⁹⁵⁶ [A.R.S. § 41-191\(B\)](#).

¹⁹⁵⁷ [Ariz. Const. Art. IV, pt. 2, § 1\(1\)](#). Each legislator holds a 2-year term beginning on the first Monday in January after the general election in which he or she was elected (notwithstanding that the legislative session begins on the second Monday in January). [Ariz. Const. Art. IV, pt. 2, § 21](#).

¹⁹⁵⁸ [Ariz. Const. Art. IV, § 2](#). See also Chapter 9, Section 9.1.1.

Upon assuming legislative office, a Senator or Representative may not be employed by or hold any federal, state, county, or incorporated city/town office, except:

- Service in the National Guard;¹⁹⁵⁹
- Service as a United States commissioner;¹⁹⁶⁰
- Employment as a postmaster of the fourth class;¹⁹⁶¹
- Employment as a public school teacher or instructor;¹⁹⁶²
- Service on a community college, school district, or joint technical education district governing board;¹⁹⁶³ or
- Service as a notary public.¹⁹⁶⁴

9.1.5 QUALIFICATIONS TO HOLD COUNTY OFFICE

County offices consist of Sheriff, County Attorney, County Recorder, County Treasurer, County Assessor, County Superintendent of Schools, and County Supervisor.¹⁹⁶⁵

In order to be elected to county office, a candidate must meet the following specific qualifications at the time of the general election:

- Must be at least 18 years old;
- Must be an Arizona resident;
- Must be a registered voter in the county from which he or she was elected; and
- Must be able to read and write English.¹⁹⁶⁶

9.1.5.1 QUALIFICATIONS TO HOLD OFFICE OF COUNTY ATTORNEY

Upon assuming office, the County Attorney:

- Must be admitted to practice law in Arizona,¹⁹⁶⁷ and

¹⁹⁵⁹ [Ariz. Const. Art. IV, § 4.](#)

¹⁹⁶⁰ [Ariz. Const. Art. IV, § 4.](#)

¹⁹⁶¹ [Ariz. Const. Art. IV, § 4.](#)

¹⁹⁶² [Ariz. Const. Art. V, pt. 2, § 5.](#)

¹⁹⁶³ [Ariz. Const. Art. V, pt. 2, § 5.](#)

¹⁹⁶⁴ [Ariz. Const. Art. IV, § 4.](#)

¹⁹⁶⁵ [Ariz. Const. Art. XII, § 3](#); [A.R.S. § 11-401\(A\)](#). Each officer holds a 4-year term beginning on January 1 after the general election in which he or she was elected. [Ariz. Const. Art. XII, § 3.](#)

¹⁹⁶⁶ [A.R.S. § 11-402](#). See also Chapter 9, Section 9.1.1.

¹⁹⁶⁷ [A.R.S. § 11-531\(A\)](#).

- May not engage in the private practice of law without consent of the Board of Supervisors.¹⁹⁶⁸

9.1.5.2 QUALIFICATIONS TO HOLD OFFICE OF COUNTY SUPERINTENDENT OF SCHOOLS

In order to be elected as County Superintendent of Schools, a candidate must hold a basic or standard certificate to teach in Arizona schools at the time of the general election.¹⁹⁶⁹

9.1.6 QUALIFICATIONS TO HOLD PRECINCT OFFICE

Precinct offices consist of Justices of the Peace, Constable, and Precinct Committeeman.¹⁹⁷⁰

In order to be elected to the office of Justice or the Peace or Constable, a candidate must meet the following specific qualifications at the time of the general election:¹⁹⁷¹

- Must be at least 18 years old;
- Must be an Arizona resident;
- Must be a registered voter in the county and precinct from which he or she was elected; and
- Must be able to read and write English.¹⁹⁷²

In order to be elected to the office of Precinct Committeeman, a candidate must meet the following specific qualifications at the time of the primary election:

- Must be registered voter in the precinct and county from which he or she was elected; and
- Must be a registered voter with the recognized political party for which he or she seeks to become a Precinct Committeeman.¹⁹⁷³

¹⁹⁶⁸ [A.R.S. § 11-403\(B\)\(1\)](#).

¹⁹⁶⁹ [A.R.S. § 15-301\(A\)](#).

¹⁹⁷⁰ *Nicol v. Superior Court, Maricopa County*, 106 Ariz. 208, 209 (1970) (Justices of the Peace and Constables are “precinct officers” pursuant to [A.R.S. § 22-102](#)). The office of Precinct Committeeman is treated as a “precinct officer” for purposes of this Manual.

¹⁹⁷¹ A Justice of the Peace and Constable holds a 4-year term beginning on January 1 after the general election in which he or she was elected. [A.R.S. § 22-102](#); [A.R.S. § 22-111](#). A Precinct Committeeman holds a 2-year office beginning on October 1 after the primary election in which he or she was elected. [A.R.S. § 16-822\(F\)](#).

¹⁹⁷² [A.R.S. § 11-402](#); *Nicol v. Superior Court, Maricopa County*, 106 Ariz. 208, 209 (1970) (holding that Justice of the Peace and Constable candidates are subject to the same qualifications as county officers); *State v. Lynch*, 107 Ariz. 463, 464 (1971) (holding that a Justice of the Peace must meet county officer qualifications but need not be an attorney). *See also* Chapter 9, Section 9.1.1.

9.1.7 QUALIFICATIONS TO HOLD SCHOOL DISTRICT GOVERNING BOARD OFFICE

In order to be elected to a school district governing board, a candidate must meet the following specific qualifications at the time of the general election:¹⁹⁷⁴

- Must be a resident of the district for at least 1 year prior to the election;¹⁹⁷⁵
- Must be a registered voter;¹⁹⁷⁶
- May not be employed with or be contracted to provide services to (or have a spouse employed with or contracted to provide services to) a school district in which he or she was elected to the governing board;¹⁹⁷⁷
- May not simultaneously serve on any other school district governing board (or simultaneously seek election to both types offices other than in the last year of one's current term);¹⁹⁷⁸ and
- May not have any other disqualifying familial conflicts of interest.¹⁹⁷⁹

9.1.8 QUALIFICATIONS TO HOLD COMMUNITY COLLEGE DISTRICT GOVERNING BOARD OFFICE

In order to be elected to a community college district governing board, a candidate must meet the following specific qualifications at the time of the general election:¹⁹⁸⁰

- Must reside in the applicable district and county;¹⁹⁸¹
- May not be an elected county official;¹⁹⁸² and

¹⁹⁷³ [A.R.S. § 16-822\(A\)](#). See also Chapter 9, Section 9.1.1.

¹⁹⁷⁴ School district governing board members serve 4-year terms beginning on January 1 after the general election in which he or she was elected. [A.R.S. § 15-424\(B\)](#); [A.R.S. § 15-427\(B\)](#); [A.R.S. § 15-429\(A\)](#); [A.R.S. § 15-430](#); [A.R.S. § 15-448\(D\)-\(E\)](#); [A.R.S. § 15-451](#).

¹⁹⁷⁵ [A.R.S. § 15-421\(C\)](#); but see [A.R.S. § 15-429\(A\)](#); [A.R.S. § 15-431\(B\)\(5\)](#).

¹⁹⁷⁶ [A.R.S. § 15-427\(A\)](#); [A.R.S. § 15-421\(C\)](#).

¹⁹⁷⁷ [A.R.S. § 15-421\(D\)](#).

¹⁹⁷⁸ [A.R.S. § 15-421\(E\)](#).

¹⁹⁷⁹ [A.R.S. § 15-421\(G\)-\(J\)](#). A candidate should also provide a statement and various candidate-related information to the County Superintendent of Schools for posting on a website, including a disclosure of any family relationships with existing governing board members. [A.R.S. § 15-421\(F\)](#).

¹⁹⁸⁰ Community college district governing board members serve 6-year terms, except board members serve 4 year terms in counties with a population of at least 3 million persons. [A.R.S. § 15-1441\(C\), \(I\)](#).

¹⁹⁸¹ [A.R.S. § 15-1441](#) requires “election of a district board member from each precinct” and stipulates that “where a district consists of two or more counties at least one member shall reside in each county.” [A.R.S. § 15-1441\(A\)-\(B\)](#).

- May not be employed (or have a spouse employed) in the community college district in which he or she was elected to the governing board.¹⁹⁸³

9.1.9 QUALIFICATIONS TO HOLD JOINT TECHNICAL EDUCATION DISTRICT OFFICE

In order to be elected to a joint technical education district governing board, a candidate must meet the following specific qualifications at the time of the general election:¹⁹⁸⁴

- Must be reside in the applicable district and county;¹⁹⁸⁵
- Must be a registered voter in the county and the district from which he or she was elected;¹⁹⁸⁶
- May not be employed (or have a spouse employed) in the community college district in which he or she was elected to the governing board;¹⁹⁸⁷ and
- May not simultaneously serve on any other school district or joint technical education district governing board (or simultaneously seek election to both types of offices other than in the last year of one's current term).¹⁹⁸⁸

9.1.10 QUALIFICATIONS TO HOLD ELECTED JUDICIAL OFFICE

Superior Court judges are elected in counties with fewer than 250,000 persons.¹⁹⁸⁹

An elected Superior Court judge must meet the following qualifications at the time of the general election:

- Must be at least 30 years old;¹⁹⁹⁰
- Must be of good moral character;¹⁹⁹¹

¹⁹⁸² [A.R.S. § 15-1441\(G\)](#). County offices consist of Sheriff, County Attorney, County Recorder, County Treasurer, County Assessor, County Superintendent of Schools, and County Supervisor. [Ariz. Const. Art. XII, § 3](#); [A.R.S. § 11-401\(A\)](#).

¹⁹⁸³ [A.R.S. § 15-1441\(H\)](#).

¹⁹⁸⁴ Joint technical education district governing board members serve 4-year terms beginning on January 1 after the general election in which he or she was elected. [A.R.S. § 15-393\(A\)\(3\)](#); [A.R.S. § 15-427\(B\)](#).

¹⁹⁸⁵ [A.R.S. § 15-393\(A\)\(3\)](#).

¹⁹⁸⁶ [A.R.S. § 15-393\(A\)\(3\)](#).

¹⁹⁸⁷ [A.R.S. § 15-393\(A\)\(3\)](#).

¹⁹⁸⁸ [A.R.S. § 15-393\(A\)\(3\)](#).

¹⁹⁸⁹ [Ariz. Const. Art. VI, § 12\(A\)](#). Elected Superior Court judges hold office for a 4-year term beginning on January 1 after the general election in which he or she was elected. [Ariz. Const. Art. VI, § 12\(A\)](#).

¹⁹⁹⁰ [Ariz. Const. Art. VI, § 22](#).

¹⁹⁹¹ [Ariz. Const. Art. VI, § 22](#).

- Must be admitted to the practice of law in Arizona;¹⁹⁹²
- Must be a resident of Arizona for at least 5 years;¹⁹⁹³
- May not hold any other public office or public employment;¹⁹⁹⁴
- May not practice law while in office;¹⁹⁹⁵ and
- May not hold any office in a political party or actively take part in any political campaign other than his or her own reelection or retention.¹⁹⁹⁶

There are no specific constitutional or statutory requirements to seek the office of Clerk of the Superior Court.¹⁹⁹⁷

9.1.11 QUALIFICATIONS TO HOLD CITY OR TOWN OFFICE

City and town offices consist of Mayor and Councilmember.¹⁹⁹⁸

In order to be elected to city or town office, a candidate must meet the following qualifications at the time of the election:

- Must be at least 18 years old;
- Must be a qualified elector in the city or town; and
- Must be a resident in the city or town for at least 1 year prior to the election (or at least 1 year in a newly-annexed area of a city or town).¹⁹⁹⁹

¹⁹⁹² [Ariz. Const. Art. VI, § 22.](#)

¹⁹⁹³ [Ariz. Const. Art. VI, § 22.](#)

¹⁹⁹⁴ [Ariz. Const. Art. 6, § 28.](#)

¹⁹⁹⁵ [Ariz. Const. Art. 6, § 28.](#)

¹⁹⁹⁶ [Ariz. Const. Art. 6, § 28.](#) Any justice or judge who files a nomination paper for elective office (other than for judge) forfeits judicial office. [Ariz. Const. Art. 6, § 28.](#)

¹⁹⁹⁷ The Clerk of the Superior Court is an elected office but considered part of the judicial branch. [Ariz. Const. Art. VI, § 23.](#) See also *Royston v. Pima County*, 106 Ariz. 249, 250 (1970) (Clerk of the Superior Court is a judicial office); Ariz. Atty. Gen. Op. I85-007 (R85-001) (1985) (recognizing that the Legislature removed the Clerk of the Superior Court from the list of county officers in [A.R.S. § 11-401](#) via Laws 1982, Ch. 168); Ariz. Op. Atty. Gen. No. I85-086 (R85-071) (1985).

¹⁹⁹⁸ Each officer holds a 2-year or 4-year term depending on the council system adopted by the city or town. [A.R.S. § 9-232\(B\)](#); [A.R.S. § 9-232.02](#); [A.R.S. § 9-272\(B\)](#). There is no constitutional or statutory guidance regarding when a mayor's or councilmember's term begins, therefore the beginning of a term varies according to local practice.

¹⁹⁹⁹ [A.R.S. § 9-232\(A\).](#)

9.2 RUNNING FOR PUBLIC OFFICE

A candidate may run for office by one of two methods: obtaining a nomination²⁰⁰⁰ or running as a write-in candidate.

A nomination guarantees the candidate's name will appear on the general election ballot. There are two methods for obtaining a nomination: one reserved for candidates running under recognized party labels,²⁰⁰¹ and one reserved for "independent" or party-unaffiliated candidates.²⁰⁰²

In lieu of seeking a nomination, a person may run as a write-in candidate if he or she files required documentation in advance of the election.²⁰⁰³

9.2.1 FEDERAL, STATE AND LOCAL ELECTIONS

This section outlines the requirements to run for all public offices in Arizona, with the exception of President of the United States.²⁰⁰⁴

9.2.1.1 NOMINATION FOR PUBLIC OFFICE

A candidate must be nominated in order to appear on a general election ballot. There are two methods by which a candidate may be nominated:

1. A candidate may be nominated by winning a primary election conducted by a recognized political party.²⁰⁰⁵
 - As a precondition, a candidate must obtain a requisite number of signatures from qualified electors to be placed on the primary election ballot;²⁰⁰⁶
 - A candidate who prevails at the primary election is entitled to have his or her name printed on the general election ballot.
2. An independent candidate may be nominated by obtaining nomination petition signatures from qualified electors, known as "nomination other than by primary."²⁰⁰⁷

²⁰⁰⁰ A candidate who prevails in a nonpartisan primary election does not receive a "nomination" but, subject to some exceptions, does advance to the general election ballot in a similar manner as partisan elections.

²⁰⁰¹ See Chapter 9, Section 9.2.1.1.1.

²⁰⁰² See Chapter 9, Section 9.2.1.1.2.

²⁰⁰³ See Chapter 9, Section 9.2.1.2.

²⁰⁰⁴ See Chapter 9, Section 9.2.2.

²⁰⁰⁵ [A.R.S. § 16-645](#).

²⁰⁰⁶ See Chapter 9, Section 9.2.1.1.1.2.

²⁰⁰⁷ [A.R.S. § 16-341](#).

- A candidate may skip the primary election and be placed directly on the general election ballot if he or she obtains a requisite number of petition signatures; however, the required number of signatures is far higher than the signatures required to appear on a primary election ballot;
- A candidate nominated in this manner may have a 3-letter label appear with their name on the ballot, but they may not use a recognized party label such as “DEM” or “REP.”²⁰⁰⁸

This section outlines in more detail the procedures to seek a nomination.

9.2.1.1.1 NOMINATION THROUGH PRIMARY ELECTION

A candidate may be nominated for the general election ballot by prevailing in a primary election held by a recognized political party.²⁰⁰⁹

A candidate seeking a primary nomination:

- Must be a qualified elector in the electoral district for the office sought;²⁰¹⁰ and
- Must be a member of the political party for which he or she is seeking a nomination.²⁰¹¹

Voters may vote for party candidates in a primary election as follows:

- Members of recognized political parties (including new parties)²⁰¹² may only vote in that political party’s primary election;
- Voters who are registered with a non-recognized political party, registered as independents, or registered with no party designation may vote in any recognized political party’s primary.²⁰¹³

²⁰⁰⁸ See Chapter 4, Section 4.1.6.1.4.

²⁰⁰⁹ A primary election is held on the 10th Tuesday preceding a statewide general election. [A.R.S. § 16-201](#).

²⁰¹⁰ [A.R.S. § 16-311\(A\)](#).

²⁰¹¹ A candidate must be registered with the political party beginning at the time of the first signature is obtained on the candidate’s nomination petitions through the date of the general election at which the person is a candidate. [A.R.S. § 16-311\(A\)](#). This rule is intended to prevent candidates from strategically switching political parties for the purpose to seeking a primary nomination.

²⁰¹² See also Chapter 7.

²⁰¹³ [Ariz. Const. Art. XII, § 10](#). In some cases, a recognized political party may close its primary and limit voting to only party members. See *Arizona Libertarian Party, Inc. v. Bayless*, 351 F.3d 1277 (9th Cir. 2003). A political party that closed its primary election in the preceding election cycle is deemed to keep its primary closed for future election cycles unless the party informs the Secretary of State in writing that the party will open its primary. A political party that intends to change its open/closed status must inform the Secretary of State at least 120 days before the primary election.

9.2.1.1.1.1 REQUIRED DOCUMENTS FOR SEEKING A PRIMARY NOMINATION

In order to qualify for a primary election ballot, a candidate for statewide, legislative, county, city, town, or other local office must timely file the following documents with the appropriate filing officer:

- A nomination paper for the office sought;²⁰¹⁴
- A requisite number of nomination petition signatures; and
- A financial disclosure statement.

A candidate for federal office must file a nomination paper and the requisite number of nomination petition signatures. A federal candidate is not required to file a financial disclosure statement but has the option to file a statement on recall with the Secretary of State.

9.2.1.1.1.1.1 NOMINATION PAPER

A candidate seeking a nomination through a primary election must file a partisan or nonpartisan nomination paper (as applicable) with the appropriate filing officer. A nomination paper:

- Expresses the candidate's intent to run for office;²⁰¹⁵
- Must contain the candidate's actual residence address or description of residence address;²⁰¹⁶
- Designates the political party whose nomination is being sought (for partisan elections only);²⁰¹⁷
- Designates the office sought;²⁰¹⁸
- Designates the candidate's electoral district or jurisdiction for the office sought;²⁰¹⁹
- Contains the preferred spelling of the candidate's name for the ballot;²⁰²⁰
- Contains the primary and general election dates;²⁰²¹ and

²⁰¹⁴ [A.R.S. § 16-311\(A\)-\(B\), \(D\), \(J\)\(2\)](#).

²⁰¹⁵ [A.R.S. § 16-311\(A\)-\(B\)](#).

²⁰¹⁶ [A.R.S. § 16-311\(A\)-\(B\)](#). Except in the case of congressional candidates, the address provided in a nomination paper represents the candidate's affirmation that he or she resides within the electoral district.

²⁰¹⁷ [A.R.S. § 16-311\(A\)](#).

²⁰¹⁸ [A.R.S. § 16-311\(A\)-\(B\)](#).

²⁰¹⁹ [A.R.S. § 16-311\(A\)-\(B\)](#).

²⁰²⁰ [A.R.S. § 16-311\(A\)-\(B\), \(G\)](#). See Chapter 4, Section 4.1.6.1.1.1.

²⁰²¹ [A.R.S. § 16-311\(A\), \(G\)](#). A candidate running in a nonpartisan election need only provide the date of the primary or first election. See [A.R.S. § 16-311\(B\)](#) (requiring a candidate to specify "the date of the election").

- Contains a declaration (under penalty of perjury) that the candidate is qualified for the office sought, including:
 - A statement how many years the candidate has been a citizen of the United States prior to the election;
 - A statement how many years the candidate has been a citizen of Arizona prior to the election;
 - A statement how many years the candidate has resided in the electoral district or jurisdiction for the office sought; and
 - An affirmation that the candidate meets the minimum age requirements for the office.²⁰²²

A nomination paper may be filed electronically (if the filing officer so requires) and need not be notarized.

9.2.1.1.1.1.2 NOMINATION PETITION SIGNATURES

A candidate seeking a primary election nomination must file a minimum number of nomination petition signatures with his or her nomination paper.²⁰²³

A candidate must use the proper nomination petition form to collect signatures from qualified electors.²⁰²⁴

9.2.1.1.1.1.2.1 METHOD OF COLLECTING NOMINATION PETITION SIGNATURES

Nomination signatures may be gathered on a paper nomination petition form prescribed by the Secretary of State or through the Secretary of State’s online signature portal known as E-Qual.²⁰²⁵

9.2.1.1.1.1.2.2 NOMINATION PETITION FORMAT

A paper nomination petition form must be printed double-sided on 8.5” by 11” paper of durable quality.²⁰²⁶

The front side of a nomination petition form:

²⁰²² [A.R.S. § 16-311\(A\)-\(B\), \(D\), \(J\)\(2\)](#). A filing officer may tailor the declaration of qualification for the electoral district or jurisdiction in question.

²⁰²³ [A.R.S. § 16-314\(A\)-\(B\)](#).

²⁰²⁴ Candidate nomination petition forms must be formatted and printed substantially in the format required by the Arizona law. [A.R.S. § 16-315\(A\)](#).

²⁰²⁵ [A.R.S. § 16-315\(A\), \(C\)](#); [A.R.S. § 16-316](#); [A.R.S. § 16-317](#); [A.R.S. § 16-318](#).

²⁰²⁶ [A.R.S. § 16-315\(A\)\(1\)](#).

- Must contain a partisan or nonpartisan caption that states the purpose of petition;²⁰²⁷
- Must contain a prescribed header below the caption that states the intent of the petitioners, which varies depending on whether the candidate is running in a partisan or nonpartisan election;²⁰²⁸
- Must contain a portion for gathering signatures below the petition body.²⁰²⁹ This signature portion:
 - Must contain 10 blank lines spaced ½” apart and numbered consecutively 1 through 10,²⁰³⁰ and
 - Must be divided into columns headed by the following titles:²⁰³¹
 - Signature;
 - Printed name;
 - Actual residence address, description of place of residence or Arizona post office box address, city or town;²⁰³² and
 - Date of signing.

An optional photograph may appear on the front side of a nomination petition.²⁰³³

The back side of a nomination petition form must contain the required circulator instructions and affidavit, printed in the same orientation as the front side of the petition.²⁰³⁴ The instructions must state:

Instructions for Circulators

1. All petitions shall be signed by circulator.

²⁰²⁷ [A.R.S. § 16-315\(A\)\(2\).](#)

²⁰²⁸ [A.R.S. § 16-315\(A\)\(2\).](#)

²⁰²⁹ [A.R.S. § 16-315\(A\)\(3\)-\(4\).](#)

²⁰³⁰ [A.R.S. § 16-315\(A\)\(3\).](#)

²⁰³¹ [A.R.S. § 16-315\(A\)\(4\).](#)

²⁰³² Despite the statutory reference to “post office box address” on a nomination petition form, “the legislature intended signers to provide their residence address or a description of the residence location.” “Providing a post office box address . . . is not what the legislature intended.” *Jenkins v. Hale*, 218 Ariz. 561, 564-65 (2008).

²⁰³³ [A.R.S. § 16-315\(A\)\(5\).](#) If a candidate has uploaded a photo to the Secretary of State’s candidate portal, a nomination petition created or generated by the portal may have a photo automatically inserted into the petition.

²⁰³⁴ The circulator affidavit may not be printed on a separate sheet of paper from the front side the petition.

2. Circulator is not required to be a resident of this state but otherwise must be qualified to register to vote in this state and, if not a resident of this state, shall register as a circulator with the secretary of state.
3. Circulator’s name shall be typed or printed under the circulator’s signature.
4. Circulator’s actual residence address or, if no street address, a description of residence location shall be included on the petition.²⁰³⁵

A circulator affidavit must be printed below the circulator instructions, which varies depending on whether the candidate is running in a partisan or nonpartisan election.

E-Qual nomination petition forms substantially follow the format prescribed for paper forms but may vary according to the technological limitations of the online portal. For example:

- E-Qual petitions need not be printed double-sided because the petition signatures are gathered electronically; a single circulator affidavit (signed by the candidate) corresponds to all the petition sheets; and
- An E-Qual petition contains each signer’s voter identification number after the date of signing.

The Secretary of State may make other reasonable modifications to an E-Qual petition form in order to accommodate online signature collection.

9.2.1.1.1.2.2.1 PARTISAN VERSUS NONPARTISAN PETITION FORMS

A candidate must use a “partisan nomination petition” for a partisan race, or a “nonpartisan nomination petition” for a nonpartisan race.²⁰³⁶

A partisan nomination petition must contain a header substantially in the following form:

Partisan Nomination Petition

I, the undersigned, a qualified elector of the county of _____, state of Arizona, and of (here name political division or district from which the nomination is sought)²⁰³⁷ and a member of the _____ party or a person who is registered as no party preference or independent as the party preference or who is registered with a political party that is not qualified for representation on the ballot, hereby nominate _____ who resides at _____ in the county of _____ for the party nomination for the

²⁰³⁵ [A.R.S. § 16-315\(B\).](#)

²⁰³⁶ [A.R.S. § 16-314\(C\).](#)

²⁰³⁷ A candidate may omit the parenthetical language where inapplicable to his or her particular candidacy.

office of _____ to be voted at the primary election²⁰³⁸ to be held _____ as representing the principles of such party, and I hereby declare that I am qualified to vote for this office and that I have not signed, and will not sign, any nomination petition for more persons than the number of candidates necessary to fill such office at the next ensuing election. I further declare that if I choose to use a post office box address on this petition, my residence address has not changed since I last reported it to the county recorder for purposes of updating my voter registration file.²⁰³⁹

The partisan nomination petition must contain the following circulator affidavit:

I, _____ a person who is not required to be a resident of this state but who is otherwise qualified to register to vote in the county of _____, in the state of Arizona, hereby verify that each of the names on the petition was signed in my presence on the date indicated and that in my belief each signer was a qualified elector who resides at the address given as their residence on the date indicated. I further verify that each signer is a member of the party from which the candidate is seeking nomination, or the signer is a member of a political party that is not entitled to continued representation on the ballot, or the signer is registered as independent or no party preferred.²⁰⁴⁰

In contrast, a nonpartisan nomination petition must contain a header substantially in the following form:

Nonpartisan Nomination Petition

I, the undersigned, a qualified elector of the county of _____, state of Arizona, and of (here name political division or district from which the nomination is sought)²⁰⁴¹ hereby nominate _____ who resides at _____ in the county of _____ for the office of _____ to be voted at the _____ election to be held _____, and hereby declare that I am qualified to vote for this office and that I have not signed and will not sign any nomination petitions for more

²⁰³⁸ In the case of a special primary election to fill a congressional vacancy, a candidate may use the standard nomination petition form without inserting the word “special” before “primary election” in the petition header, so long as the special election date is correct. See [A.R.S. § 16-222\(B\)\(2\)](#); compare [A.R.S. § 16-201](#) (defining a primary election as an election held “on the tenth Tuesday prior to a general or special election at which candidates for public office are to be elected”).

²⁰³⁹ [A.R.S. § 16-314\(C\)](#).

²⁰⁴⁰ See [A.R.S. § 16-321\(D\)](#).

²⁰⁴¹ A candidate may omit the parenthetical language where inapplicable to his or her particular candidacy.

persons than the number of candidates necessary to fill such office at the next ensuing election. I further declare that if I choose to use a post office box address on this petition, my residence address has not changed since I last reported it to the county recorder for purposes of updating my voter registration file.²⁰⁴²

The nonpartisan nomination petition must contain the following circulator affidavit:

I, _____ a person who is not required to be a resident of this state but who is otherwise qualified to register to vote in the county of _____, in the state of Arizona, hereby verify that each of the names on the petition was signed in my presence on the date indicated and that in my belief each signer was a qualified elector who resides at the address given as their residence on the date indicated.

9.2.1.1.1.2.3 PROPER COMPLETION OF NOMINATION PETITION FORM

9.2.1.1.1.2.3.1 NOMINATION PETITION HEADER

A partisan nomination petition header should be completed prior to circulation as follows (as shown in **[bold]**):

I, the undersigned, a qualified elector of the county of **[insert county name where signatures were gathered]**, state of Arizona, and of **[if applicable, insert legislative district number, board of supervisors district number, city/town council or ward name/number, or other political subdivision name]** and a member of the **[insert recognized political party name]** party or a person who is registered as no party preference or independent as the party preference or who is registered with a political party that is not qualified for representation on the ballot, hereby nominate **[insert candidate's name as it will appear on the candidate's nomination paper]** who resides at **[insert the candidate's actual residence address]**²⁰⁴³ in the county of **[insert the candidate's county of residence]** for the party nomination for the office of **[insert the name of the office sought and, if applicable, the district name or number]** **[if seeking to fill the remainder of an unexpired vacant term, insert "for vacant term expiring (insert date of term expiration)"]**²⁰⁴⁴ and to be voted at the primary election to be held **[insert primary election date]** as representing the principles of such party, and I hereby declare that I am qualified to vote for this office and

²⁰⁴² [A.R.S. § 16-314\(C\)](#).

²⁰⁴³ A candidate need not insert a residential address if (1) the candidate has no actual residence address assigned by an official governmental entity or (2) the candidate's actual residence address is protected from public disclosure pursuant to [A.R.S. § 16-153](#). [A.R.S. § 16-321\(E\)](#). See also Chapter 1, Section 1.10.1.1.

²⁰⁴⁴ [A.R.S. § 16-314\(D\)](#).

that I have not signed, and will not sign, any nomination petition for more persons than the number of candidates necessary to fill such office at the next ensuing election. I further declare that if I choose to use a post office box address on this petition, my residence address has not changed since I last reported it to the county recorder for purposes of updating my voter registration file.²⁰⁴⁵

A nonpartisan nomination petition header should be completed prior to circulation as follows (as shown in **[bold]**):

I, the undersigned, a qualified elector of the county of **[insert county name where signatures were gathered]**, state of Arizona, and of **[if applicable, insert legislative district number, board of supervisors district number, city/town council or ward name/number, or other political subdivision name]** hereby nominate **[insert candidate's name as it will appear on the candidate's nomination paper]** who resides at **[insert the candidate's actual residence address]**²⁰⁴⁶ in the county of **[insert the candidate's county of residence]** for the office of **[insert the name of the office sought and, if applicable, the district name or number]** **[if seeking to fill the remainder of an unexpired vacant term, insert "for vacant term expiring (insert date of term expiration)"]**²⁰⁴⁷ to be voted at the **[insert the election type, such as primary, general, special, or runoff]** election to be held **[insert election date]**, and hereby declare that I am qualified to vote for this office and that I have not signed and will not sign any nomination petitions for more persons than the number of candidates necessary to fill such office at the next ensuing election. I further declare that if I choose to use a post office box address on this petition, my residence address has not changed since I last reported it to the county recorder for purposes of updating my voter registration file.²⁰⁴⁸

9.2.1.1.1.1.2.3.2 NOMINATION PETITION SIGNATURES

A nomination petition signer must be a qualified elector who resides in the electoral jurisdiction or district in which the candidate seeks office.²⁰⁴⁹ In partisan elections, the petition signer also

²⁰⁴⁵ [A.R.S. § 16-314\(C\)](#).

²⁰⁴⁶ A candidate need not insert a residential address if (1) the candidate has no actual residence address assigned by an official governmental entity or (2) the candidate's actual residence address is protected from public disclosure pursuant to [A.R.S. § 16-153](#). [A.R.S. § 16-321\(E\)](#). See also Chapter 1, Section 1.10.1.1.

²⁰⁴⁷ [A.R.S. § 16-314\(D\)](#). See also [A.R.S. § 15-422\(A\)](#) (school district governing board candidate petitions).

²⁰⁴⁸ [A.R.S. § 16-314\(C\)](#).

²⁰⁴⁹ [A.R.S. § 16-314\(C\)](#); [A.R.S. § 16-321\(A\)-\(B\), \(D\), \(F\)](#); [A.R.S. § 16-322\(A\), \(C\)](#). A "federal only" voter is not qualified to sign a nomination petition for a state, legislative, county, city, town, or other local candidate. See Chapter 1, Section 1.8.3.2.2.

must be a “qualified signer” based on the candidate’s political party affiliation. A “qualified signer” means:²⁰⁵⁰

- A qualified elector who is registered to vote with the same recognized political party from which the candidate is seeking a nomination;
- A qualified elector who is registered to vote with a political party not recognized for continued representation on the ballot;²⁰⁵¹ or
- A qualified elector who is registered as an independent or with no party preference.

Every elector who signs a nomination petition must do so in the presence of the circulator.²⁰⁵² The petition must be signed in black or blue ink; never pencil. Signatures are not required to be printed within the 10 signature lines, but no more than 10 signatures per page may be counted.

An elector may only sign one nomination petition for the same office unless more than one candidate to be elected.²⁰⁵³ For example, an elector may only sign one candidate’s petition for state senate but may sign two candidates’ petitions for state house. If an elector signs more nomination petitions than permitted, only the earlier signatures are deemed valid.²⁰⁵⁴ If the questionable signatures were printed on the same date, all signatures printed by the elector on that date are deemed invalid.²⁰⁵⁵

Signatures must be gathered in the same county, as shown in the petition header.²⁰⁵⁶

9.2.1.1.1.1.2.3.3 CIRCULATOR AFFIDAVIT

A petition circulator must fully complete the circulator affidavit on the back side of a nomination petition prior to filing the petition with the filing officer.

A complete circulator affidavit must contain the petition circulator’s printed name and county of residence. If the petition circulator is a nonresident, the circulator should complete the “county

²⁰⁵⁰ [A.R.S. § 16-321\(F\)](#).

²⁰⁵¹ See Chapter 7, Section 7.1. A “new” political party has not qualified for continued representation on the ballot. See Chapter 7, Section 7.1. Accordingly, members registered to vote with a “new” party may sign the nomination petition for Democratic, Republican and any other candidates seeking the nomination of political party qualified for continued representation on the ballot.

²⁰⁵² [A.R.S. § 16-321\(D\)](#). In contrast to an initiative or referendum petition, a qualified elector’s printed name, address or date of signature may be printed on a nomination petition by someone other than the qualified elector. Compare [A.R.S. § 16-321\(C\)-\(D\)](#) with [A.R.S. § 19-112\(A\)](#). However, a qualified elector must personally sign his or her signature on a paper nomination petition. [A.R.S. § 16-321\(C\)-\(D\)](#).

²⁰⁵³ [A.R.S. § 16-321\(A\)](#).

²⁰⁵⁴ [A.R.S. § 16-321\(C\)](#).

²⁰⁵⁵ [A.R.S. § 16-321\(C\)](#).

²⁰⁵⁶ [A.R.S. § 16-314\(C\)](#).

of ___” blank by inserting the Arizona county where the circulator would be qualified to register to vote if he or she were an Arizona resident.

The circulator must print his or her name, signature, and residential address below the circulator affidavit. Notarization is not required. A residential address is sufficiently complete if it contains a house number, street name, and a city/town or a zip code. In lieu of a residential address, the circulator may provide a description of the circulator’s residence location.

The circulator may list an out-of-state residence address but must include the state.²⁰⁵⁷ A nonresident circulator must register with the Secretary of State prior to circulating a nomination petition.²⁰⁵⁸

9.2.1.1.1.1.2.4 REQUIRED NUMBER OF NOMINATION PETITION SIGNATURES

Depending on the type of candidacy, the minimum number of nomination petition signatures may be based on the number of persons qualified to sign a candidate’s petition, the number of registered voters in a jurisdiction, the number of votes cast in a jurisdiction, or a static number of signatures.

9.2.1.1.1.1.2.4.1 FEDERAL, STATE AND COUNTY CANDIDATES

Candidates seeking the nomination from a recognized political party²⁰⁵⁹ at the federal, state or county level must collect a requisite number of signatures from “qualified signers”:²⁰⁶⁰

- For the U.S. Senate or a statewide office, a candidate must collect signatures from at least 0.25% (but no more than 10%) of qualified signers in the state;²⁰⁶¹
- For the U.S. House of Representatives, a candidate must collect signatures from at least 0.5% (but no more than 10%) of qualified signers in the congressional district;²⁰⁶²
 - For a special election to fill a vacancy in the U.S. House of Representatives, a candidate must collect signatures from at least 0.25% (but no more than 10%) of qualified signers in the congressional district;²⁰⁶³

²⁰⁵⁷ A petition circulator is deemed to be a nonresident if the circulator lists an out-of-state residential address in the circulator affidavit on the back side of the nomination petition. *See* Chapter 6, Section 6.2.1.

²⁰⁵⁸ [A.R.S. § 16-315\(D\)](#); [A.R.S. § 16-341\(G\)-\(H\)](#); *see* Chapter 6, Section 6.2.1.

²⁰⁵⁹ *See* Chapter 7. This section applies to the signature requirements for parties with continued representation on the ballot. As of 2018, only the Democratic, Republican and Libertarian Parties are recognized for continued representation on the ballot.

²⁰⁶⁰ *See* Chapter 9, Section 9.2.1.1.1.1.2.3.2.

²⁰⁶¹ [A.R.S. § 16-322\(A\)\(1\)](#).

²⁰⁶² [A.R.S. § 16-322\(A\)\(2\)](#).

²⁰⁶³ [A.R.S. § 16-322\(A\)\(2\)](#).

- For the Arizona Senate or Arizona House of Representatives, a candidate must collect signatures from at least 0.5% (but no more than 3%) of qualified signers in the legislative district;²⁰⁶⁴
- For a countywide office (including Clerk of the Superior Court) or elected Superior Court judge, a candidate must collect signatures from:
 - At least 1% (but no more than 10%) of qualified signers in counties with a population of less than 200,000 persons;²⁰⁶⁵ or
 - At least 0.25% (but no more than 10%) of qualified signers in counties with 200,000 or more persons;²⁰⁶⁶ and
- For a Justice of the Peace or Constable, a candidate must collect signatures from at least 1% (but not more than 10%) of qualified signers in the precinct.²⁰⁶⁷

The number of qualified signers is determined on the basis of voter registration totals reported by the Secretary of State and/or County Recorder as of March 1st in the general election year.²⁰⁶⁸

In contrast, candidates seeking the nomination from a new political party²⁰⁶⁹ must collect signatures from qualified electors equal to at least 0.1% of the total vote for the winning candidate for Governor or Presidential Electors within the jurisdiction at the last general election.²⁰⁷⁰

9.2.1.1.1.1.2.4.2 PRECINCT COMMITTEEMEN CANDIDATES

Candidates for precinct committeeman must collect signatures equal to the lesser of:

- 2% of the total party voter registration in the precinct; or
- 10 signatures from qualified elector party members in the precinct.²⁰⁷¹

²⁰⁶⁴ [A.R.S. § 16-322\(A\)\(3\)](#).

²⁰⁶⁵ [A.R.S. § 16-322\(A\)\(4\)](#). *See also* Ariz. Op. Atty. Gen. No. I85-086 (R85-071) (1985) (holding that candidates for Clerk of the Superior Court are treated as county candidates for the purpose of filing nomination petitions).

²⁰⁶⁶ [A.R.S. § 16-322\(A\)\(4\)](#). *See also* Ariz. Op. Atty. Gen. No. I85-086 (R85-071) (1985) (holding that candidates for Clerk of the Superior Court are treated as county candidates for the purpose of filing nomination petitions).

²⁰⁶⁷ [A.R.S. § 16-322\(A\)\(7\)](#).

²⁰⁶⁸ [A.R.S. § 16-322\(B\)](#).

²⁰⁶⁹ *See* Chapter 7, Section 7.1. As of 2018, the Democratic, Republican and Libertarian Parties are recognized for continued representation on the ballot.

²⁰⁷⁰ [A.R.S. § 16-322\(C\)](#).

²⁰⁷¹ [A.R.S. § 16-322\(A\)\(6\)](#).

Party registration is determined on the basis of voter registration totals reported by the County Recorder as of March 1st in the general election year.²⁰⁷²

9.2.1.1.1.2.4.3 COUNTY EDUCATIONAL GOVERNING BOARD CANDIDATES

Candidates seeking the nomination for community college district, school district, or joint technical education district governing board must collect a requisite number of signatures based on total voter registration in the district:

- For a community college district governing board, a candidate must collect signatures from at least 0.25% of registered voters in the district (but no more than 10% of registered voters or 1,000 signatures, whichever is less);²⁰⁷³
- For a school district governing board elected at-large, a candidate must collect signatures equal to the lesser of:
 - 0.5% of registered voters in the district;²⁰⁷⁴ or
 - 400 signatures;²⁰⁷⁵
- For a school district governing board elected by single member districts, a candidate must collect signatures equal to the lesser of:
 - 1% of registered voters in the single member district;²⁰⁷⁶ or
 - 400 signatures;²⁰⁷⁷
- For a joint technical education district governing board elected at-large, a candidate must collect signatures equal to the lesser of:
 - 0.5% of registered voters in the joint technical education district; or
 - 400 signatures;²⁰⁷⁸
- For a joint technical education district governing board elected by single member districts, a candidate must collect signatures equal to the lesser of:
 - 0.5% of registered voters in the single member district; or
 - 400 signatures.²⁰⁷⁹

²⁰⁷² [A.R.S. § 16-322\(B\).](#)

²⁰⁷³ [A.R.S. § 16-322\(A\)\(5\).](#)

²⁰⁷⁴ [A.R.S. § 16-322\(A\)\(11\).](#)

²⁰⁷⁵ [A.R.S. § 16-322\(A\)\(11\).](#)

²⁰⁷⁶ [A.R.S. § 16-322\(A\)\(11\); see also A.R.S. § 15-431\(B\)\(6\).](#)

²⁰⁷⁷ [A.R.S. § 16-322\(A\)\(11\); see also A.R.S. § 15-431\(B\)\(6\).](#)

²⁰⁷⁸ [A.R.S. § 16-322\(A\)\(11\).](#)

²⁰⁷⁹ [A.R.S. § 16-322\(A\)\(11\).](#)

The number of registered voters is determined on the basis of voter registration totals reported by the County Recorder as of March 1st in the general election year.²⁰⁸⁰

9.2.1.1.1.1.2.4.4 SPECIAL TAXING DISTRICT CANDIDATES

Candidates for a special taxing district governing board must collect signatures equal to the greater of:

- 0.5% of the total number of votes cast in the last election; or
- 5 signatures from qualified electors in the district.²⁰⁸¹

In all cases, a candidate may not file signatures in excess of 250 signatures.

9.2.1.1.1.1.2.4.5 CITY AND TOWN CANDIDATES

Candidates seeking a nomination at the city or town level must collect a requisite number of signatures based on a percentage of votes or a static number of signatures:

- For a city mayoral or councilmember candidate nominated by a city at large, a candidate must collect signatures equal to at least 5% (but no more than 10%) of the total votes cast for mayor at the last election in which a mayor was elected, except:²⁰⁸²
 - If the mayor is not independently elected, a councilmember must collect signatures equal to at least 5% (but no more than 10%) of the total votes cast for the councilmember that received the highest number of votes at the last election in which a councilmember was elected;
 - If a city conducts nonpartisan elections, the city may by ordinance require an at large candidate to collect signatures equal to the lesser of:
 - 5% of the total votes cast at the last election; or
 - 1,000 signatures;²⁰⁸³
- For a city office nominated by ward, precinct or district, a candidate must collect signatures equal to at least 5% (but no more than 10%) of the total votes cast for mayor in the ward, precinct, or district at the last election in which a mayor was elected, except:²⁰⁸⁴
 - If a city conducts nonpartisan elections, the city may by ordinance require a candidate nominated by ward, precinct or district to collect signatures equal to the lesser of:

²⁰⁸⁰ [A.R.S. § 16-322\(B\)](#).

²⁰⁸¹ [A.R.S. § 16-322\(A\)\(6\)](#).

²⁰⁸² [A.R.S. § 16-322\(A\)\(8\), \(B\)](#).

²⁰⁸³ [A.R.S. § 16-322\(A\)\(8\), \(B\)](#). In either case, a candidate may not file signatures that exceed 10% of the total votes cast at the last town election. [A.R.S. § 16-322\(A\)\(8\)](#).

²⁰⁸⁴ [A.R.S. § 16-322\(A\)\(9\) \(B\)](#).

- 5% of the total votes cast in the ward, precinct or district at the last election; or
- 250 signatures;²⁰⁸⁵
- For a town mayoral or councilmember candidate, a candidate must collect signatures equal to at least 5% (but no more than 10%) of the total votes cast for the candidate that received the highest number of votes cast at the last election, except:²⁰⁸⁶
 - If a town conducts nonpartisan elections, the town may by ordinance require a candidate to collect signatures equal to the lesser of:
 - 5% of the total votes cast for the candidate that received the highest number of votes cast at the last election; or
 - 1,000 signatures.²⁰⁸⁷

9.2.1.1.1.1.2.5 AUTHORITY TO PRESCRIBE PETITION FORM AND METHOD OF FILING

The Secretary of State must prescribe the nomination petition form for use in federal, state, legislative, county, city and town elections.²⁰⁸⁸

The Secretary of State may prescribe the method of filing nomination petitions for federal, state and legislative offices, including but not limited to the electronic creation and filing of petitions.²⁰⁸⁹

9.2.1.1.1.1.2.6 FILING OFFICER PROCESSING OF NOMINATION PETITION SIGNATURES

If there is no basis to reject a candidate filing,²⁰⁹⁰ the filing officer must count the nomination petition signatures to ensure the minimum number of signatures has been filed.²⁰⁹¹ A nomination petition signature line should be counted by the filing officer if it contains at least:

- An address or description of place of residence; and
- A signature *or* a printed name.

²⁰⁸⁵ [A.R.S. § 16-322\(A\)\(9\), \(B\)](#). In either case, a candidate may not file signatures that exceed 10% of the total votes cast in the ward, precinct or district at the last election. [A.R.S. § 16-322\(A\)\(9\)](#).

²⁰⁸⁶ [A.R.S. § 16-322\(A\)\(10\), \(B\)](#).

²⁰⁸⁷ [A.R.S. § 16-322\(A\)\(10\), \(B\)](#). In either case, a candidate may not file signatures that exceed 10% of the total votes cast for the candidate who received the highest number of votes at the last town election. [A.R.S. § 16-322\(A\)\(10\)](#).

²⁰⁸⁸ [A.R.S. § 16-315\(C\)](#). A nomination petition form that has been modified by the candidate or candidate's committee does not constitute an official form authorized by the Secretary of State.

²⁰⁸⁹ [A.R.S. § 16-315\(E\)](#).

²⁰⁹⁰ See Chapter 9, Section 9.2.4.

²⁰⁹¹ A filing officer may reject nomination petitions without conducting a full count if the candidate or campaign acknowledges that an insufficient number of signatures are being presented for filing.

The filing officer must issue a receipt to the candidate or candidate's committee. If the candidate meets the minimum signature threshold for the office sought, the candidate is qualified for the ballot (subject to any subsequent court challenges or candidate withdrawals).

If a candidate's nomination petitions are challenged in court, the applicable County Recorder must produce a report that outlines the County Recorder's determination whether each challenged signature should be accepted or rejected.²⁰⁹² The County Recorder should use the same criteria to evaluate candidate petition signatures as used to evaluate initiative, referendum and recall signatures, as applicable.²⁰⁹³

9.2.1.1.1.1.3 FINANCIAL DISCLOSURE STATEMENT

A candidate seeking a primary election nomination must file a financial disclosure statement with his or her nomination paper.²⁰⁹⁴ The financial disclosure statement must cover the 12-month period prior to the date of filing.²⁰⁹⁵

A candidate must file a financial disclosure statement at the time of filing a nomination paper even if the candidate already filed an annual financial disclosure statement as a public officer.²⁰⁹⁶ A filing officer may prescribe the method for filing a financial disclosure statement, including electronic filing if the filing officer so requires.²⁰⁹⁷

9.2.1.1.1.1.4 STATEMENT ON RECALL (FEDERAL CANDIDATES)

A federal candidate may file an optional statement on recall at the time of filing his or her nomination paper with the Secretary of State.²⁰⁹⁸ The statement on recall must provide an opportunity for the federal candidate to select one of following options:

²⁰⁹² [A.R.S. § 16-222\(B\)\(3\)](#); [A.R.S. § 16-351](#).

²⁰⁹³ See [A.R.S. § 19-121.02\(A\)\(1\)-\(9\)](#); [A.R.S. § 19-208.02\(A\)](#); see also Chapter 5, Section 5.2.1.2.3.2. A key difference from initiative, referendum and recall petitions is that a P.O. Box does not automatically invalidate a candidate petition signature. If a signature is challenged pursuant to [A.R.S. § 16-351](#) based on the provision of a P.O. Box, a County Recorder may determine the signature is valid if there is enough information to determine the signer is a qualified elector. *Jenkins v. Hale*, 218 Ariz. 561, 565 (2008).

²⁰⁹⁴ [A.R.S. § 16-311\(H\)\(1\)](#); [A.R.S. § 18-444\(A\)](#); [A.R.S. § 38-543](#). A candidate must use the current financial disclosure statement form issued by the filing officer. County, city, town, and groundwater replenishment district governing board candidates are required to file financial disclosure statements in accordance with local ordinances, rules, resolutions or regulations governing financial disclosure. [A.R.S. § 38-541\(6\)](#); [A.R.S. § 38-545](#). Federal candidates and precinct committeemen candidates are not required to file a financial disclosure statement.

²⁰⁹⁵ [A.R.S. § 38-543](#).

²⁰⁹⁶ [A.R.S. § 16-311\(H\)\(1\)](#); [A.R.S. § 18-444\(A\)](#); [A.R.S. § 38-543](#).

²⁰⁹⁷ [A.R.S. § 18-444\(F\)](#).

²⁰⁹⁸ [A.R.S. § 19-221\(A\)](#).

“If elected to the office (here name the office) I shall deem myself responsible to the people and under obligation to them to resign immediately if not re-elected on a recall vote”, or

“If elected to the office (here name the office) I shall not deem myself under obligation to the people to resign if not re-elected by a recall vote.”²⁰⁹⁹

9.2.1.1.1.2 DEADLINE TO FILE NOMINATION DOCUMENTS

A candidate seeking a primary nomination must file a nomination paper, nomination petitions and financial disclosure statement between 90 and 120 days before the primary election,²¹⁰⁰ except:

- A statewide or legislative candidate seeking public funding under the Citizens Clean Elections Act may file these nomination documents with the Secretary of State as early as January 1 of an election year;²¹⁰¹ and
- A city or town may adopt by ordinance an alternative deadline for candidates' nomination documents to be filed.²¹⁰²

A candidate seeking a primary nomination in a special election to fill a congressional vacancy must file a nomination paper and nomination petitions no more than 30 days after the date of the Governor's proclamation calling the special election.²¹⁰³

A candidate who does not file the requisite nomination documents by 5:00 p.m. on the last day for filing is not eligible to have his or her name printed on the primary election ballot.²¹⁰⁴

9.2.1.1.1.2 INDEPENDENT NOMINATION (OTHER THAN BY PRIMARY)

In lieu of seeking a nomination through a political party primary, an independent candidate who is not registered with a recognized political party may be nominated by filing the requisite number of nomination petition signatures with the filing officer.²¹⁰⁵ An independent candidate who meets this threshold will be placed directly on the general election ballot, along with a 3-

²⁰⁹⁹ [A.R.S. § 19-221\(A\)](#).

²¹⁰⁰ [A.R.S. § 16-311\(A\)-\(B\), \(E\)-\(F\), \(H\)](#); [A.R.S. § 16-314\(A\)](#). For federal elections, the optional statement on recall must be filed at the same deadline.

²¹⁰¹ [A.R.S. § 16-951\(B\)](#).

²¹⁰² [A.R.S. § 16-311\(C\)](#).

²¹⁰³ [A.R.S. § 16-222\(B\)\(2\)](#).

²¹⁰⁴ [A.R.S. § 16-311\(H\)](#). Promptly after the close of the filing deadline, the filing officer must notify the Board(s) of Supervisors (as necessary) of any official candidates certified for the ballot.

²¹⁰⁵ [A.R.S. § 16-341\(A\)](#).

letter “party” designation.²¹⁰⁶ Independent candidates file their nomination documents at the same time as partisan candidates who seek a primary nomination.²¹⁰⁷

An independent candidate may not seek a nomination in this manner if the candidate also filed nomination petitions for the primary election and failed to qualify due to insufficient valid signatures.²¹⁰⁸

9.2.1.1.2.1 REQUIRED DOCUMENTS FOR SEEKING INDEPENDENT NOMINATION

In order to qualify for a nomination other than by primary in a partisan election, a candidate for statewide, legislative, county, city, town, or other local office must timely file the following documents with the appropriate filing officer:

- A nomination paper (specifically applicable to a nomination other than by primary) for the office sought;²¹⁰⁹
- A requisite number of nomination petition signatures (using a nomination petition form specifically applicable to a nomination other than by primary);²¹¹⁰ and
- A financial disclosure statement.²¹¹¹

A candidate for federal office must file a nomination paper and the requisite number of nomination petition signatures. A federal candidate is not required to file a financial disclosure statement, but has the option to file a statement on recall with the Secretary of State.

9.2.1.1.2.1.1 NOMINATION PAPER

A candidate seeking a nomination other than by primary must file an independent nomination paper with the appropriate filing officer. An independent nomination paper resembles a partisan nomination paper,²¹¹² except an independent nomination paper:

- Contains only the general election date;²¹¹³ and
- Designates the candidate’s three-word or less “party” affiliation (other than a recognized political party).²¹¹⁴

²¹⁰⁶ [A.R.S. § 16-341\(D\)](#); *see also* Chapter 4, Section 4.1.6.1.4.

²¹⁰⁷ *See* Chapter 9, Section 9.2.1.1.1.2.

²¹⁰⁸ [A.R.S. § 16-341\(B\)](#).

²¹⁰⁹ [A.R.S. § 16-341\(J\)\(2\)](#).

²¹¹⁰ [A.R.S. § 16-341\(C\)-\(E\)](#).

²¹¹¹ [A.R.S. § 16-341\(J\)\(1\)](#). Federal candidates are not required to file a financial disclosure statement but may file an optional statement on recall. *See* Chapter 9, Section 9.2.1.1.1.1.4.

²¹¹² *See* Chapter 9, Section 9.2.1.1.1.1.1.

²¹¹³ [A.R.S. § 16-311\(A\), \(G\)](#).

An independent nomination paper may be filed electronically (if the filing officer so requires) and need not be notarized.

9.2.1.1.2.1.2 NOMINATION PETITION SIGNATURES

An independent candidate seeking a nomination other than by primary must file a minimum number of nomination petition signatures with his or her nomination paper.²¹¹⁵

A candidate must use the proper independent nomination petition form to collect signatures from qualified electors.²¹¹⁶

9.2.1.1.2.1.2.1 METHOD OF COLLECTING NOMINATION PETITION SIGNATURES

Nomination signatures may be gathered on a paper independent nomination petition form prescribed by the Secretary of State or through the Secretary of State’s online signature portal known as E-Qual.²¹¹⁷

9.2.1.1.2.1.2.2 NOMINATION PETITION FORMAT

A paper independent nomination petition form must be printed double-sided on 8.5” by 11” paper of durable quality.²¹¹⁸

The front side of an independent nomination petition form:

- Must contain an “independent nomination petition” caption that states the purpose of petition;²¹¹⁹
- Must contain a prescribed header below the caption that states the intent of the petitioners, substantially in the following form:²¹²⁰

²¹¹⁴ [A.R.S. § 16-341\(D\)](#); Chapter 4, Section 4.1.6.1.4.

²¹¹⁵ [A.R.S. § 16-341\(A\)-\(C\)](#).

²¹¹⁶ [A.R.S. § 16-341\(D\)-\(E\)](#). Candidate nomination petition forms must be formatted and printed substantially in the format required by the Arizona law. [A.R.S. § 16-315\(A\)](#).²¹¹⁷ [A.R.S. § 16-341\(D\)-\(E\)](#); [A.R.S. § 16-316](#); [A.R.S. § 16-317](#); [A.R.S. § 16-318](#).

²¹¹⁷ [A.R.S. § 16-341\(D\)-\(E\)](#); [A.R.S. § 16-316](#); [A.R.S. § 16-317](#); [A.R.S. § 16-318](#).

²¹¹⁸ [A.R.S. § 16-315\(A\)\(1\)](#). Nomination petition forms in E-Qual substantially follow the format prescribed for paper forms but may vary according to the technological limitations of the online portal. The Secretary of State may make other reasonable modifications to an E-Qual petition form in order to accommodate online signature collection. *See* Chapter 9, Section 9.2.1.1.1.2.5.

²¹¹⁹ [A.R.S. § 16-341\(D\)](#).

²¹²⁰ [A.R.S. § 16-341\(D\)-\(E\)](#).

Independent Nomination Petition

The undersigned, qualified electors of _____ county, state of Arizona, do hereby nominate _____, who resides at _____ in the county of _____, as a candidate for the office of _____ at the general (or special, as the case may be) election to be held on the _____ day of _____, _____.

I hereby declare that I have not signed the nomination petitions of any candidate for the office to be voted for at this primary election, and I do hereby select the following designation under which name the said candidate shall be placed on the official ballot: (here insert such designation not exceeding three words in length as the signers may select).²¹²¹

- Must contain a portion for gathering signatures below the petition body.²¹²² This signature portion:
 - Must contain 10 blank lines spaced ½” apart and numbered consecutively 1 through 10;²¹²³ and
 - Must be divided into columns headed by the following titles:²¹²⁴
 - Signature;
 - Printed name;
 - Actual residence address, description of place of residence or Arizona post office box address, city or town;²¹²⁵ and
 - Date of signing.

An optional photograph may appear on the front side of a nomination petition.²¹²⁶

²¹²¹ [A.R.S. § 16-341\(D\)](#).

²¹²² [A.R.S. § 16-315\(A\)\(3\)-\(4\)](#); [A.R.S. § 16-341\(E\)](#).

²¹²³ [A.R.S. § 16-315\(A\)\(3\)](#); [A.R.S. § 16-341\(E\)](#).

²¹²⁴ [A.R.S. § 16-315\(A\)\(4\)](#); [A.R.S. § 16-341\(E\)](#).²¹²⁵ Despite the statutory reference to “post office box address” on a nomination petition form, “the legislature intended signers to provide their residence address or a description of the residence location.” “Providing a post office box address . . . is not what the legislature intended.” *Jenkins v. Hale*, 218 Ariz. 561, 564-65 (2008).

²¹²⁵ Despite the statutory reference to “post office box address” on a nomination petition form, “the legislature intended signers to provide their residence address or a description of the residence location.” “Providing a post office box address . . . is not what the legislature intended.” *Jenkins v. Hale*, 218 Ariz. 561, 564-65 (2008).

The back side of an independent nomination petition form must contain the required circulator instructions and affidavit, printed in the same orientation as the front side of the petition.²¹²⁷ The instructions must state:

Instructions for Circulators

1. All petitions shall be signed by circulator.
2. Circulator is not required to be a resident of this state but otherwise must be qualified to register to vote in this state and, if not a resident of this state, shall register as a circulator with the secretary of state.
3. Circulator's name shall be typed or printed under the circulator's signature.
4. Circulator's actual residence address or, if no street address, a description of residence location shall be included on the petition.²¹²⁸

A circulator affidavit must be printed below the circulator instructions.²¹²⁹

I, _____ a person who is not required to be a resident of this state but who is otherwise qualified to register to vote in the county of _____, in the state of Arizona, hereby verify that each of the names on the petition was signed in my presence on the date indicated and that in my belief each signer was a qualified elector who resides at the address given as their residence on the date indicated.²¹³⁰

9.2.1.1.2.1.2.3 PROPER COMPLETION OF NOMINATION PETITION FORM

9.2.1.1.2.1.2.3.1 NOMINATION PETITION HEADER

An independent nomination petition header should be completed prior to circulation as follows (as shown in **[bold]**):

²¹²⁶ [A.R.S. § 16-315\(A\)\(5\)](#); [A.R.S. § 16-341\(E\)](#). If a candidate has uploaded a photo to the Secretary of State's candidate portal, a nomination petition created or generated by the portal may have a photo automatically inserted into the petition.

²¹²⁷ The circulator affidavit may not be printed on a separate sheet of paper from the front side the petition.

²¹²⁸ [A.R.S. § 16-315\(B\)](#).

²¹²⁹ See Chapter 9, Section 9.2.1.1.1.1.2.3.3.

²¹³⁰ See [A.R.S. § 16-321\(D\)](#).²¹³¹ A candidate need not insert a residential address if (1) the candidate has no actual residence address assigned by an official governmental entity or (2) the candidate's actual residence address is protected from public disclosure pursuant to [A.R.S. § 16-153](#). [A.R.S. § 16-321\(E\)](#). See also Chapter 1, Section 1.10.1.1.

The undersigned, qualified electors of **[insert county name where signatures were gathered]** county, state of Arizona, do hereby nominate **[insert candidate's name as it will appear on the candidate's nomination paper]**, who resides at **[insert the candidate's actual residence address]**²¹³¹ in the county of **[insert the candidate's county of residence]**, as a candidate for the office of **[insert the name of the office sought and, if applicable, the district name or number]** **[if seeking to fill the remainder of an unexpired vacant term, insert "for vacant term expiring (insert date of term expiration)"]**²¹³² at the **[insert the election type, such as general, special, or runoff]** election to be held on the **[insert election day]** day of **[insert election month]**, **[insert election year]**.

I hereby declare that I have not signed the nomination petitions of any candidate for the office to be voted for at this primary election, and I do hereby select the following designation under which name the said candidate shall be placed on the official ballot: **[insert three-word (or less) "party" designation from the candidate's nomination paper]**.²¹³³

9.2.1.1.2.1.2.3.2 NOMINATION PETITION SIGNATURES

An independent nomination petition signer must be a qualified elector who resides in the electoral jurisdiction or district in which the candidate seeks office.²¹³⁴ Any qualified elector may sign an independent nomination petition without regard to the signer's party affiliation.²¹³⁵ Otherwise, the same rules for signing and circulating a partisan nomination petition apply to independent nomination petitions.²¹³⁶

9.2.1.1.2.1.2.3.3 CIRCULATOR AFFIDAVIT

The same rules for completing a circulator affidavit on a partisan nomination petition apply to independent nomination petitions.

9.2.1.1.2.1.2.4 REQUIRED NUMBER OF NOMINATION PETITION SIGNATURES

²¹³¹ A candidate need not insert a residential address if (1) the candidate has no actual residence address assigned by an official governmental entity or (2) the candidate's actual residence address is protected from public disclosure pursuant to [A.R.S. § 16-153](#). [A.R.S. § 16-321\(E\)](#). See also Chapter 1, Section 1.10.1.1.

²¹³² [A.R.S. § 16-314\(D\)](#). See also [A.R.S. § 15-422\(A\)](#) (school district governing board candidate petitions).

²¹³³ [A.R.S. § 16-341\(D\)](#).

²¹³⁴ [A.R.S. § 16-321\(A\)-\(B\), \(D\), \(F\)](#); [A.R.S. § 16-341\(A\), \(D\), \(G\)](#). A "federal only" voter is not qualified to sign an independent nomination petition for a state, legislative, county, city, town or other local candidate. See Chapter 1, Section 1.8.3.2.2.

²¹³⁵ [A.R.S. § 16-341\(F\)](#).

²¹³⁶ See Chapter 9, Sections 9.2.1.1.1.2.1.

An independent candidate must collect nomination petition signatures equal to at least 3% of the unaffiliated registered voters in the candidate's jurisdiction who are not registered with a recognized political party.²¹³⁷

The number of unaffiliated registered voters is determined on the basis of voter registration totals reported by the Secretary of State or County Recorder, as applicable, as of March 1st in the general election year.²¹³⁸

9.2.1.1.2.1.2.5 AUTHORITY TO PRESCRIBE PETITION FORM AND METHOD OF FILING

The Secretary of State must prescribe the independent nomination petition form for use in federal, state, legislative, county, city and town elections.²¹³⁹

The Secretary of State may prescribe the method of filing independent nomination petitions for federal, state and legislative offices, including but not limited to the electronic creation and filing of petitions.²¹⁴⁰

9.2.1.1.2.1.2.6 FILING OFFICER PROCESSING OF NOMINATION PETITION SIGNATURES

A filing officer must process (and in appropriate cases reject) independent nomination petition signatures in the same manner as partisan and nonpartisan nomination petitions.²¹⁴¹ Likewise, if an independent candidate's nomination petitions are challenged in court, the applicable County Recorder must review the challenged signatures in the same manner as partisan or nonpartisan nomination petitions.²¹⁴²

9.2.1.1.2.1.3 FINANCIAL DISCLOSURE STATEMENT

Similar to primary election nominations, a candidate seeking a nomination other than by primary must file a financial disclosure statement with his or her nomination paper.²¹⁴³

²¹³⁷ [A.R.S. § 16-341\(E\)](#). See Chapter 7.

²¹³⁸ [A.R.S. § 16-341\(F\)](#).

²¹³⁹ [A.R.S. § 16-315\(C\)](#). A nomination petition form that has been modified by the candidate or candidate's committee does not constitute an official form authorized by the Secretary of State.

²¹⁴⁰ [A.R.S. § 16-341\(L\)](#).

²¹⁴¹ See Chapter 9, Section 9.2.1.1.1.2.6.

²¹⁴² See Chapter 9, Section 9.2.1.1.1.2.6.

²¹⁴³ [A.R.S. § 16-341\(J\)\(1\)](#); [A.R.S. § 18-444\(A\)](#); [A.R.S. § 38-543](#); Chapter 9, Section 9.2.1.1.1.1. A candidate must use the current financial disclosure statement form issued by the filing officer. Federal candidates and precinct committeemen candidates are not required to file financial disclosure statements. County, city, town, and groundwater replenishment district governing board candidates are required to file financial disclosure statements in accordance with local ordinances, rules, resolutions or regulations governing financial disclosure. [A.R.S. § 38-541\(6\)](#); [A.R.S. § 38-545](#).

A filing officer may prescribe the method for filing a financial disclosure statement, including electronic filing if the filing officer so requires.²¹⁴⁴

9.2.1.1.2.1.4 STATEMENT ON RECALL (FEDERAL CANDIDATES)

Similar to primary election nominations, an independent federal candidate may file an optional statement on recall at the time of filing his or her nomination paper with the Secretary of State.²¹⁴⁵

9.2.1.1.2.2 DEADLINE TO FILE INDEPENDENT NOMINATION DOCUMENTS

A candidate seeking a nomination other than by primary must file an independent nomination paper, independent nomination petitions, and a financial disclosure statement between 90 and 120 days before the primary election.²¹⁴⁶ However, an independent statewide or legislative candidate seeking public funding under the Citizens Clean Elections Act may file these nomination documents with the Secretary of State as early as January 1 of an election year.²¹⁴⁷

An independent candidate seeking a nomination in a special election to fill a congressional vacancy must file a nomination paper and nomination petitions no more than 30 days after the date of the Governor's proclamation calling the special election.²¹⁴⁸

A candidate who does not file the requisite nomination documents by 5:00 p.m. on the last day for filing is not eligible to have his or her name printed on the general election ballot.²¹⁴⁹

9.2.1.2 WRITE-IN FOR PUBLIC OFFICE

In lieu of collecting nomination petition signatures to qualify for a primary or general election ballot, a person may run as a write-in candidate.²¹⁵⁰ Becoming an official write-in candidate

²¹⁴⁴ [A.R.S. § 18-444\(F\)](#).

²¹⁴⁵ [A.R.S. § 19-221\(A\)](#); Chapter 9, Section 9.2.1.1.1.4.

²¹⁴⁶ [A.R.S. § 16-341\(C\)](#). For federal elections, the optional statement on recall must be filed at the same deadline.

²¹⁴⁷ [A.R.S. § 16-951\(B\)](#); *see also* [A.R.S. § 16-950\(E\)](#); [A.R.S. § 16-951\(A\)\(2\)-\(3\), \(D\)](#); [A.R.S. § 16-961\(F\)\(2\)](#).

²¹⁴⁸ [A.R.S. § 16-222\(B\)\(2\)](#).

²¹⁴⁹ [A.R.S. § 16-311\(H\)](#). Promptly after the close of the filing deadline, the filing officer must notify the Board(s) of Supervisors (as necessary) of any independent candidates certified for the ballot.

²¹⁵⁰ [A.R.S. § 16-312](#).

causes the officer in charge of elections to tabulate any write-in votes for the candidate and include those results in the official canvass of the election.²¹⁵¹

9.2.1.2.1 REQUIRED DOCUMENTS FOR SEEKING A WRITE-IN CANDIDACY

In order to qualify as an official write-in candidate, a candidate for statewide, legislative, county, city, town, or other local office must timely file the following documents with the appropriate filing officer:

- A write-in nomination paper for the office sought;²¹⁵² and
- A financial disclosure statement.²¹⁵³

A write-in candidate for federal office must file a nomination paper only. A federal candidate is not required to file a financial disclosure statement but has the option to file a statement on recall with the Secretary of State.

9.2.1.2.1.1 NOMINATION PAPER

A write-in nomination paper resembles a partisan nomination paper,²¹⁵⁴ except a write-in nomination paper:

- Designates a political party only if necessary;
 - For a primary election, the candidate must designate a recognized political party;
 - For a general election, designation of a political party affiliation (whether recognized or not recognized) is optional;
- Contains a declaration (under penalty of perjury) that the candidate is qualified for the office sought, including:²¹⁵⁵
 - A statement how many years the candidate has been a citizen of the United States prior to the election;
 - A statement how many years the candidate has been a citizen of Arizona prior to the election;

²¹⁵¹ [A.R.S. § 16-312\(C\)](#). Failure to qualify as an official write-in candidate means that any write-in votes cast for the candidate will not be tallied.

²¹⁵² [A.R.S. § 16-312\(A\)-\(D\)](#).

²¹⁵³ [A.R.S. § 16-312\(C\)](#). Federal candidates are not required to file a financial disclosure statement but may file an optional statement on recall. *See* Chapter 9, Section 9.2.1.2.1.3.

²¹⁵⁴ *See* Chapter 9, Section 9.2.1.1.1.1.1.

²¹⁵⁵ [A.R.S. § 16-311\(D\), \(J\)\(2\)](#); [A.R.S. § 16-312\(A\), \(C\)](#).

- A statement how many years the candidate has resided in the electoral district or jurisdiction for the office sought,²¹⁵⁶ and
- A statement containing the candidate's age and date of birth.²¹⁵⁷

A write-in nomination paper may be filed electronically (if the filing officer so requires) and need not be notarized.

9.2.1.2.1.1.1 PROHIBITION OF WRITE-IN CANDIDACY

A write-in candidacy is not a fallback option if a candidate unsuccessfully sought a nomination:

- A person may not seek a write-in candidacy in the primary election if the candidate filed a partisan or nonpartisan nomination petitions for the current primary and:²¹⁵⁸
 - Filed an insufficient number of valid signatures, as determined by the filing officer;
 - Withdrew from the primary election after the candidate's signatures were challenged in court;²¹⁵⁹ or
 - Was removed from the primary election ballot or otherwise found to be ineligible by a court of law.

A person may not seek a write-in candidacy in the general election for the same reasons, including if the candidate ran and lost in the preceding primary election.²¹⁶⁰

A filing officer may reject a candidate's write-in nomination paper for any of above-referenced reasons.

9.2.1.2.1.2 FINANCIAL DISCLOSURE STATEMENT

Similar to candidacies by nomination, a write-in candidate must file a financial disclosure statement with his or her nomination paper.²¹⁶¹

²¹⁵⁶ [A.R.S. § 16-311\(D\), \(J\)\(2\)](#); [A.R.S. § 16-312\(A\), \(C\)](#). A filing officer may tailor the declaration of qualification for the electoral district or jurisdiction in question.

²¹⁵⁷ [A.R.S. § 16-312\(A\)](#).

²¹⁵⁸ [A.R.S. § 16-312\(F\)\(3\)](#).

²¹⁵⁹ [A.R.S. § 16-222\(B\)\(3\)-\(4\)](#); [A.R.S. § 16-351](#).

²¹⁶⁰ [A.R.S. § 16-312\(F\)\(1\)-\(4\)](#).

²¹⁶¹ [A.R.S. § 16-312\(C\)](#); [A.R.S. § 18-444\(A\)](#); [A.R.S. § 38-543](#); Chapter 9, Section 9.2.1.1.1.1.3. A candidate must use the current financial disclosure statement form issued by the filing officer. Federal candidates and precinct committeemen candidates are not required to file financial disclosure statements. County, city, town, and groundwater replenishment district governing board candidates are required to file financial disclosure statements in accordance with local ordinances, rules, resolutions or regulations governing financial disclosure. [A.R.S. § 38-541\(6\)](#); [A.R.S. § 38-545](#).

A filing officer may prescribe the method for filing a financial disclosure statement, including electronic filing if the filing officer so requires.²¹⁶²

9.2.1.2.1.3 STATEMENT ON RECALL (FEDERAL CANDIDATES)

Similar to candidacies by nomination, a write-in candidate may file an optional statement on recall at the time of filing his or her nomination paper with the Secretary of State.²¹⁶³

9.2.1.2.2 DEADLINE TO FILE WRITE-IN NOMINATION DOCUMENTS

A write-in candidate must file a write-in nomination paper and financial disclosure statement no more than 40 days before the election, except:²¹⁶⁴

- A write-in candidate to fill a vacancy that occurs after the official ballots have been printed must file the required nomination documents no later than 5 days before the election;²¹⁶⁵ and
- A write-in candidate who intends to run in a school district, special taxing district, or precinct committeemen election that may be cancelled due to an insufficient number of candidates seeking election must file the required nomination documents no later than 76 days before the election in question.²¹⁶⁶

A statewide or legislative candidate seeking public funding under the Citizens Clean Elections Act may not run as a write-in candidate in the primary election.²¹⁶⁷

²¹⁶² [A.R.S. § 18-444\(F\)](#).

²¹⁶³ [A.R.S. § 19-221\(A\)](#); Chapter 9, Section 9.2.1.1.1.4.

²¹⁶⁴ [A.R.S. § 16-312\(B\)](#). The 40-day deadline applies to most write-in candidates, including a write-in for a special election to fill a congressional vacancy pursuant to [A.R.S. § 16-222](#).

²¹⁶⁵ [A.R.S. § 16-312\(B\)\(1\)](#); [A.R.S. § 16-343\(D\)](#). See Chapter 9, Section 9.2.1.2.1.1.

²¹⁶⁶ [A.R.S. § 16-312\(B\)\(2\)](#).

²¹⁶⁷ [A.R.S. § 16-950\(E\)](#). A write-in candidate for the general election may seek public funding under the Citizens Clean Elections Act for the general election if: (1) the candidate has been approved as a participating candidate by the end of the qualifying period (one week before the primary election) pursuant to [A.R.S. § 16-947](#); (2) the candidate collected the minimum number of \$5 qualifying contributions by the end of qualifying period pursuant to [A.R.S. § 16-946](#); (3) the candidate submits an application for funding and \$5 qualifying contributions to the Secretary of State at least one week before the end of the qualifying period pursuant to [A.R.S. § 16-950\(B\)](#); and (4) the candidate adhered to all applicable primary and general election contribution and expenditure limits pursuant to [A.R.S. § 16-941](#), [A.R.S. § 16-945](#), and [A.R.S. § 16-953](#).

A write-in candidate who does not file the requisite nomination documents by 5:00 p.m. on the last day for filing is not eligible to have votes tallied or included in the official canvass.²¹⁶⁸

9.2.2 PRESIDENTIAL ELECTIONS

A candidate may run for U.S. President in Arizona by one of two methods: obtaining a nomination or running as a write-in candidate.

A nomination guarantees the presidential candidate's name will appear on the general election ballot in a presidential election year. There are two methods for obtaining a nomination: one reserved for candidates running under recognized party labels,²¹⁶⁹ and one reserved for "independent" or party-unaffiliated candidates.²¹⁷⁰

A candidate seeking the nomination of a recognized political party usually runs in the Presidential Preference Election.²¹⁷¹ However, the presidential and vice-presidential candidates that ultimately appear on the general election ballot will be formally nominated by party delegates at national conventions held during the summer preceding the election. As a prerequisite, each recognized political party must timely submit the names of presidential electors that will cast votes for the winning candidate in the Electoral College.²¹⁷²

Alternatively, an independent presidential candidate who does not run under a recognized political party label may seek a nomination "other than by primary" by collecting nomination petition signatures. If the candidate meets the requisite signature threshold, the candidate and his or her vice-presidential running mate (along with a party label of the candidates' choice) will appear on the general election ballot.²¹⁷³

In lieu of seeking a nomination, a person may run as a write-in presidential candidate if he or she files required documentation in advance of the election.²¹⁷⁴

This Section outlines in more detail the various methods to run for President in the State of Arizona.

²¹⁶⁸ [A.R.S. § 16-312\(B\)](#). Promptly after the close of the filing deadline, the filing officer must notify the Board(s) of Supervisors (as necessary) of any write-in candidates certified for the ballot. [A.R.S. § 16-312\(E\)](#). Thereafter, the Board of Supervisors (and in the case of city and town elections, the clerk) must notify the election boards with respect to any write-in candidates. [A.R.S. § 16-312\(E\)](#). See Chapter 4, Section 4.2.1.

²¹⁶⁹ See Chapter 9, Section 9.2.1.1.1.

²¹⁷⁰ See Chapter 9, Section 9.2.1.1.2.

²¹⁷¹ See Chapter 9, Section 9.2.2.1.

²¹⁷² See Chapter 9, Section 9.2.2.2.2.

²¹⁷³ See Chapter 9, Section 9.2.2.3.

²¹⁷⁴ See Chapter 9, Section 9.2.2.4.

9.2.2.1 PRESIDENTIAL PREFERENCE ELECTIONS

A Presidential Preference Election (PPE) is only open to candidates seeking the nomination of a recognized political party.²¹⁷⁵ Write-in candidates are prohibited from participating in the PPE.²¹⁷⁶

Candidates interested in having their name placed on their political party's PPE ballot must meet the constitutional qualifications for President of the United States and submit valid nomination documents before the filing deadline.

The candidate that receives the most votes at the PPE will be entitled to have their party's delegates from the State of Arizona vote for them at their political party's national convention.

9.2.2.1.1 REQUIRED DOCUMENTS FOR RUNNING IN A PRESIDENTIAL PREFERENCE ELECTION

A presidential candidate may qualify for the PPE ballot by filing the following documents with the Secretary of State:

- PPE nomination paper; and
- One of the following sets of documents expressing sufficient voter support:
 - PPE nomination petitions; or
 - Certificates of presidential ballot qualification from at least 2 other states.

9.2.2.1.1.1 NOMINATION PAPER

A presidential candidate must file a PPE nomination paper with the Secretary of State.²¹⁷⁷ A PPE nomination paper:

- Expresses the candidate's intent to run for office;
- Must contain the candidate's residence address and mailing address;²¹⁷⁸
- Designates the recognized political party whose nomination is being sought;²¹⁷⁹

²¹⁷⁵ [A.R.S. § 16-244](#). A recognized political party may choose not to participate in the PPE (for example, if the incumbent President of the United States is running unopposed in his or her political party).

²¹⁷⁶ [A.R.S. § 16-247](#).

²¹⁷⁷ [A.R.S. § 16-242\(A\)](#). A PPE nomination paper is synonymous with a "notice of candidacy" required to qualify for the PPE ballot with a certificate of ballot qualification. See [A.R.S. § 16-242\(A\)](#); Chapter 9, Section 9.2.2.1.1.2.2.

²¹⁷⁸ [A.R.S. § 16-242\(A\)\(1\)](#).

²¹⁷⁹ [A.R.S. § 16-242\(A\)\(2\)](#).

- Designates an Arizona resident as a point of contact for the presidential campaign, including the point of contact’s name and Arizona address;²¹⁸⁰
- Contains the preferred spelling of the candidate’s name for the ballot;²¹⁸¹ and
- Contains a declaration (under penalty of perjury) that the candidate is qualified for the office of President of the United States, including:²¹⁸²
 - An affirmation the candidate is a natural born citizen of the United States;
 - An affirmation the candidate will be at least 35 years old at the time of the general election; and
 - An affirmation the candidate will have been a resident of the United States at least 14 years at the time of the general election.

A PPE nomination paper may be filed electronically and need not be notarized.

9.2.2.1.1.2 DOCUMENTS EXPRESSING SUFFICIENT VOTER SUPPORT

9.2.2.1.1.2.1 PPE NOMINATION PETITIONS

A presidential candidate may qualify for the PPE ballot by filing a minimum number of nomination petition signatures with his or her nomination paper.²¹⁸³

A presidential candidate must use the proper PPE nomination petition form to collect signatures from qualified electors.²¹⁸⁴

9.2.2.1.1.2.1.1 METHOD OF COLLECTING PPE NOMINATION PETITION SIGNATURES

Nomination signatures may be gathered on a paper PPE nomination petition form prescribed by the Secretary of State.²¹⁸⁵ At the Secretary of State’s discretion, nomination petition signatures also may be collected through the Secretary’s online signature portal known as E-Qual.²¹⁸⁶

9.2.2.1.1.2.1.2 PPE NOMINATION PETITION FORMAT

A PPE nomination petition must contain a header substantially in the following form:

²¹⁸⁰ [A.R.S. § 16-242\(A\)\(3\)](#). The Arizona point of contact is deemed the “chairman of the candidate’s state committee.” See [A.R.S. § 16-242\(A\)\(3\)](#).

²¹⁸¹ [A.R.S. § 16-311\(A\)-\(B\), \(G\)](#). See Chapter 4, Section 4.1.6.1.1.1; Chapter 9, Section 9.2.1.1.1.1.1.

²¹⁸² [U.S. Const. Art. II, § 1, cl. 5](#).

²¹⁸³ [A.R.S. § 16-242\(C\)](#).

²¹⁸⁴ [A.R.S. § 16-315\(C\)](#). Nomination petition forms must be formatted and printed substantially in the format required by the Arizona law. [A.R.S. § 16-315\(A\)](#).

²¹⁸⁵ [A.R.S. § 16-242\(D\)](#); see also [A.R.S. § 16-314](#); [A.R.S. § 16-315\(C\)](#).

²¹⁸⁶ See [A.R.S. § 16-318](#) (authorizing E-Qual for only U.S. Senate and U.S. House of Representatives).

Presidential Preference Election - Nomination Petition

I, the undersigned, a qualified elector of the county of _____, state of Arizona, and a member of the _____ party, hereby nominate _____ who resides at _____ in the state of _____ to be the party nominee candidate for the office of President of the United States to be voted at the Presidential Preference Election to be held _____, as representing the principles of such party, and I hereby declare that I am qualified to vote for this office and that I have not signed, and will not sign, any nomination petition for more persons than the number of candidates necessary to fill such office at the Presidential Preference Election. I further declare that if I choose to use a post office box address on this petition, my residence address has not changed since I last reported it to the county recorder for purposes of updating my voter registration file.

The PPE nomination petition also must contain the following circulator affidavit:

I, _____ a person who is not required to be a resident of this state but who is otherwise qualified to register to vote in the county of _____, in the state of Arizona, hereby verify that each of the names on the petition was signed in my presence on the date indicated and that in my belief each signer was a qualified elector who resides at the address given as their residence on the date indicated. I further verify that each signer is a member of the party from which the candidate is seeking nomination, unless the candidate's political party has fewer than fifty thousand qualified electors.²¹⁸⁷

Otherwise, a paper PPE nomination petition form must be formatted substantially in the same manner as a partisan nomination petition.²¹⁸⁸

9.2.2.1.1.2.1.3 PROPER COMPLETION OF INDEPENDENT NOMINATION PETITION FORM

9.2.2.1.1.2.1.3.1 NOMINATION PETITION HEADER

A PPE nomination petition header should be completed prior to circulation as follows (as shown in **[bold]**):

I, the undersigned, a qualified elector of the county of **[insert county name where signatures were gathered]**, state of Arizona, and a member of the **[insert recognized political party name]** party, hereby nominate **[insert candidate's name as it will appear on the candidate's nomination paper]** who resides at

²¹⁸⁷ See [A.R.S. § 16-242\(C\)](#).

²¹⁸⁸ See Chapter 9, Section 9.2.1.1.1.2.2.

[insert the candidate’s actual residence address]²¹⁸⁹ in the state of **[insert candidate’s state of residence]** to be the party nominee candidate for the office of President of the United States to be voted at the Presidential Preference Election to be held **[insert presidential preference election date]**, as representing the principles of such party, and I hereby declare that I am qualified to vote for this office and that I have not signed, and will not sign, any nomination petition for more persons than the number of candidates necessary to fill such office at the Presidential Preference Election. I further declare that if I choose to use a post office box address on this petition, my residence address has not changed since I last reported it to the county recorder for purposes of updating my voter registration file.

9.2.2.1.1.2.1.3.2 *NOMINATION PETITION SIGNATURES*

A PPE nomination petition signer must be a qualified elector.²¹⁹⁰

For a recognized political party that has at least 50,000 registered voters in Arizona, only qualified electors registered with that political party may sign the nomination petition.²¹⁹¹ For a recognized political party with less than 50,000 registered Arizona voters, any registered voter may sign the nomination petition.²¹⁹²

Otherwise, the same rules for signing and circulating a partisan nomination petition apply to PPE nomination petitions.²¹⁹³

9.2.2.1.1.2.1.3.3 *CIRCULATOR AFFIDAVIT*

The same rules for completing a circulator affidavit on a partisan nomination petition apply to PPE nomination petitions.

9.2.2.1.1.2.1.4 *REQUIRED NUMBER OF NOMINATION PETITION SIGNATURES*

A PPE candidate must collect at least 500 nomination petition signatures.²¹⁹⁴

9.2.2.1.1.2.1.5 *AUTHORITY TO PRESCRIBE PETITION FORM AND METHOD OF FILING*

²¹⁸⁹ A candidate need not insert a residential address if (1) the candidate has no actual residence address assigned by an official governmental entity or (2) the candidate’s actual residence address is protected from public disclosure pursuant to [A.R.S. § 16-153](#). [A.R.S. § 16-321\(E\)](#). *See also* Chapter 1, Section 1.10.1.1.

²¹⁹⁰ [A.R.S. § 16-242\(C\)](#). A “federal only” voter is qualified to sign a PPE nomination petition. *See* Chapter 1, Section 1.8.3.2.2.

²¹⁹¹ [A.R.S. § 16-242\(C\)](#).

²¹⁹² [A.R.S. § 16-242\(C\)](#).

²¹⁹³ *See* Chapter 9, Sections 9.2.1.1.1.1.2.

²¹⁹⁴ [A.R.S. § 16-242\(C\)](#).

The Secretary of State must prescribe the PPE nomination petition form.²¹⁹⁵

The Secretary of State may prescribe the method of filing PPE nomination petitions, including but not limited to the electronic creation and filing of petitions.

9.2.2.1.1.2.1.6 FILING OFFICER PROCESSING OF NOMINATION PETITION SIGNATURES

The Secretary of State must process (and in appropriate cases reject) PPE nomination petition signatures in the same manner as partisan and nonpartisan nomination petitions.²¹⁹⁶

9.2.2.1.1.2.2 CERTIFICATES OF BALLOT QUALIFICATION

In lieu of filing nomination petition signatures, a presidential candidate may submit official documentation from the chief election office, commission or board in at least two other states proving that the candidate previously qualified for the partisan party ballot in that state.²¹⁹⁷ A signed letter on official government letterhead will suffice.²¹⁹⁸ Only states with primary-style (not caucus) presidential preference elections are eligible for this reciprocity.

9.2.2.1.2 DEADLINE TO FILE NOMINATION DOCUMENTS

A presidential candidate must file a PPE nomination paper and PPE nomination petitions/certificates of ballot qualification between 100 and 130 days before the PPE.²¹⁹⁹ If the deadline for filing falls on a weekend or legal holiday, the nomination documents must be filed by the next business day.²²⁰⁰

A presidential candidate who does not file the requisite nomination documents by 5:00 p.m. on the last day for filing is not eligible to have his or her name printed on the PPE ballot.

9.2.2.2 PRESIDENTIAL NOMINATION THROUGH PARTY CONVENTION

Presidential and vice-presidential candidates who were nominated by recognized political parties at national party conventions will appear on the general election ballot, contingent on the state

²¹⁹⁵ [A.R.S. § 16-315\(C\)](#). A nomination petition form that has been modified by the candidate or candidate's committee does not constitute an official form authorized by the Secretary of State.

²¹⁹⁶ See Chapter 9, Section 9.2.1.1.1.2.6.

²¹⁹⁷ [A.R.S. § 16-242\(E\)](#).

²¹⁹⁸ The Secretary of State reserves the right to contact the applicable state office, commission or board to verify the authenticity of the letter.

²¹⁹⁹ [A.R.S. § 16-242\(B\)-\(C\)](#).

²²⁰⁰ [A.R.S. § 16-242\(B\)](#).

political party timely submitting presidential elector's names to the Secretary of State.²²⁰¹ Each recognized party's presidential electors will appear in brackets on the general election ballot adjacent to the presidential and vice-presidential candidates.²²⁰²

9.2.2.2.1 REQUIRED DOCUMENTS FOR SEEKING NOMINATION

The state chairman of a recognized political party must file nomination papers for its presidential electors, which must be equal to the number of U.S. Senators and members of the U.S. House of Representatives from Arizona.²²⁰³

A presidential elector nomination paper:

- Expresses the candidate's intent to run for presidential elector;
- Must contain the candidate's actual residence address or description of residence address;²²⁰⁴
- Designates the recognized political party for whom the presidential elector will represent;²²⁰⁵
- Contains the preferred spelling of the candidate's name for the ballot;²²⁰⁶
- Contains the general election date;²²⁰⁷ and
- Contains a declaration (under penalty of perjury) that the candidate is qualified for the office of presidential elector, including:
 - An affirmation that the presidential elector candidate resides in the state; and
 - An affirmation that the presidential elector will otherwise be qualified at the time of the general election to hold the office of presidential elector.²²⁰⁸

At the Secretary of State's discretion, a presidential elector nomination paper may be filed electronically and need not be notarized.²²⁰⁹

²²⁰¹ The national committee of a recognized political party must officially notify the Secretary of State of its presidential and vice-presidential nominees (using a form prescribed by the Secretary of State) no later than the deadline for filing nomination petitions for presidential electors.

²²⁰² See Chapter 4, Section 4.1.6.1.1.4.

²²⁰³ [A.R.S. § 16-344](#).

²²⁰⁴ [A.R.S. § 16-344\(A\)\(1\)](#).

²²⁰⁵ [A.R.S. § 16-344\(A\)\(1\)](#).

²²⁰⁶ [A.R.S. § 16-311\(G\)](#); [A.R.S. § 16-344\(A\)\(1\)](#). See Chapter 4, Section 4.1.6.1.1.1; Chapter 9, Section 9.2.1.1.1.1.1.

²²⁰⁷ [A.R.S. § 16-344\(A\)\(1\)](#).

²²⁰⁸ [A.R.S. § 16-344\(A\)\(2\)](#).

9.2.2.2.2 DEADLINE TO FILE NOMINATION DOCUMENTS

The state chairman of a recognized political party must file presidential elector nomination papers no later than 10 days after the primary election.²²¹⁰

A recognized political party that does not file the requisite number of presidential elector nomination papers by 5:00 p.m. on the last day for filing is not eligible to have its presidential, vice-presidential, or presidential elector names printed on the PPE ballot.²²¹¹

9.2.2.3 INDEPENDENT PRESIDENTIAL NOMINATION

An independent presidential candidate who does not run under a recognized political party label may seek a nomination “other than by primary.”

If the presidential candidate meets the requisite signature threshold, the candidate and his or her vice-presidential running mate (along with a party label of the candidates’ choice) will appear on the general election ballot.

9.2.2.3.1 REQUIRED DOCUMENTS FOR SEEKING INDEPENDENT NOMINATION

An independent presidential candidate may qualify for the general election ballot by filing the following documents with the Secretary of State:

- A letter of consent;
- Independent nomination papers for the presidential, vice-presidential, presidential elector candidates; and
- Independent nomination petitions.

9.2.2.3.1.1 LETTER OF CONSENT

An independent presidential candidate must file a letter with the Secretary of State designating the candidate’s vice-presidential running mate and the names of his or her presidential electors, including each person’s signed consent to be designated as a candidate.²²¹²

The letter of consent is separate from the nomination papers that must be filed. The wording of the letter is left to the candidate’s discretion, as long as the letter is signed by the vice-presidential running mate and each presidential elector.

²²⁰⁹ [A.R.S. § 16-344\(B\).](#)

²²¹⁰ [A.R.S. § 16-344\(A\).](#)

²²¹¹ [A.R.S. § 16-344\(A\).](#)

²²¹² [A.R.S. § 16-341\(D\).](#)

9.2.2.3.1.2 NOMINATION PAPERS

An independent presidential candidate seeking a nomination other than by primary must file a nomination paper with the Secretary of State for the president and vice-presidential candidate. Independent presidential and vice-presidential nomination papers resemble partisan nomination papers,²²¹³ except these nomination papers:

- Contain only the general election date;
- Designate the candidates' three-word "party" affiliation (other than a recognized political party);²²¹⁴ and
- Contain a declaration (under penalty of perjury) that the candidates are qualified for the office of President and Vice President of the United States, including:
 - An affirmation the candidates are natural born citizens of the United States;
 - An affirmation the candidates will be at least 35 years old at the time of the general election; and
 - An affirmation the candidates will have been residents of the United States at least 14 years at the time of the general election.

An independent presidential candidate must also file nomination papers for each presidential elector with the Secretary of State.

An independent presidential elector nomination paper resembles the presidential elector nomination paper used by recognized political parties,²²¹⁵ except this nomination paper:

- Designates the presidential candidate for whom the presidential elector pledges support;
- Does not contain any designation regarding the presidential candidate's "party" affiliation; and
- Contains an additional declaration (under penalty of perjury) that the elector is not a member of a recognized political party.

Independent presidential, vice-presidential, and presidential elector nomination papers may be filed electronically and need not be notarized.

9.2.2.3.1.3 NOMINATION PETITIONS

²²¹³ See Chapter 9, Section 9.2.1.1.1.1.1.

²²¹⁴ [A.R.S. § 16-341\(D\)](#); Chapter 4, Section 4.1.6.1.4.

²²¹⁵ See Chapter 9, Section 9.2.2.2.1.

An independent presidential candidate must file the minimum number of presidential elector nomination petition signatures with his or her nomination paper.²²¹⁶

An independent presidential candidate must use the proper independent nomination petition form to collect signatures from qualified electors.²²¹⁷

9.2.2.3.1.3.1 METHOD OF COLLECTING NOMINATION PETITION SIGNATURES

Nomination signatures may be gathered on a paper independent presidential elector nomination petition form prescribed by the Secretary of State.²²¹⁸ At the Secretary of State's discretion, nomination petition signatures also may be collected through the Secretary's online signature portal known as E-Qual.²²¹⁹

9.2.2.3.1.3.2 INDEPENDENT PRESIDENTIAL ELECTOR NOMINATION PETITION FORMAT

An independent presidential elector nomination petition must contain a header substantially in the following form:

Independent Presidential Elector Nomination Petition

The undersigned, qualified electors of county in the state of Arizona, do hereby nominate (name all 11 candidates for presidential elector, with each candidates' address of residence and county of residence) as candidates for the office of Presidential Elector at the general election to be held on the ___ day of _____, _____, pledged to support _____ for President of the United States. I hereby declare that I have not signed the nomination petitions of any candidate for the office of Presidential Elector for this general election, and I do hereby select the following designation under which name the said candidate shall be placed on the official ballot (here insert such "party" designation not exceeding three words in length): _____. I further declare that if I choose to use a post office box address on this petition, my residence address has not changed since I last reported it to the county recorder for purposes of updating my voter registration file.

An independent presidential elector nomination petition must contain the following circulator affidavit:

²²¹⁶ [A.R.S. § 16-341\(G\)](#).

²²¹⁷ [A.R.S. § 16-315\(C\)](#). Nomination petition forms must be formatted and printed substantially in the format required by the Arizona law. [A.R.S. § 16-315\(A\)](#).

²²¹⁸ [A.R.S. § 16-341\(G\)](#); *see also* [A.R.S. § 16-314](#); [A.R.S. § 16-315\(C\)](#).

²²¹⁹ *See* [A.R.S. § 16-318](#) (authorizing E-Qual for only U.S. Senate and U.S. House of Representatives).

I, _____ a person who is not required to be a resident of this state but who is otherwise qualified to register to vote in the county of _____, in the state of Arizona, hereby verify that each of the names on the petition was signed in my presence on the date indicated and that in my belief each signer was a qualified elector who resides at the address given as their residence on the date indicated.

Otherwise, a paper independent presidential elector nomination petition form must be formatted substantially in the same manner as a partisan nomination petition.²²²⁰

9.2.2.3.1.3.3 PROPER COMPLETION OF NOMINATION PETITION FORM

9.2.2.3.1.3.3.1 NOMINATION PETITION HEADER

An independent presidential elector nomination petition header should be completed prior to circulation as follows (as shown in **[bold]**):

The undersigned, qualified electors of county in the state of Arizona, do hereby nominate **[name all candidates for presidential elector, along with each candidate’s residence address and county of residence, in sequential order separated by semicolons²²²¹]** as candidates for the office of Presidential Elector at the general election to be held on the **[insert presidential preference election date]**, pledged to support **[insert presidential candidate’s name as it will appear on the presidential candidate’s nomination paper]** for President of the United States. I hereby declare that I have not signed the nomination petitions of any candidate for the office of Presidential Elector for this general election, and I do hereby select the following designation under which name the said candidate shall be placed on the official ballot (here insert such “party” designation not exceeding three words in length): **[insert three-word (or less) “party” designation from the presidential candidate’s nomination paper]**. I further declare that if I choose to use a post office box address on this petition, my residence address has not changed since I last reported it to the county recorder for purposes of updating my voter registration file.

9.2.2.3.1.3.3.2 NOMINATION PETITION SIGNATURES

²²²⁰ See Chapter 9, Section 9.2.1.1.1.1.2.2.

²²²¹ The number of presidential elector candidates must equal the total number of U.S. Senators and members of the U.S. House of Representatives. [A.R.S. § 16-341\(G\), \(I\)](#). A nomination petition signature collected on this form is considered a signature for all presidential elector candidates listed on the form. [A.R.S. § 16-341\(G\)](#).

An independent nomination petition signer must be a qualified elector.²²²² Any registered voter may sign the petition as long as the voter has not signed another presidential elector nomination petition for the same presidential election.²²²³

Otherwise, the same rules for signing and circulating a partisan nomination petition apply to independent presidential nomination petitions.²²²⁴

9.2.2.3.1.3.3.3 CIRCULATOR AFFIDAVIT

The same rules for completing a circulator affidavit on a partisan nomination petition apply to independent presidential nomination petitions.

9.2.2.3.1.3.4 REQUIRED NUMBER OF NOMINATION PETITION SIGNATURES

An independent presidential candidate must collect nomination petition signatures equal to at least 3% of unaffiliated registered voters in the state who are not registered with a recognized political party.²²²⁵

The number of unaffiliated registered voters is determined on the basis of voter registration totals reported by the Secretary of State of March 1st in the general election year.²²²⁶

9.2.2.3.1.3.5 AUTHORITY TO PRESCRIBE PETITION FORM AND METHOD OF FILING

The Secretary of State must prescribe the independent presidential nomination petition form.²²²⁷

The Secretary of State may prescribe the method of filing independent presidential nomination petitions, including but not limited to the electronic creation and filing of petitions.

9.2.2.3.1.3.6 FILING OFFICER PROCESSING OF NOMINATION PETITION SIGNATURES

The Secretary of State must process (and in appropriate cases reject) independent presidential nomination petition signatures in the same manner as partisan nomination petitions.²²²⁸

²²²² [A.R.S. § 16-341\(G\)](#). A “federal only” voter is qualified to sign an independent presidential nomination petition. *See* Chapter 1, Section 1.8.3.2.2.

²²²³ [A.R.S. § 16-341\(G\)](#).

²²²⁴ *See* Chapter 9, Sections 9.2.1.1.1.1.2.1.

²²²⁵ [A.R.S. § 16-341\(E\)](#). *See* Chapter 7.

²²²⁶ [A.R.S. § 16-341\(F\)](#).

²²²⁷ [A.R.S. § 16-315\(C\)](#). A nomination petition form that has been modified by the candidate or candidate’s committee does not constitute an official form authorized by the Secretary of State.

²²²⁸ *See* Chapter 9, Section 9.2.1.1.1.1.2.6.

Likewise, if an independent presidential candidate's nomination petitions are challenged in court, the applicable County Recorder must review the challenged signatures in the same manner as partisan nomination petitions.²²²⁹

9.2.2.3.2 DEADLINE TO FILE NOMINATION DOCUMENTS

An independent presidential candidate must file a letter of consent, nomination papers for the presidential, vice-presidential, and presidential electors, and nomination petitions between 60 and 90 days before the general election.²²³⁰

An independent presidential candidate who does not file the requisite nomination documents by 5:00 p.m. on the last day for filing is not eligible to have his or her name printed on the general election ballot.

9.2.2.4 WRITE-IN CANDIDATE FOR PRESIDENT

In lieu of securing a nomination to qualify for the general election ballot, a person may run as a write-in presidential candidate.²²³¹ Becoming an official write-in candidate causes the officer in charge of elections to tabulate any write-in votes for the candidate and include those results in the official canvass of the election.²²³²

9.2.2.4.1 REQUIRED DOCUMENTS FOR SEEKING A WRITE-IN CANDIDACY

A write-in presidential candidate may qualify for the general election ballot by filing the following documents with the Secretary of State:

- A letter of consent; and
- Write-in nomination papers for the presidential, vice-presidential, presidential elector candidates.

9.2.2.4.1.1 LETTER OF CONSENT

²²²⁹ See Chapter 9, Section 9.2.1.1.1.1.2.6.

²²³⁰ [A.R.S. § 16-341\(G\)](#).

²²³¹ [A.R.S. § 16-312\(G\)](#).

²²³² [A.R.S. § 16-312\(C\)](#). Failure to qualify as an official write-in candidate means that any write-in votes cast for the candidate will not be tallied.

A write-in presidential candidate must file a letter with the Secretary of State designating the candidate's vice-presidential running mate and the names of his or her presidential electors, including each person's signed consent to be designated as a candidate.²²³³

The letter of consent is separate from the nomination papers that must be filed. The wording of the letter is left to the candidate's discretion, as long as the letter is signed by the vice-presidential running mate and each presidential elector.

9.2.2.4.1.2 NOMINATION PAPERS

A write-in presidential candidate must file a nomination paper with the Secretary of State for the president and vice-presidential candidate.²²³⁴ Write-in presidential and vice-presidential nomination papers resemble partisan nomination papers,²²³⁵ except these nomination papers:

- Contain only the general election date;
- Designate a political party only if desired (designation of a political party affiliation, whether recognized or not, is optional);
- Contain a declaration (under penalty of perjury) that the candidates are qualified for the office of President and Vice President of the United States, including:
 - An affirmation the candidates are natural born citizens of the United States;
 - An affirmation the candidates will be at least 35 years old at the time of the general election; and
 - An affirmation the candidates will have been residents of the United States at least 14 years at the time of the general election.

A write-in presidential candidate must also file nomination papers for each presidential elector with the Secretary of State. A write-in presidential elector nomination paper resembles the presidential elector nomination paper used by recognized political parties,²²³⁶ except this nomination paper:

- Designates the presidential candidate for whom the presidential elector pledges support; and
- Does not contain any designation regarding the presidential candidate's party affiliation.

²²³³ [A.R.S. § 16-312\(G\)](#).

²²³⁴ [A.R.S. § 16-312\(G\)](#).

²²³⁵ See Chapter 9, Section 9.2.1.1.1.1.1 and Chapter 9, Section 9.2.2.2.1.

²²³⁶ See Chapter 9, Section 9.2.2.2.1.

Write-in presidential, vice-presidential, and presidential elector nomination papers may be filed electronically and need not be notarized.

9.2.2.4.1.2.1 PROHIBITION OF WRITE-IN CANDIDACY

A write-in candidacy is not a fallback option if an independent presidential candidate unsuccessfully sought a nomination. Thus, a person may not seek a write-in candidacy in the general election if the presidential candidate filed independent presidential nomination petitions for the current election.²²³⁷

A filing officer may reject a presidential candidate's write-in nomination paper for this reason.

9.2.2.4.2 DEADLINE TO FILE WRITE-IN NOMINATION DOCUMENTS

A write-in presidential candidate must file a write-in a letter of consent and requisite nomination papers no more than 40 days before the general election.²²³⁸

A write-in presidential candidate who does not file the requisite nomination documents by 5:00 p.m. on the last day for filing is not eligible to have votes tallied or included in the official canvass.²²³⁹

9.2.3 FILING OFFICER FOR CANDIDATE DOCUMENTS

Candidate documents, including nomination papers, nomination petitions and financial disclosure statements, must be filed with the proper filing officer.

The Secretary of State is the filing officer for:

- Presidential elector candidates;²²⁴⁰
- Presidential preference election candidates;²²⁴¹
- U.S. Senate and U.S. House of Representatives candidates;²²⁴²
- Statewide candidates;²²⁴³

²²³⁷ [A.R.S. § 16-312\(F\)\(4\)](#).

²²³⁸ [A.R.S. § 16-312\(B\)](#).

²²³⁹ [A.R.S. § 16-312\(B\)](#). Promptly after the close of the filing deadline, the filing officer must notify the Board(s) of Supervisors (as necessary) of any write-in candidates certified for the ballot. [A.R.S. § 16-312\(E\)](#).

²²⁴⁰ [A.R.S. § 16-311\(E\)](#).

²²⁴¹ [A.R.S. 16-242\(A\)](#).

²²⁴² [A.R.S. § 16-311\(E\)](#).

²²⁴³ [A.R.S. § 16-311\(E\)](#).

- Legislative candidates;²²⁴⁴
- Supreme Court justices (seeking retention);²²⁴⁵ and
- Court of Appeals judges (seeking retention).²²⁴⁶

The county officer in charge of elections is the filing officer for:

- County candidates;²²⁴⁷
- Candidates for precinct office, which include:²²⁴⁸
 - Justice of the Peace candidates;
 - Constable candidates; and
 - Precinct committeemen candidates;²²⁴⁹
- Community college district governing board candidates;²²⁵⁰
- Special taxing district candidates;
- Superior Court judges (seeking election or retention);²²⁵¹ and
- Clerk of the Superior Court candidates.²²⁵²

The county school superintendent is the filing officer for the following committees:

- School district governing board candidates;²²⁵³ and

²²⁴⁴ [A.R.S. § 16-311\(E\)](#).

²²⁴⁵ [Ariz. Const. Art. VI, § 38\(A\)](#). Prior to expiration of his or her term, a Justice of Supreme Court must file a declaration to be retained in the office with the Secretary of State 60-90 days before the general election. [Ariz. Const. Art. VI, § 38\(A\)](#). Supreme Court Justices appear on the ballot for retention in all Arizona counties.

²²⁴⁶ [Ariz. Const. Art. VI, § 38\(A\)](#). Prior to expiration of his or her term, a Judge of the Court of Appeals must file a declaration to be retained in the office with the Secretary of State 60-90 days before the general election. [Ariz. Const. Art. VI, § 38\(A\)](#). Court of Appeals judges appear on the ballot(s) for retention based on the judge's residency.

²²⁴⁷ [A.R.S. § 16-311\(F\)](#). County candidates include County Sheriff, County Attorney, County Recorder, County Treasurer, County Assessor, County Superintendent of Schools, and County Supervisors. [Ariz. Const. Art. XII, § 3](#); [A.R.S. § 11-401](#).

²²⁴⁸ [A.R.S. § 16-311\(F\)](#); *Nicol v. Superior Court, Maricopa County*, 106 Ariz. 208, 209 (1970) (Justices of the Peace and Constables are "precinct officers" pursuant to [A.R.S. § 22-102](#)).

²²⁴⁹ [A.R.S. § 16-311\(F\)](#). The office of precinct committeeman is treated as a "precinct officer" for purposes of this Manual.

²²⁵⁰ [A.R.S. § 15-1442\(A\)](#).

²²⁵¹ [A.R.S. § 16-311\(F\)](#); *but see* [Ariz. Const. Art. VI, § 38\(A\)](#).

²²⁵² Ariz. Op. Atty. Gen. No. I85-086 (R85-071) (1985) (holding that candidates for Clerk of the Superior Court are treated as county candidates for the purpose of filing nomination petitions).

- Joint technical education district governing board candidates.²²⁵⁴

The city or town clerk is the filing officer for committees registered at the city or town level.²²⁵⁵

9.2.4 BASES TO REJECT A CANDIDATE FILING

A filing officer may reject a candidate filing on any of the following bases:

- Failure to file a sufficient number of nomination petition signatures;²²⁵⁶
- Failure to file nomination documents by the statutory deadline;
- Failure to file all the required documents to run for office;
- Failure to fully or properly complete any required document to run for office, including:
 - Failure to sign a document that requires a signature;²²⁵⁷
 - Failure to select a required checkbox or answer a required question;²²⁵⁸
 - Use of an honorific or other authorized title on a nomination paper;²²⁵⁹
- Failure to use the correct form or correct version of any required document to run for office;²²⁶⁰
- Failure to specify the expiration date of the office sought if more than one seat for the same office will appear on the ballot;²²⁶¹

²²⁵³ [A.R.S. § 15-422\(A\)](#); [A.R.S. § 15-431\(B\)\(6\)](#); [A.R.S. § 16-311\(F\)](#).

²²⁵⁴ [A.R.S. § 15-393\(A\)\(4\), \(C\)\(5\)](#); [A.R.S. § 15-422\(A\)](#).

²²⁵⁵ [A.R.S. § 16-928\(A\)\(3\)](#).

²²⁵⁶ [A.R.S. § 16-322](#). A filing officer may reject nomination petitions without conducting a full count if the candidate or campaign acknowledges that an insufficient number of signatures are being presented for filing.

²²⁵⁷ For example, a filing officer may reject a nomination paper or financial disclosure statement without a signature. However, the filing officer may allow an electronic signature or typed-written signature.

²²⁵⁸ For example, if a candidate indicates that he or she is filing an annual financial disclosure statement at the time of filing a nomination paper to run for office, the filing officer may reject the filing and direct the candidate to file a candidate-related financial disclosure statement pursuant to [A.R.S. § 38-543](#).

²²⁵⁹ If possible, a filing officer should simply reject the unauthorized honorific or title in lieu of rejecting the nomination paper altogether. [A.R.S. § 16-311\(H\)](#); Chapter 4, Section __. For example, if a candidate for statewide office lists his name as “Dr. John Smith,” the Secretary of State may omit the professional title and certify the candidate as “John Smith” to the applicable officer in charge of elections.

²²⁶⁰ For example, if the Legislature amended the statutorily-prescribed language in a petition header or changed the substantive information that must be reported in a financial disclosure statement, the filing officer may reject a filing that uses the outdated form or statement.

²²⁶¹ For example, if two U.S. Senate seats will appear on the forthcoming primary election ballot (one for a full 6-year term and one for the remaining term of a vacant seat), the nomination petitions seeking the remaining term of the vacant seat must specify the term’s expiration date in accordance with [A.R.S. § 16-](#)

- Seeking more than one office at the same time;²²⁶² or
- Failure by the candidate (other than a federal candidate) to make complete payment of any monetary penalties, fines or judgments resulting from campaign finance violations under Title 16, Chapter 6.²²⁶³

Any other alleged deficiencies in a candidate’s nomination documents should be addressed in court.²²⁶⁴

9.3 REQUIREMENTS UPON ASSUMING PUBLIC OFFICE

A public official is required to undertake various actions upon assuming office, including but not limited to:²²⁶⁵

- Executing a loyalty oath;²²⁶⁶ and
- Filing a financial disclosure statement.²²⁶⁷

9.3.1 LOYALTY OATH

All elected and appointed officials (other than federal officials) must take a loyalty oath upon taking office.²²⁶⁸ The prescribed oath is:²²⁶⁹

314(D). If the nomination petitions do not specify any expiration date, the Secretary of State must accept the nomination petitions for the purpose of seeking the full 6-year term but cannot accept the petitions for the purpose of seeking the vacant seat.

²²⁶² A candidate may not file a nomination paper and petitions for more than one office in cases where it would be impossible to simultaneously serve in both offices. [A.R.S. § 38-296.01](#). Accordingly, a filing officer may only accept a nomination paper and petitions for one office, except: (1) a candidate for legislative office may simultaneously run for community college district, school district, or joint technical education district governing board member; and (2) a candidate for U.S. Senate or U.S. House of Representatives may also run for U.S. President or U.S. Vice President during the same election cycle. [Ariz. Const. Art. IV, Pt. 2, § 5](#); [A.R.S. § 38-296.01\(B\)](#). *See also* Chapter 9, Section 9.1.4 (qualifications to run for legislative office).

²²⁶³ [A.R.S. § 16-311\(D\), \(I\)](#); *see also* Chapter 8, Section 8.10. Outstanding fines resulting from failure to file an annual financial disclosure statement or officeholder account report are not grounds to refuse a nomination paper. *See* Chapter 9, Section 9.1.1.

²²⁶⁴ [A.R.S. § 16-351](#). For example, the filing officer is not authorized to reject a nomination paper or nomination petitions “that have been submitted by a candidate who is found guilty of petition forgery” [A.R.S. § 16-351\(F\)](#). Any such rejection must be ordered by a court in the context of candidate challenge filed pursuant to [A.R.S. § 16-351](#).

²²⁶⁵ Other duties may include filing an official bond conditioned on faithful performance of the public official’s duties under law. *See* [A.R.S. § 38-256](#); [A.R.S. § 38-268](#); *see also* [A.R.S. § 38-251](#).

²²⁶⁶ [A.R.S. § 38-231](#).

²²⁶⁷ [A.R.S. § 18-444](#); [A.R.S. § 38-545](#).

²²⁶⁸ [A.R.S. § 38-231\(A\), \(F\)](#).

State of Arizona, County of _____ I, _____ (type or print name) do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution and laws of the State of Arizona, that I will bear true faith and allegiance to the same and defend them against all enemies, foreign and domestic, and that I will faithfully and impartially discharge the duties of the office of _____ (name of office) according to the best of my ability, so help me God (or so I do affirm).

(signature of officer or employee)

An elected official must take, execute and file the loyalty oath at any time after receiving a certificate of election and at or before commencement of the term of office.²²⁷⁰ Elected officials must file the oath as follows:

- Statewide officers must file the oath with the Secretary of State;²²⁷¹
- Legislators must file the oath with Clerk of the House of Representatives or Secretary of the Senate, as applicable;
- County officers and precinct officers must file the oath with the County Recorder, except the County Recorder's oath must be filed with the Clerk of the Board of Supervisors;²²⁷²
- School district officers must file the oath with "school district office";²²⁷³ and
- City and town officers must file the oath with the "employing board."²²⁷⁴

Any person that fails to take and execute the loyalty oath may not receive compensation and deemed to have vacated the office.²²⁷⁵ A person who exercises the duties of public office without first taking the oath is subject to a class 2 misdemeanor.²²⁷⁶

9.3.2 ANNUAL FINANCIAL DISCLOSURE STATEMENT

An official must file a financial disclosure statement if, during the prior calendar year, the official:

²²⁶⁹ [A.R.S. § 38-231\(E\).](#)

²²⁷⁰ [A.R.S. § 38-232\(2\).](#)

²²⁷¹ [A.R.S. § 38-233\(A\).](#)

²²⁷² [A.R.S. § 38-233\(B\).](#)

²²⁷³ [A.R.S. § 38-233\(E\).](#)

²²⁷⁴ [A.R.S. § 38-233\(C\).](#)

²²⁷⁵ [A.R.S. § 38-231\(B\); A.R.S. § 38-291\(9\).](#)

²²⁷⁶ [A.R.S. § 38-442\(A\).](#)

- Held elected office;
- Was appointed to elected office; or
- Was appointed to judicial office.²²⁷⁷

This filing obligations exists:

- Regardless of how long the official held office during the calendar year (even for one day);²²⁷⁸
- Even if the official resigned, retired, or prematurely left office for any reason during the calendar year;²²⁷⁹ or
- Regardless of whether the official will file or already filed a financial disclosure statement in conjunction with his or her candidacy for office.²²⁸⁰

The form of a financial disclosure statement is prescribed by the Secretary of State.²²⁸¹ The Secretary of State’s financial disclosure handbook serves as the official interpretation of how (and whether) certain financial interests should be reported.²²⁸²

9.3.2.1 FILING OFFICER

The following officials must file a financial disclosure statement with the Secretary of State:

- Statewide officials;²²⁸³
- Members of the Legislature;²²⁸⁴
- A justice or judge of the Arizona Supreme Court, Arizona Court of Appeals or superior court, whether elected or appointed²²⁸⁵

²²⁷⁷ [A.R.S. § 18-444\(D\)](#); [A.R.S. § 38-545](#). Precinct committeemen are not requirement to file a financial disclosure statement.

²²⁷⁸ The filing requirement equally applies to those who “qualified” as a public officer during the past calendar year as well, which encompasses newly-elected and newly-appointed officials. [A.R.S. § 18-444\(D\)](#). Thus, public officers who were elected or appointed in the previous calendar year, but have not yet taken office in the current year, are still obligated to file a financial disclosure statement.

²²⁷⁹ The financial disclosure statement must cover the entire calendar year, not just the period when the official held office.

²²⁸⁰ Compare [A.R.S. § 18-444\(A\)](#) with [A.R.S. § 16-311\(H\)\(1\)](#) and [A.R.S. § 38-543](#). A person who applies for merit selection to the Superior Court need not file a financial disclosure statement.

²²⁸¹ [A.R.S. § 18-444\(E\)](#).

²²⁸² [A.R.S. § 18-444\(E\)](#).

²²⁸³ [A.R.S. § 38-541\(8\)](#).

²²⁸⁴ [A.R.S. § 38-541\(8\)](#).

- A full-time judge pro tempore, commissioner, or juvenile hearing officer serving the appellate courts or the superior court.²²⁸⁶

The process for filing a financial disclosure statement at the county, city or town level is prescribed by local ordinance or resolution.²²⁸⁷

A filing officer may prescribe the method for filing a financial disclosure statement, including electronic filing if the filing officer so requires.²²⁸⁸

9.3.2.2 DEADLINE TO FILE

If a public officer served any time in office during a particular calendar year, the officer must file a financial disclosure statement between January 1st and January 31st of the following calendar year.

A public officer whose final term expires less than 31 days into the immediately following calendar year may file their final Financial Disclosure Statement between January 1st and January 31st of the year in which they leave office.²²⁸⁹ In other words, for those public officers whose final term will end in January, the annual financial disclosure statement should cover the entire previous calendar year and include any financial activity from January 1st of the current year through the date the person officially leaves office. This allows departing public officers to take care of all remaining reporting obligations at once.

If an officer is newly appointed (whether as a judicial official or to fill a vacancy in elected office), an officer must file a financial disclosure Statement within 60 days of the date he or she takes office.²²⁹⁰ This financial disclosure statement should cover the previous consecutive 12-month period, ending with the last full month prior to the date of taking office.²²⁹¹

9.3.2.3 ENFORCEMENT

²²⁸⁵ [A.R.S. § 38-541\(8\)](#). Supreme Court justices are not expressly mentioned in statute but are required to file Financial Disclosure Statements by virtue of Ariz. Code of Jud. Conduct, Rule 3.15.

²²⁸⁶ Ariz. Supr. Ct. Admin Order 2012-93; Ariz. Code Jud. Admin. § 1-307.

²²⁸⁷ [A.R.S. § 38-545](#).

²²⁸⁸ [A.R.S. § 18-444\(F\)](#).

²²⁸⁹ [A.R.S. § 18-444\(D\)](#).

²²⁹⁰ [A.R.S. § 18-444\(D\)](#).

²²⁹¹ If a public officer was appointed in January, he or she need only file one financial disclosure statement because both the previous 12-month and annual reporting obligations will be satisfied. Otherwise, a public officer must file an annual financial disclosure statement in January even if he or she recently filed a financial disclosure statement upon appointment late in the previous calendar year.

Failure to timely file a financial disclosure statement is enforced similar to the method for late campaign finance reports.²²⁹² Enforcement may include a civil penalty of \$50 for each day the statement is late (up to \$500) until it is filed.²²⁹³ In addition, any public officer found to have knowingly filed an incomplete or a false financial Disclosure statement may be subject to a class 1 misdemeanor.²²⁹⁴

9.4 VACANCIES IN OFFICE

9.4.1 CREATION OF VACANCY

An office (other than a federal office)²²⁹⁵ is deemed vacant if a public officer:²²⁹⁶

- Dies;²²⁹⁷
- Is found mentally incapacitated by a court of law;²²⁹⁸
- Resigns from office (and the governing body accepts the resignation);²²⁹⁹
- Is removed from office before the officer’s term expires, including through expulsion, forfeiture, impeachment, or recall;²³⁰⁰
- Ceases to reside in the jurisdiction or district from which he or she was elected;²³⁰¹
- Is absent from the State for more than 3 consecutive months without the permission of the Legislature;²³⁰²
- Ceases to perform his or her duties for 3 consecutive months;²³⁰³

²²⁹² See [A.R.S. § 38-544\(B\)](#) (indicating the violations will be enforced according to the same standards as campaign finance complaints); Chapter 8, Section 8.10.

²²⁹³ [A.R.S. § 38-544\(B\)](#).

²²⁹⁴ [A.R.S. § 38-544\(A\)](#).

²²⁹⁵ A federal office may be deemed vacant “by reason of death or resignation, or from any other cause” recognized under federal law. [A.R.S. § 16-222\(A\)](#).

²²⁹⁶ [A.R.S. § 38-291\(1\)](#); see also [A.R.S. § 16-821\(B\)](#). An office is not deemed vacant simply because the successor fails to qualify for the office. In that case, the existing officeholder remains in office (even past the expiration of his or her term) until a successor properly qualifies for the office. [Ariz. Const. Art. XXII, § 13](#); [A.R.S. § 38-295\(B\)](#).

²²⁹⁷ [A.R.S. § 38-291\(1\)](#).

²²⁹⁸ [A.R.S. § 38-291\(2\)](#). A judicial finding of “insanity of the person holding office” is deemed equivalent to mental incapacitation pursuant to [A.R.S. § 14-5101\(3\)](#).

²²⁹⁹ [A.R.S. § 38-291\(3\)](#).

²³⁰⁰ [A.R.S. § 38-291\(4\)](#). See also [A.R.S. § 16-942\(C\)](#); [A.R.S. § 19-216](#); [A.R.S. § 38-311](#).

²³⁰¹ [A.R.S. § 38-291\(5\)](#); [A.R.S. § 9-232\(D\)](#). A member of Congress is not required to reside within the congressional district in which he or she was elected. See Chapter 9, Section 9.1.2.

²³⁰² [A.R.S. § 38-291\(6\)](#).

²³⁰³ [A.R.S. § 38-291\(7\)](#).

- Is convicted of a felony or other criminal offence involving a violation of his or her official duties;²³⁰⁴
- Fails to timely file a loyalty oath upon election or appointment to office;²³⁰⁵
- Has his or her election or appointment declared void by a court of law;²³⁰⁶
- Fails to be elected or appointed to the office;²³⁰⁷
- Files a nomination paper to run for a different office in violation of Arizona’s resign-to-run law;²³⁰⁸ or
- In the case of a city or town, ceases to be a qualified elector.²³⁰⁹

When a public officer is removed, declared mentally incapacitated, or convicted of a felony or an offense involving a violation of their official duties, or when his or her election or appointment is declared void, the body, judge or officer before whom the proceedings were held must give notice to the official empowered to fill the vacancy.²³¹⁰

9.4.1.1 RESIGNATION

9.4.1.1.1 PROCEDURE TO TENDER RESIGNATION

Resignations must be in writing and tendered to the following officials:

- Members of the U.S. Senate or U.S. House of Representatives must send notice of their resignation to the Governor;²³¹¹
- Statewide officers must tender their resignation to the Governor;²³¹²
- Members of the Legislature must tender their resignation to the Senate President or Speaker of the House, as applicable, who must transmit the resignation to the Governor and the Secretary of State;²³¹³

²³⁰⁴ [A.R.S. § 38-291\(8\)](#). See e.g. [A.R.S. § 15-107\(K\)](#); [A.R.S. § 15-304\(D\)-\(E\)](#).

²³⁰⁵ [A.R.S. § 38-291\(9\)](#); Chapter 9, Section 9.3.1.

²³⁰⁶ [A.R.S. § 38-291\(10\)](#).

²³⁰⁷ [A.R.S. § 38-291\(12\)](#).

²³⁰⁸ [A.R.S. § 38-291\(12\)](#); Chapter 9, Section 9.4.1.1.2.

²³⁰⁹ [A.R.S. § 9-232\(D\)](#).

²³¹⁰ [A.R.S. § 38-292](#).

²³¹¹ [A.R.S. § 16-221](#); [A.R.S. § 16-222\(B\)-\(C\)](#). In tendering their resignation, federal officeholders may also have to comply with federal law or the rules of the U.S. Senate or U.S. House of Representatives (as applicable).

²³¹² [A.R.S. § 38-294\(2\)](#).

²³¹³ [A.R.S. § 38-294\(1\)](#). The Secretary of State must be notified in order to commence the process to fill the legislative vacancy. See Chapter 9, Section ____.

- County officers must tender their resignation to the Chairman of the Board of Supervisors;²³¹⁴
- In cases not otherwise provided for, officers must tender their resignation to the Secretary of State.²³¹⁵

9.4.1.1.2 “RESIGN TO RUN” REQUIREMENTS

Except during the final year of the term being served, an incumbent holding a salaried elective office (whether through election or by appointment) must resign his or her current office before seeking nomination or election to any other salaried federal, state, or local public office.²³¹⁶ This requirement is known as the “resign-to-run” law.

The resign-to-run law is triggered if an incumbent “offers” himself or herself for nomination or election.²³¹⁷ An incumbent formally offers himself or herself for nomination or election only by filing a nomination paper with the applicable filing officer.²³¹⁸ Other actions traditionally associated with running for office—such as declaring one’s candidacy or collecting nomination petition signatures—do not trigger the resign-to-run law.²³¹⁹

The resign-to-run law only applies when an incumbent seeks nomination or election outside the final year of his or her present term of office.²³²⁰ An incumbent’s “final year” is determined by counting 1 year backward from the date of the present term’s expiration:

- For a statewide office, a 4-year term ends on the first Monday of an odd-numbered year;²³²¹
- For a legislative office, a 2-year term ends on the first Monday of an odd-numbered year;²³²² and
- For a county office, a 4-year term ends on January 1 of an odd-numbered year.²³²³

²³¹⁴ [A.R.S. § 38-294\(4\)](#). If the Chairman of the Board of Supervisors resigns, the resignation must be tendered to the County Recorder. [A.R.S. § 38-294\(5\)](#).

²³¹⁵ [A.R.S. § 38-294\(6\)](#); *see also* Ariz. Atty. Gen. Op. I85-007 (R85-001) (1985) (Clerk of the Superior Court must tender resignation to the Secretary of State);

²³¹⁶ [Ariz. Const. Art. XXII, § 18](#); [A.R.S. § 38-296\(A\)](#).

²³¹⁷ [A.R.S. § 38-296\(A\)-\(B\)](#)

²³¹⁸ [A.R.S. § 38-296\(B\)](#); Chapter 9, Section 9.2.1.1.1.2. Filing a nomination paper pursuant to any Arizona election statute triggers the resign-to-run provision. *See* [A.R.S. § 16-222\(B\)\(2\)](#); [A.R.S. § 16-311\(A\)](#); [A.R.S. § 16-312\(A\)](#); [A.R.S. § 16-313](#).

²³¹⁹ [A.R.S. § 38-296\(B\)](#).

²³²⁰ [Ariz. Const. Art. XXII, § 18](#); [A.R.S. § 38-296\(A\)](#).

²³²¹ [Ariz. Const. Art. V, § 1\(A\)](#);

²³²² [Ariz. Const. Art. IV, Pt. 2 § 21](#); Ariz. Op. Atty. Gen. No. I84-065 (R84-045) (May 4, 1984); Ariz. Op. Atty. Gen. No. I78-256 (R78-324) (Nov. 13, 1978).

²³²³ [Ariz. Const. Art. XII, § 3](#).

Violation of the resign-to-run law results in the incumbent’s present office being “declared vacant.”²³²⁴ To enforce this provision, the Attorney General, applicable County Attorney, or a person entitled to rightfully hold the office must file a *quo warranto* action in court.²³²⁵

9.4.2 FILLING VACANCIES

9.4.2.1 VACANCY IN FEDERAL OFFICE

9.4.2.1.1 U.S. SENATE

For a vacancy in the office of U.S. Senator, the Governor must appoint a qualified elector to fill the vacancy on an interim basis.²³²⁶ The appointee must be registered with the same political party as the person who vacated the office.²³²⁷

The appointee will serve until the vacancy is filled at the next eligible general election.²³²⁸ The next eligible general election is one that is preceded by a primary election in which at least one eligible candidate appears on the ballot or has qualified as a write-in candidate. In other words, in order to fill the vacancy at the next general election, the vacancy must occur sufficiently before the deadline in [A.R.S. § 16-311\(A\)](#) to file the requisite number of nomination petition signatures with the Secretary of State,²³²⁹ or at least by the deadline to file as a write-in candidate. If no candidate qualifies, the vacancy must be filled at the general election during the following election cycle.²³³⁰

²³²⁴ [A.R.S. § 38-296\(E\)](#).

²³²⁵ [A.R.S. § 12-2041](#); [A.R.S. § 12-2042](#); [A.R.S. § 12-2043](#); *Jennings v. Woods*, 194 Ariz. 314 (1999).

²³²⁶ [A.R.S. § 16-222\(C\)](#).

²³²⁷ [A.R.S. § 16-222\(C\)](#). If the vacating Senator changed parties during his or her term in office, the person appointed to fill the vacancy must be registered with the same political party that the vacating Senator was at the time he or she was elected or appointed to the office. [A.R.S. § 16-222\(C\)](#).

²³²⁸ [A.R.S. § 16-222\(A\)](#).

²³²⁹ If the other U.S. Senate seat is up for election during the same election cycle when a vacancy occurs, candidates running in the original Senate race may not transfer any existing nomination petition signatures for use in the newly-vacated Senate race. Specifically, nomination petitions circulated for the purpose of filling a vacant office must contain the date of the term’s expiration (and this date must appear on the petition prior to collection of signatures). [A.R.S. § 16-314\(D\)](#). Since nomination petitions intended for the original U.S. Senate race would not contain the term expiration, a candidate may not transfer (and the filing officer may not accept) those signatures for the now vacant Senate seat.

²³³⁰ For example, if a U.S. Senator with a term ending in January 2024 resigns in June 2020, the vacancy must be filled at the 2022 general election because vacancy occurred after the deadline to file nomination petitions for the 2020 primary election. In this case, the Governor’s interim appointee to the Senate seat will serve through the 2022 general election and until his or her successor is sworn into the U.S. Senate.

9.4.2.1.2 U.S. HOUSE OF REPRESENTATIVES

If a vacancy occurs in the U.S. House of Representatives within 6 months of the next general election, there is no appointment or election to fill the unexpired term.²³³¹ The congressional seat will be filled for the following term by conducting a standard primary and general election.²³³²

If a vacancy occurs 6 months or more before the next general election, the unexpired remainder of the term must be filled through a special primary and special general election.²³³³ In this case, the Governor must issue a proclamation within 72 hours of the vacancy that sets the special primary and special election dates as follows:²³³⁴

- The special primary election must occur between 80 and 90 days after the effective date of the vacancy;²³³⁵
- The special general election must occur between 50 and 60 days after the special primary election;²³³⁶
- The special election dates must occur on a Tuesday absent extenuating circumstances;²³³⁷ and
- No other offices may be elected on a special election ballot to fill a congressional vacancy.²³³⁸

Within 10 days after the vacancy occurs, the Governor must distribute the election proclamation to the Clerk of the Board of Supervisors and the officer in charge of elections in any county that comprises the congressional district.²³³⁹ In counties that received the election proclamation, the Clerk of the Board of Supervisors must publish a copy of the proclamation in an official

²³³¹ [A.R.S. § 16-222\(B\)](#).

²³³² A candidate running in the regular primary election is not required to identify the expiration date of the congressional term in his or her nomination petition, since the candidate is seeking the next full term not the unexpired portion of the current term. Compare [A.R.S. § 16-314\(D\)](#).

²³³³ [A.R.S. § 16-222\(B\)](#).

²³³⁴ [A.R.S. § 16-221](#); [A.R.S. § 16-222\(B\)](#); [A.R.S. § 16-223\(A\)](#). The congressional seat is “officially declared vacant” on the effective date that the member vacates the seat, not when the member announces the resignation. For example, if a member of Congress announces on April 1 that she intends to resign as of May 1 at 5:00 p.m., the Governor must issue the proclamation by May 4 at 5:00 p.m.

²³³⁵ [A.R.S. § 16-222\(B\)\(1\)](#).

²³³⁶ [A.R.S. § 16-222\(B\)\(1\)](#).

²³³⁷ In setting the special primary and general elections, the Governor should set election dates that nonetheless will allow the timely transmission of UOCAVA ballots if a candidate challenge lawsuit is filed, including the possibility of an appeal to the Arizona Supreme Court. [A.R.S. § 16-222\(B\)\(1\), \(3\)-\(4\)](#); Chapter 2, Section 2.4.2.1.

²³³⁸ [A.R.S. § 16-221](#).

²³³⁹ [A.R.S. § 16-223\(B\)](#).

newspaper in the county at least 5 days before the special primary and special general elections.²³⁴⁰

9.4.2.1.2.1 RUNNING IN THE SPECIAL PRIMARY ELECTION

A special primary election must be conducted on the following schedule:

- Candidates may begin collecting petition signatures upon issuance of the Governor’s election proclamation. A candidate petition must identify:
 - The correct special primary election date;²³⁴¹ and
 - The expiration date of the vacant congressional term;²³⁴²
- Candidates seeking a nomination must file a nomination paper and the requisite number of nomination petition signatures with the Secretary of State no more than 30 days after the election proclamation was issued;²³⁴³
 - A candidate must collect signatures equal to at least 0.25% (but no more than 10%) of qualified signers who reside in the congressional district;²³⁴⁴
- An elector may challenge a candidate’s nomination petitions signatures by 5:00 p.m. on the 5th business day following the petition filing deadline;²³⁴⁵
- A Superior Court must render a decision within 5 calendar days after a candidate challenge is filed;²³⁴⁶
- A write-in candidate must file a nomination paper with the Secretary of State 40 days before the special primary election;²³⁴⁷
- UOCAVA ballots must be mailed at least 45 days before the special primary election;²³⁴⁸

²³⁴⁰ [A.R.S. § 16-223\(C\)](#).

²³⁴¹ [A.R.S. § 16-314\(C\)](#). A standard partisan nomination petition may be used without changing the statutorily-prescribed language. [A.R.S. § 16-314\(C\)](#). Thus, the candidate need not insert the word “special” (to signify a “special primary election”) in the nomination petition header.

²³⁴² [A.R.S. § 16-314\(D\)](#).

²³⁴³ [A.R.S. § 16-222\(B\)\(2\)](#). This deadline applies to both partisan candidates and independent candidates seeking a nomination other than by primary.

²³⁴⁴ [A.R.S. § 16-322\(A\)\(2\)](#); Chapter 9, Section 9.2.1.1.1.2.3.2. Notwithstanding [A.R.S. § 16-322\(B\)](#), the number of qualified signers must be determined according to the voter registration figures most recently reported to the Secretary of State pursuant to [A.R.S. § 16-168\(G\)](#).

²³⁴⁵ [A.R.S. § 16-222\(B\)\(3\)](#).

²³⁴⁶ [A.R.S. § 16-222\(B\)\(4\)](#). A party may appeal the Superior Court’s decision directly to the Supreme Court in accordance with [A.R.S. § 16-351\(A\)](#), but any appeal and resulting decision must take into account the UOCAVA ballot mailing deadline. *See* Chapter 2, Section 2.4.2.1.

²³⁴⁷ [A.R.S. § 16-312\(B\)](#).

²³⁴⁸ Chapter 2, Section 2.4.2.1.

- The voter registration deadline is 29 days before the special primary election, and early voting begins 27 days before the special primary election;
- For one-time early ballot requests made within 15 days of the special primary election, a County Recorder must mail an early ballot within 48 hours of the request.²³⁴⁹

A special general election must be conducted on a similar schedule:

- A write-in candidate must file a nomination paper with the Secretary of State 40 days before the special general election;²³⁵⁰
- UOCAVA ballots must be mailed at least 45 days before the special general election;²³⁵¹
- The voter registration deadline is 29 days before the special general election, and early voting begins 27 days before the special general election;
- For one-time early ballot requests made within 15 days of the special general election, a County Recorder must mail an early ballot within 48 hours of the request.²³⁵²

9.4.2.2 VACANCY IN STATEWIDE OFFICE

If the office of Governor becomes vacant, the Secretary of State (if elected) succeeds to the office of Governor until a successor is elected at the next gubernatorial general election.²³⁵³ If the Secretary of State had been appointed or otherwise fails to qualify as Governor, the elected Attorney General, State Treasurer, or Superintendent of Public Instruction succeed to the office of Governor in that order.²³⁵⁴ The taking of an oath as Governor pursuant to the line of succession constitutes a resignation from the statewide officeholder’s current office.²³⁵⁵

If a statewide office other than the office of Governor becomes vacant, the Governor must appoint a replacement officeholder of the same political party until a successor is elected.²³⁵⁶ If the vacancy occurs in the first 2 years of the officeholder’s term (and before the deadline to file a

²³⁴⁹ [A.R.S. § 16-222\(B\)\(5\)](#). To be eligible, a qualified elector must make a “complete and correct” early ballot request. [A.R.S. § 16-222\(B\)\(5\)](#).

²³⁵⁰ [A.R.S. § 16-312\(B\)](#).

²³⁵¹ Chapter 2, Section 2.4.2.1.

²³⁵² [A.R.S. § 16-222\(B\)\(5\)](#). To be eligible, a qualified elector must make a “complete and correct” early ballot request. [A.R.S. § 16-222\(B\)\(5\)](#).

²³⁵³ [Ariz. Const. Art. V, § 6](#).

²³⁵⁴ [Ariz. Const. Art. V, § 6](#).

²³⁵⁵ [Ariz. Const. Art. V, § 6](#).

²³⁵⁶ [Ariz. Const. Art. V, § 8](#); [Ariz. Const. Art. XV, § 1](#); [A.R.S. § 16-230\(A\)\(1\)](#). If the vacating officeholder changed parties during his or her term in office, the person appointed to fill the vacancy must be registered with the same political party that the vacating officeholder was at the time he or she was elected or appointed to the office. [A.R.S. § 16-230\(A\)\(1\)](#).

nomination paper and nomination petitions),²³⁵⁷ a primary and general election must be held to elect a successor to fill the remaining 2 years of the unexpired term.²³⁵⁸ If the vacancy occurs after the deadline to file a nomination paper and petitions in the second year of the term, the vacancy will be filled at the primary and general election during the final year of the term.

9.4.2.3 VACANCY IN LEGISLATIVE OFFICE

A vacancy in the Legislature is filled through appointment by the Board of Supervisors from the county in which the former legislator resided.²³⁵⁹

The process begins when the applicable legislative body transmits the member's resignation letter to the Secretary of State. The Secretary of State must determine the appropriate process to fill the vacancy based on the circumstances.

9.4.2.3.1 LEGISLATIVE DISTRICT WITH AT LEAST 30 PRECINCT COMMITTEEMEN

If the resigning legislator was a member of a recognized political party, and there are at least 30 elected precinct committeemen from that political party that reside in the portion of the legislative district that lies within the resigning legislator's county of residence, the Secretary of State must promptly notify the applicable state political party chairman.²³⁶⁰ Following this notification:

- The state political party chairman establishes a date and time to nominate persons to fill the vacancy and must notify the applicable elected precinct committeemen of this meeting within 3 business days of notification by the Secretary of State;²³⁶¹
- The timing of the precinct committeemen meeting depends on whether the Legislature is in session:
 - If the Legislature is in regular session at the time of the vacancy, the meeting must be held within 5 calendar days of notification by the Secretary of State; or
 - If the Legislature is not in regular session at the time of the vacancy, the meeting must be held within 21 days of notification by the Secretary of State;²³⁶²
- The applicable elected precinct committeemen must nominate 3 qualified electors to fill the vacancy, all of which must:

²³⁵⁷ See Chapter 9, Section 9.2.1.1.1.2.

²³⁵⁸ [A.R.S. § 16-230\(A\)\(1\)](#). In that case, the Governor's appointee would only serve the remainder of the first 2 years of the vacating officeholder's term.

²³⁵⁹ [A.R.S. § 41-1202](#).

²³⁶⁰ [A.R.S. § 41-1202\(A\)](#). The resigning member's county of residence is based on the address on the candidate's most recently-filed nomination paper. [A.R.S. § 16-311\(A\)](#).

²³⁶¹ [A.R.S. § 41-1202\(A\)\(1\)](#).

²³⁶² [A.R.S. § 41-1202\(A\)\(2\)](#).

- Meet the qualifications to serve in the Legislature;²³⁶³
- Belong to the same political party as the resigning member;²³⁶⁴ and
- Reside in the same legislative district and county as the resigning member;²³⁶⁵
- The state political party chairman must oversee the precinct committeemen meeting, which is subject to Arizona’s open meeting law;²³⁶⁶
- The state political party chairman must forward the 3 nominees’ names to the Board of Supervisors of the county of the resigning member’s residence;²³⁶⁷ and
- The Board of Supervisors, by majority vote, must promptly appoint the new member from the list of nominees and notify the Secretary of State and applicable legislative body accordingly.²³⁶⁸

If the elected precinct committeemen fail to timely nominate any persons to fill the vacancy, the state political party chairman must notify the applicable Board of Supervisors.²³⁶⁹ In this case, the Board of Supervisors must fill the vacancy in accordance with the procedures applicable to legislative districts with less than 30 elected precinct committeemen.²³⁷⁰

9.4.2.3.2 LEGISLATIVE DISTRICT WITH LESS THAN 30 PRECINCT COMMITTEEMEN

If the resigning legislator was not a member of a recognized political party, or the legislator was a member of a recognized political party but there were less than 30 elected precinct committeemen from that political party that reside in the portion of the legislative district that lies within the resigning legislator’s county of residence,²³⁷¹ the Secretary of State must promptly notify the applicable Board of Supervisors.²³⁷² Following this notification:

²³⁶³ [A.R.S. § 41-1202\(A\)\(2\)](#); Chapter 9, Section 9.1.4.

²³⁶⁴ [A.R.S. § 41-1202\(A\)\(2\)](#). If the resigning legislator changed parties during his or her term in office, the person nominated to fill the vacancy must be registered with the same political party that the vacating Senator was at the time he or she was elected or appointed to the office. [A.R.S. § 41-1202\(C\)](#).

²³⁶⁵ [A.R.S. § 41-1202\(A\)\(2\)](#).

²³⁶⁶ [A.R.S. § 41-1202\(A\)\(3\)](#). A quorum of elected precinct committeemen (in-person or by proxy) must be present. [A.R.S. § 41-1202\(A\)\(3\)](#).

²³⁶⁷ [A.R.S. § 41-1202\(A\)\(4\)](#).

²³⁶⁸ [A.R.S. § 41-1202\(A\)\(4\)](#).

²³⁶⁹ [A.R.S. § 41-1202\(A\)\(5\)](#).

²³⁷⁰ [A.R.S. § 41-1202\(A\)\(5\)](#); Chapter 9, Section 9.4.2.3.2. The Board of Supervisors must appoint a citizens panel within 3 business days after notification from the state political party chairman. [A.R.S. § 41-1202\(A\)\(5\)](#).

²³⁷¹ The resigning member’s county of residence is based on the address on the candidate’s most recently-filed nomination paper. [A.R.S. § 16-311\(A\)](#).

²³⁷² [A.R.S. § 41-1202\(B\)](#). The statute is silent how the Board of Supervisors should be notified of the vacancy, but in practice the Secretary of State will provide this notification in order to be consistent with the procedures utilized in legislative districts with 30 or more precinct committeemen. The Secretary of

- The Board of Supervisors must appoint a citizens panel²³⁷³ within 3 business days of the vacancy;²³⁷⁴
- The citizens panel must nominate 3 qualified electors to fill the vacancy and submit these names to the Board of Supervisors within 7 business days of the panel's appointment, all of which must:²³⁷⁵
 - Meet the qualifications to serve in the Legislature;²³⁷⁶
 - Belong to the same political party as the resigning member;²³⁷⁷ and
 - Reside in the same legislative district and county as the resigning member;²³⁷⁸
- The Board of Supervisors, by majority vote, must appoint the new member from the list of nominees within 5 business days of receipt from the citizens panel, and notify the Secretary of State and applicable legislative body accordingly.²³⁷⁹

9.4.2.4 VACANCY IN COUNTY OFFICE

If a county office becomes vacant, the Board of Supervisors must appoint a replacement officeholder of the same political party until a successor is elected.²³⁸⁰

State should provide this notification to the Board of Supervisors as quickly as possible in order to ensure the Board of Supervisors may appoint a citizens panel within 3 business days of the vacancy. *See* [A.R.S. § 41-1202\(B\)\(1\)](#).

²³⁷³ [A.R.S. § 41-1202\(B\)\(1\)](#). There are no restrictions on the size or political party makeup of the citizens panel.

²³⁷⁴ If the elected precinct committeemen were charged with nominating qualified elector replacements but failed to timely perform this duty, and it becomes necessary to appoint a citizens panel in the alternative, the Board of Supervisors' deadline to appoint the panel runs from the date of notification from the state political party chairman, not the date of the vacancy. [A.R.S. § 41-1202\(A\)\(5\)](#).

²³⁷⁵ [A.R.S. § 41-1202\(B\)\(1\)](#).

²³⁷⁶ This requirement is not expressly mentioned in [A.R.S. § 41-1202\(B\)\(1\)](#) but is nonetheless a requirement for any member of the Legislature. *See* Chapter 9, Section 9.1.4.

²³⁷⁷ [A.R.S. § 41-1202\(B\)\(1\)](#). If the resigning legislator was registered as an independent, the 3 qualified elector nominees must be registered independents as well. [A.R.S. § 41-1202\(B\)\(1\)](#). If the resigning legislator changed parties during his or her term in office, the person nominated to fill the vacancy must be registered with the same political party that the vacating Senator was at the time he or she was elected or appointed to the office. [A.R.S. § 41-1202\(C\)](#).

²³⁷⁸ [A.R.S. § 41-1202\(B\)\(1\)](#).

²³⁷⁹ [A.R.S. § 41-1202\(B\)\(2\)](#).

²³⁸⁰ [A.R.S. § 11-251\(16\)](#); [A.R.S. § 15-304\(F\)](#); [A.R.S. § 16-230\(A\)\(2\)](#). If the vacating officeholder changed parties during his or her term in office, the person appointed to fill the vacancy must be registered with the same political party that the vacating officeholder was at the time he or she was elected or appointed to the office. [A.R.S. § 16-230\(A\)\(2\)](#).

If the vacancy occurs in the first 2 years of the officeholder’s term (and before the deadline to file a nomination paper and nomination petitions),²³⁸¹ a primary and general election must be held to elect a successor to fill the remaining 2 years of the unexpired term.²³⁸² If the vacancy occurs after the deadline to file a nomination paper and petitions in the second year of the term, the vacancy will be filed at the primary and general election during the final year of the term.²³⁸³

9.4.2.5 VACANCY IN PRECINCT OFFICE

If a precinct office becomes vacant,²³⁸⁴ the Board of Supervisors must appoint a replacement officeholder until a successor is elected.²³⁸⁵

9.4.2.6 VACANCY IN CITY OR TOWN OFFICE

If a city or town office becomes vacant (other than in a charter city), the city or town council must appoint a replacement officeholder until a successor is elected.²³⁸⁶

If the vacancy occurs in the first 2 years of the officeholder’s 4-year term (and at least 30 days before the deadline to file a nomination paper and nomination petitions),²³⁸⁷ a regular primary and general election must be held to elect a successor to fill the remaining 2 or more years of the unexpired term.²³⁸⁸ If the successor receives enough votes during the primary election, however, the successor is elected and may take office without the necessity to hold a general election.

²³⁸¹ See Chapter 9, Section 9.2.1.1.1.2.

²³⁸² [A.R.S. § 16-230\(A\)\(1\)](#). In that case, the Board of Supervisors’ appointee would only serve the remainder of the first 2 years of the vacating officeholder’s term.

²³⁸³ The procedure for filling school district and community college district governing board vacancies are addressed in Title 15. See [A.R.S. § 15-302\(A\)\(3\)](#); [A.R.S. § 15-1441\(E\)-\(F\)](#). The procedure for filling a joint technical education district governing board vacancy is not addressed in Title 15 and therefore is subject to the Governor’s residual appointment power. See [Ariz. Const. Art. V, § 8](#).

²³⁸⁴ Precinct offices consist of Justices of the Peace, Constable, and Precinct Committeeman. *Nicol v. Superior Court, Maricopa County*, 106 Ariz. 208, 209 (1970) (Justices of the Peace and Constables are “precinct officers” pursuant to [A.R.S. § 22-102](#)). The office of Precinct Committeeman is treated as a “precinct officer” for purposes of this Manual.

²³⁸⁵ [A.R.S. § 11-251\(16\)](#); [A.R.S. § 16-821\(B\)](#). In addition to the standard conditions that trigger a vacancy under Arizona law, see Chapter 9, Section 9.4.1, a vacancy is triggered in the office of Precinct Committeeman if a Precinct Committeeman moves to a new precinct or changes his or her political party registration. [A.R.S. § 16-822\(D\)](#).

²³⁸⁶ [A.R.S. § 9-235\(A\)](#).

²³⁸⁷ See Chapter 9, Section ___.

²³⁸⁸ [A.R.S. § 9-235\(A\)](#). In that case, the city or town council’s appointee would only serve the remainder of the first 2 or less years of the vacating officeholder’s term.

If the vacancy occurs less than 30 days before the deadline to file a nomination paper and petitions in the second year of the term, the vacancy will be filed at the primary and general election during the final year of the term.

9.4.3 REPLACING CANDIDATES ON THE BALLOT

In some cases, a candidate may be replaced on the ballot much like an incumbent may be replaced in office. Replacement may be necessary because there is not sufficient time for other candidates to file a nomination paper and petitions.

In partisan elections, the former candidate's political party may have a limited opportunity to nominate a replacement candidate if ballots have not been printed. There is no provision for candidate replacement in nonpartisan elections or in cases where ballots have already been printed.

9.4.3.1 CANDIDATE VACANCY AFTER FILING DEADLINE

In partisan elections, the applicable political party may replace a candidate on the primary or general election ballot under the following circumstances:

- The vacancy was created by death, mental incapacitation, or voluntary withdrawal of the candidate;²³⁸⁹
- The vacancy occurred after the deadline to file a nomination paper and petitions but before ballots have been printed;²³⁹⁰ and
- The vacancy left the applicable political party with less candidates than the number to elect.²³⁹¹

A candidacy eligible for replacement must be replaced as follows:

- The filing officer must be notified of the vacancy:
 - In cases of withdrawal, the candidate must provide the filing officer a signed notice of voluntary withdrawal;

²³⁸⁹ [A.R.S. § 16-343\(A\)](#).

²³⁹⁰ [A.R.S. § 16-343\(A\)](#); Chapter 9, Section 9.2.1.1.1.2.

²³⁹¹ [A.R.S. § 16-343\(A\)\(4\)](#);

- In cases of mental incapacitation, the filing officer must be presented a court order finding the candidate to be mentally incapacitated;
- In cases of death, the filing officer may rely on any reasonable evidence that indicates the candidate is deceased;
- In the case of candidate for federal, statewide or legislative office, the Secretary of State must promptly notify the applicable Boards of Supervisors;²³⁹²
- The filing officer must promptly notify the applicable political party officers:
 - In the case of a candidate for federal, statewide or legislative office, the Secretary of State must notify the state political party chairman;
 - In the case of a candidate for county or precinct office, the county officer in charge of elections must notify the county political party chairman.
- The appropriate political party officers or members must promptly select a replacement candidate:²³⁹³
 - In the case of candidate for U.S. Senate or statewide office, the state political party’s executive committee must select a replacement candidate;²³⁹⁴
 - In the case of a candidate for U.S. House of Representatives or legislative office, the collective precinct committeemen from the congressional district or legislative district (as applicable) must select a replacement candidate;²³⁹⁵
 - In the case of a candidate for county or precinct office, the procedure differs according to the population size of the county:
 - In counties with less than 250,000 people based on the last decennial census, the precinct committeemen of the county must select a replacement candidate;²³⁹⁶ and
 - In counties with a population of 250,000 people or more based on the last decennial census, the county political party’s officers, together with the chairmen

²³⁹² [A.R.S. § 16-343\(F\)](#). The Board of Supervisors must “notify the inspectors of the various precinct election boards in the county, district or precinct where a vacancy occurs.” [A.R.S. § 16-343\(F\)](#).

²³⁹³ Any meeting called to select a replacement candidate must be called and presided over by the appropriate political party chairman (or vice-chairman in the chairman’s absence). [A.R.S. § 16-343\(C\)](#). In cases where precinct committeemen from a congressional district that spans multiple counties must select a replacement for the office of U.S. House of Representatives, the county chairman of the county having the largest geographic area within the congressional district must call and preside over the meeting. [A.R.S. § 16-343\(C\)](#). The call for the meeting must be mailed or given in person to each person entitled to participate at least 1 calendar day before the meeting, and a majority of those present and voting are required to select a replacement candidate. [A.R.S. § 16-343\(C\)](#).

²³⁹⁴ [A.R.S. § 16-343\(A\)\(1\)](#).

²³⁹⁵ [A.R.S. § 16-343\(A\)\(2\)](#).

²³⁹⁶ [A.R.S. § 16-343\(A\)\(3\)](#). The statute requires “the party county committee” to select the replacement. [A.R.S. §16-343\(A\)\(3\)](#). Pursuant to [A.R.S. § 16-821\(A\)](#), “[t]he whole number of precinct committeemen of a political party . . . constitute the county committee of the party.”

of each legislative district political party within the county, must select a replacement candidate;²³⁹⁷

- A replacement candidate must the qualifications for the office;²³⁹⁸
- The state or county political party chairman (as applicable) must promptly file a proper nomination paper for the replacement candidate with the appropriate filing officer;²³⁹⁹ and
- The filing officer must promptly notify the officer in charge of elections to substitute the replacement candidate's name on the ballot.

9.4.3.2 CANDIDATE VACANCY AFTER BALLOT PRINTING DEADLINE

If a candidate vacancy occurs after the official ballots have been printed,²⁴⁰⁰ no replacement candidates are selected but last-minute write-in candidacies are permitted.²⁴⁰¹ In this case, a write-in nomination paper must be filed with the appropriate filing officer by 5:00 p.m. on the 5th day before the election.²⁴⁰²

The filing officer must notify the appropriate Board of Supervisors, and a notice of the vacancy must be posted at each voting location and on a website where prompt updates are made available.²⁴⁰³ Votes cast for a candidate who died or was held mentally incapacitated will be tabulated, whereas votes cast for a candidate who voluntarily or involuntarily withdrew will not be tabulated.²⁴⁰⁴

²³⁹⁷ [A.R.S. § 16-343\(A\)\(3\)](#).

²³⁹⁸ A candidate who ran and lost in the recent primary election is eligible to be selected as a replacement candidate for the general election ballot. [A.R.S. § 16-343\(E\)](#).

²³⁹⁹ [A.R.S. § 16-343\(A\)\(1\)-\(3\)](#). In lieu of having the political party file the nomination paper, the replacement candidate may file the nomination paper with the appropriate filing officer.

²⁴⁰⁰ The ballot printing deadline is the deadline to print official ballots for UOCAVA voters to be transmitted at least 45 days before the election. See Chapter 2, Section 2.4.2.1.

²⁴⁰¹ [A.R.S. § 16-312\(B\)\(1\)](#); [A.R.S. § 16-343\(D\)](#).

²⁴⁰² [A.R.S. § 16-343\(D\)](#). A candidate who ran and lost in the recent primary election is eligible to run as a write-in candidate for the primary or general election. [A.R.S. § 16-343\(E\)](#).

²⁴⁰³ [A.R.S. § 16-343\(F\)-\(G\)](#).

²⁴⁰⁴ [A.R.S. § 16-343\(F\)](#).

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CHAPTER 10

Voting Equipment Certification

All components of a voting system must be properly certified prior to use in any election.

A voting system is defined as the total combination of mechanical, electromechanical, or electronic equipment (including the software, firmware, and documentation required to program, control, and support the equipment) that is used to define ballots, cast and count votes, report or display election results, and maintain and produce any audit trail information.²⁴⁰⁵ Thus, a voting system consists of the electronic voting equipment²⁴⁰⁶ and election management system used to tabulate ballots.

A manufacturer's voting system must be tested and certified as a comprehensive suite, not as individual components. Thus, a manufacturer's proffered combination of hardware, software, and firmware must be tested as an integrated whole to ensure votes accurately tabulate in that particular system. As a result, a jurisdiction may not mix-and-match components from different manufacturers' certified voting systems.²⁴⁰⁷

This chapter outlines conditions under which voting systems are certified, recertified or decertified for use in Arizona.

10.1 REQUIREMENTS FOR EQUIPMENT CERTIFICATION

A new voting system must be certified by:

- A Voting System Test Laboratory (VSTL) accredited in accordance with the Help America Vote Act;²⁴⁰⁸
- The federal Election Assistance Commission (EAC); and
- The state Equipment Certification Committee.²⁴⁰⁹

Among other things, certification involves a review of system documentation and/or conducting a demonstration and functionality test.²⁴¹⁰

²⁴⁰⁵ [52 U.S.C. § 21081\(b\)\(1\)](#). For purposes of this Chapter, a “voting system” does not include e-pollbooks.

²⁴⁰⁶ Electronic voting equipment consists of central count equipment, precinct voting equipment, and accessible voting equipment. *See* Chapter 4, Section 4.1.9.1.

²⁴⁰⁷ Under exceptional circumstances, the officer in charge of elections may mix components from different manufacturers' voting systems as long as those systems are not interconnected.

²⁴⁰⁸ [A.R.S. § 16-442\(B\)](#).

²⁴⁰⁹ [A.R.S. § 16-442\(A\)](#).

²⁴¹⁰ *See* Chapter 10, Section 10.1.1.2.

Upgrades or modifications to an existing voting system require recertification, but if the upgrade or modification is *de minimis*, a demonstration and functionality test is not necessarily required.²⁴¹¹

10.1.1 STATE CERTIFICATION REQUIREMENTS

10.1.1.1 SUBMITTING APPLICATION FOR CERTIFICATION

To initiate state certification, a voting system manufacturer must submit an application to the Secretary of State.²⁴¹² A complete application packet consists of:

- A completed application, including:
 - A description of all voting system components; and
 - If seeking recertification, a description of modifications to the prior certified voting system;
- Product descriptions and/or sales brochures of the voting system components;
- VSTL Test Report; and
- EAC Certificate of Conformance, including EAC Certification Number and Scope of Certification.

A manufacturer may submit an application packet to the Secretary of State electronically or by mail. The Secretary of State must conduct a preliminary review of the application packet within 30 days of receipt.²⁴¹³

If the application packet is incomplete, the Secretary of State should inform the manufacturer and need not take further action until the application packet is complete.

Once the application packet is deemed complete, the Secretary of State must:

- Notify the Equipment Certification Committee and provide all relevant documentation;
- Schedule a public meeting within 120 days;
- If a demonstration and functionality test will be required:
 - Coordinate with the manufacturer to receive test ballots;

²⁴¹¹ See Chapter 10, Section 10.1.1.2.2.2. A request for emergency conditional certification is subject to different standards. See Chapter 10, Section 10.2.

²⁴¹² The application form is prescribed by the Secretary of State.

²⁴¹³ In an incomplete application packet was initially submitted, the 30-day review period resets upon submission of a new or amended application packet.

- Develop a test script to vote the test ballots on all electronic voting equipment;
- Tabulate the test ballots (using alternative equipment) in advance of the public meeting to ensure conformity with the test script; and
- Coordinate delivery and storage of the voting system as the test date nears.

10.1.1.2 TESTING BY EQUIPMENT CERTIFICATION COMMITTEE

10.1.1.2.1 COMPOSITION OF EQUIPMENT CERTIFICATION COMMITTEE

The state Equipment Certification Committee consists of three persons appointed by the Secretary of State with the following qualifications:

- A faculty member of the engineering college at an Arizona university;
- A lawyer member of the Arizona Bar Association; and
- A person who is familiar with voting procedures in the state, such as a trained election official.²⁴¹⁴

No more than two of the Committee members may be registered with the same political party.²⁴¹⁵ At least one member must have at least 5 years of experience, and must be able to render an opinion, based on knowledge of training in, or education electronic voting systems, procedures and security.²⁴¹⁶

10.1.1.2.2 CONDUCT OF PUBLIC MEETING

Upon notification by the Secretary of State, the Equipment Certification Committee must conduct a public meeting within 120 days to consider an application for certification or recertification.

The Secretary of State coordinates the logistical details for holding the public meeting, including complying with notice requirements in accordance with Arizona open meeting law, taking meeting minutes, and ensuring the presence of legal counsel.²⁴¹⁷ Committee members may appear at the public meeting in person, telephonically, or by video teleconference.

²⁴¹⁴ [A.R.S. § 16-442\(A\)](#). Committee members serve without compensation. [A.R.S. § 16-442\(A\)](#).

²⁴¹⁵ [A.R.S. § 16-442\(A\)](#).

²⁴¹⁶ [A.R.S. § 16-442\(A\)](#).

²⁴¹⁷ [A.R.S. § 38-431.01](#). The Equipment Certification Committee may review the application packet and any supporting documentation prior to the public meeting.

10.1.1.2.2.1 NEW APPLICATION FOR CERTIFICATION

For a new application for certification, the Equipment Certification Committee must conduct the following activities in a public meeting:

- Review the manufacturer’s application packet for completeness;
- Confirm VSTL approval and EAC certification;
- Confirm the voting system under review is the same voting system certified by the EAC;
- Review the voting system and test ballots for compliance with the legal standards for certification;
- Conduct a demonstration and functionality test;
- Ask questions to the manufacturer’s representatives (as necessary);
- Seek legal advice in executive session (as necessary); and
- Vote on the manufacturer’s application.²⁴¹⁸

The Equipment Certification Committee must issue a written recommendation to the Secretary of State based on the majority vote from the public meeting.²⁴¹⁹

10.1.1.2.2.1.1 LEGAL STANDARDS FOR CERTIFICATION

A voting system must comply with all federal and state laws, including (but not limited to) the following:

- The voting system must be tested and certified under federal law;
 - The voting system must be reviewed and/or tested by an accredited VSTL;²⁴²⁰
 - The voting system must be certified by the EAC;²⁴²¹ and
 - Otherwise comply with the then-current federal Voluntary Voting System Guidelines (VVSG) in effect;
- The voting system must have the following functional capability and/or characteristics required under federal and state law:
 - The voting system must be suitably designed and be of durable construction;²⁴²²

²⁴¹⁸ The Equipment Certification Committee may approve or deny the application, including partial or conditional approval. The Committee may also specify the conditions under which the voting system may be used by a county, city, town or special taxing district.

²⁴¹⁹ The Equipment Certification Committee may issue the written recommendation during or after the public meeting.

²⁴²⁰ [A.R.S. § 16-442\(B\)](#); [52 U.S.C. § 20971\(b\)](#); *see* Chapter 10, Section 10.1.

²⁴²¹ [52 U.S.C. § 20971\(a\)\(1\)](#).

- The voting system must provide for safe, efficient, and accurate voting;²⁴²³
- The voting system must record votes correctly and accurately, including aggregation of the voter’s choices made on a single device;²⁴²⁴
- The voting system must tabulate (and if necessary, produce) ballots that visually indicate the voter’s selections and can be:
 - Used to verify the voter’s choices;
 - Spoiled by the voter if they fail to reflect the voter’s choices; and
 - Used in recounts and manual audits;²⁴²⁵
- The voting system must function for all types of elections;²⁴²⁶
- The voting system must be capable of rotating candidate names within a race and accurately tabulating the results;²⁴²⁷
- The voting system must aggregate the votes in the election management system (EMS) in a way that prevents votes from being changed or deleted after voting has concluded;
- The voting system must contain security features that prevent unauthorized access or hacking;
- Precinct voting equipment and accessible voting equipment must:
 - Permit the voter to verify (in a private, secret and independent manner) the votes selected by the voter on the ballot before the ballot is cast and counted;²⁴²⁸
 - Allow the voter to vote for the candidate or ballot measure of choice, allow the voter to vote for or against as many candidates or ballot measures for which he or she is entitled to vote, and reject a ballot (or inform the voter) if the number of vote choices exceeds the permitted amount;²⁴²⁹
 - Prevent the voter from voting for the same person more than once for the same office;²⁴³⁰ and
 - Have the capability to be sealed and prevent further voting after the close of polls and/or after the last voter has voted;²⁴³¹ and

²⁴²² [A.R.S. § 16-446\(B\)\(4\).](#)

²⁴²³ [A.R.S. § 16-446\(B\)\(4\).](#)

²⁴²⁴ [A.R.S. § 16-446\(B\)\(6\).](#)

²⁴²⁵ [A.R.S. § 16-446\(B\)\(7\).](#)

²⁴²⁶ [A.R.S. § 16-446\(A\).](#)

²⁴²⁷ [A.R.S. § 16-502\(H\).](#)

²⁴²⁸ [52 U.S.C. § 21081\(a\)\(1\)\(A\)\(i\); A.R.S. § 16-446\(B\)\(1\).](#)

²⁴²⁹ [52 U.S.C. § 21081\(a\)\(1\)\(A\)\(iii\); A.R.S. § 16-446\(B\)\(2\).](#)

²⁴³⁰ [A.R.S. § 16-446\(B\)\(3\).](#)

²⁴³¹ [A.R.S. § 16-446\(B\)\(5\).](#)

- Produce a voter verifiable paper audit trail (VVPAT) for audit purposes, including the ability to change the ballot or correct any error before the paper audit record is produced;²⁴³² and
- Provide the voter with an opportunity (in a private, secret and independent manner) to correct any error before the ballot is cast and counted or cast a replacement ballot if the previous ballot is spoiled or unable to be changed or corrected;²⁴³³
- Accessible voting equipment must be capable of:
 - Providing the voter with the ability to cast and verify (both visually and orally) the voter’s selections, including a synthesized (or actual) speech recording and braille keyboard or other input method that is ADA compliant;²⁴³⁴
 - Displaying the on-screen ballot in a format substantially similar to that of paper ballots;²⁴³⁵
 - Displaying, orally reading (and if applicable, printing) the ballot in English and in any minority language required under federal or state law,²⁴³⁶ and
 - Otherwise providing voters with visual impairments equivalent access to the voting experience compared to that provided for voters without visual impairments;²⁴³⁷ and
- The voting system may not be subject to a recent decertification proceeding or otherwise been utilized in violation of federal or state law.²⁴³⁸

10.1.1.2.2.1.2 DEMONSTRATION AND FUNCTIONALITY TEST

A demonstration and functionality test consists of:

- Explaining the testing process during the public meeting, which must include a test of both primary and general election test ballots;
- Casting ballots on all electronic voting equipment in accordance with the test script prepared for the meeting;

²⁴³² [52 U.S.C. § 21081\(a\)\(2\)](#); *see also* Chapter 4, Section 4.1.9.4.6.

²⁴³³ [52 U.S.C. § 21081\(a\)\(1\)\(A\)\(ii\)](#); [A.R.S. § 16-446\(B\)\(7\)](#).

²⁴³⁴ [A.R.S. § 16-442.01\(A\)-\(B\)](#).

²⁴³⁵ *See* Chapter 4, Section 4.1.6.1.7.

²⁴³⁶ [52 U.S.C. § 21081\(a\)\(4\)](#); *see also* Chapter 4, Section 4.1.6.1.6. If the applicable minority language is not a written language, the accessible voting machine must be capable of orally reading the ballot to the voter.

²⁴³⁷ [52 U.S.C. § 21081\(a\)\(4\)](#); [A.R.S. § 16-442.01\(A\), \(B\)\(1\)](#). *See also* Chapter 4, Section 4.1.6.1.7

²⁴³⁸ *See* Chapter 10, Section 10.3; *see e.g.* [A.R.S. § 16-1004\(B\)](#) (class 5 felony to knowingly modify the software, hardware or source code for voting equipment without receiving certification from the Equipment Certification Committee).

- Casting ballots on the accessible voting equipment in both English and in Spanish, including testing the audio equipment;
- If the system captures digital ballot images, determining whether the system:
 - Produces digital images of readable quality, including the ability to clearly display write-in votes;
 - Produces digital images that are capable of being sorted by criteria such as race, district, ballot type, or precinct;
 - Encrypts the digital images; and
 - Is capable of transferring or downloading the digital images at a reasonably fast rate; and
- Ensuring the aggregate vote totals for each race in the EMS match the pre-determined test results prepared by the Secretary of State.

10.1.1.2.2.2 APPLICATION FOR RECERTIFICATION

Upgrades or modifications to an existing certified voting system require recertification as a precondition for the upgraded/modified system to be used in Arizona elections. An application for recertification requires VSTL approval, EAC certification, and certification by the state Equipment Certification Committee. However, depending on the nature of the upgrade or modification, a demonstration and functionality test may not be necessary.

An upgrade or modification is documented through an engineering change order (ECO) prepared by the manufacturer and submitted to the appropriate VSTL. If the VSTL concludes, and the EAC agrees, that the ECO represents a *de minimis* change to the existing certified voting system, the Secretary of State may:

- Notify the Equipment Certification Committee that the upgrade or modification has been deemed *de minimis* by the EAC;
- Recommend the Committee conduct its review without a demonstration and functionality test; and
- If the Committee agrees to forego a demonstration and functionality test, schedule a public meeting to review the manufacturer's application for recertification.

If the Equipment Certification Committee foregoes a demonstration and functionality test, the Committee must:

- Review the manufacturer's application for recertification for completeness in a public meeting, whether in-person, telephonically, or by video teleconference;
- Confirm VSTL approval and EAC certification;

- Ask questions to the manufacturer’s representatives (as necessary);
- Seek legal advice in executive session (as necessary);
- Make an independent finding that the upgrade or modification is *de minimis* in nature; and
- Vote on the manufacturer’s application for recertification.²⁴³⁹

The Equipment Certification Committee must issue a written recommendation to the Secretary of State based on the majority vote from the public meeting.²⁴⁴⁰

If the Committee determines that the upgrade or modification is not *de minimis*, or the application for recertification otherwise requires additional review or testing, the Committee may vote to schedule a subsequent meeting to conduct a demonstration and functionality test. In that case, the Committee must evaluate the upgraded or modified voting system under the standards applicable to a new application for certification.

10.1.1.3 SECRETARY OF STATE FINAL DECISION

Within a reasonable period after receiving the Equipment Certification Committee’s recommendation, the Secretary of State must issue a final decision on an application for certification or recertification. The Secretary of State may accept, deny or modify the Equipment Certification Committee’s recommendation, including issuance of a conditional certification.²⁴⁴¹

The Secretary of State must issue the final decision in writing and notify the manufacturer by mail or email.

A final decision denying certification must include notice that the decision constitutes an appealable agency action. The notice must:

- Identify the statute, rule or provision upon which the decision was based;
- Identify with reasonable particularity the reason why certification was denied or conditioned;
- Include a description of the manufacturer’s right to request a hearing on the decision; and
- Include a description of the manufacturer’s right to request an informal settlement conference pursuant to [A.R.S. § 41-1092.06](#).²⁴⁴²

²⁴³⁹ The Equipment Certification Committee may approve or deny the application, including partial or conditional approval.

²⁴⁴⁰ The Equipment Certification Committee may issue the written recommendation during or after the public meeting.

²⁴⁴¹ The Secretary of State may issue a partial or conditional approval.

²⁴⁴² [A.R.S. § 41-1092.03\(A\)](#).

10.1.2 APPEAL PROCESS

A manufacturer may appeal the Secretary of State's final decision denying an application for certification or recertification.

10.1.2.1 FILING NOTICE OF APPEAL

A manufacturer must file the notice of appeal with the Secretary of State within 30 days after receiving the final decision.²⁴⁴³ The notice of appeal must:

- Identify the manufacturer;
- Provide the manufacturer's address;
- Identify the agency and action being appealed; and
- Contain a concise statement of the reasons for the appeal.²⁴⁴⁴

The notice of appeal must be served by personal delivery or certified mail, return receipt requested.²⁴⁴⁵

Within 5 business days of receiving an appeal, the Secretary of State must:

- Notify any local jurisdictions who use the manufacturer's voting system or are otherwise potentially affected by the appeal; and
- Request a hearing from the Office of Administrative Hearings.²⁴⁴⁶

10.1.2.2 HEARING ON APPEAL

If an informal settlement conference is not requested,²⁴⁴⁷ a hearing before the Office of Administrative Hearings:

- Must be conducted no later than 60 days after the appeal was filed with the Secretary of State;
- Must include a complete and accurate record;
- Must be conducted in accordance with [A.R.S. § 41-1092.07](#); and

²⁴⁴³ [A.R.S. § 41-1092.03\(B\)](#). If good cause is shown, the Secretary of State may accept an appeal that was not filed in a timely manner. [A.R.S. § 41-1092.03\(C\)](#).

²⁴⁴⁴ [A.R.S. § 41-1092.03\(B\)](#).

²⁴⁴⁵ [A.R.S. § 41-1092.04](#).

²⁴⁴⁶ [A.R.S. § 41-1092.03\(B\)](#).

²⁴⁴⁷ [A.R.S. § 41-1092.06](#).

- Must be presided over by an administrative law judge, who must issue a recommended decision pursuant to [A.R.S. § 41-1092.08\(A\)](#).

The manufacturer bears the burden of persuasion to establish that the voting system should have been certified or recertified.

The administrative law judge must issue a recommended decision within 20 days after the hearing is concluded.²⁴⁴⁸

10.1.2.3 ACTION ON RECOMMENDED DECISION

Within 30 days following issuance of the administrative law judge’s recommended decision, the Secretary of State may accept, reject, or modify the decision.²⁴⁴⁹ This decision constitutes the final determination of the application for certification or recertification. The Secretary of State must provide notice of the final determination to the manufacturer and any other interested parties.

10.2 REQUIREMENTS FOR EMERGENCY CONDITIONAL EQUIPMENT CERTIFICATION

If a local jurisdiction requires an emergency upgrade or modification to its existing certified voting system, the jurisdiction may apply to the Secretary of State for emergency conditional certification.²⁴⁵⁰ Emergency conditional certification allows the voting system to be upgraded or modified without seeking VSTL testing or EAC certification.²⁴⁵¹

To apply for emergency conditional certification, the local jurisdiction must:

- Convene its governing board to pass a resolution outlining why the forthcoming election cannot be conducted without emergency conditional certification,²⁴⁵²
- Make a written request to the Secretary of State that outlines the need for conditional emergency certification, including:
 - A description of the proposed upgrade or modification;
 - A description of what aspects of the voting system will be affected;

²⁴⁴⁸ [A.R.S. § 41-1092.08\(A\)](#).

²⁴⁴⁹ [A.R.S. § 41-1092.08\(B\)](#). The only remedy available is recommended reversal or modification of the Secretary of State’s final decision. Damages of any kind may not be awarded.

²⁴⁵⁰ [A.R.S. § 16-442\(G\)](#).

²⁴⁵¹ [A.R.S. § 16-442\(G\)](#); *compare* Chapter 10, Section 10.1.

²⁴⁵² [A.R.S. § 16-442\(G\)](#).

- An explanation why the upgrade or modification is necessary in order to conduct the next election, including a copy of the governing board’s resolution;
- An explanation why the upgrade or modification could not have been sought earlier through the standard recertification process; and
- An explanation of what safeguards or contingency plans will be implemented if the proposed upgrade or modification does not function as intended during the election; and
- Any other information deemed relevant by the local jurisdiction.

Upon receipt of a request for emergency conditional certification, the Equipment Certification Committee must convene as soon as practicable (but no later than 30 days from the date of the request) and follow the same procedures applicable to a new application for certification, except:

- VSTL approval and EAC certification are not required;²⁴⁵³ and
- Both the local jurisdiction and manufacturer are expected to participate in the public meeting and answer the Equipment Certification Committee’s questions.

Upon receipt of the Equipment Certification Committee’s recommendation, the Secretary of State must issue a final decision within 15 days.

If the Secretary of State grants conditional emergency certification, the certification is limited to 6 months from the date of the Secretary’s final decision.²⁴⁵⁴ If the manufacturer has not applied for (and been granted) recertification before expiration of the 6-month period, the conditionally-certified voting system is automatically decertified and unavailable for continued use.²⁴⁵⁵

The local jurisdiction may appeal a denial of emergency certification in accordance with the appeal procedures for denials of certification and recertification.²⁴⁵⁶

10.3 REQUIREMENTS FOR EQUIPMENT DECERTIFICATION

If the Secretary of State has reason to believe that a certified voting system is not performing or being utilized in accordance with federal or state law, the Secretary of State may issue an Intent to Decertify the voting system or any component of such system.²⁴⁵⁷

In reaching the preliminary decision to decertify, the Secretary of State may take into account any of the following:

²⁴⁵³ See Chapter 10, Section 10.1.

²⁴⁵⁴ [A.R.S. § 16-442\(G\)](#).

²⁴⁵⁵ [A.R.S. § 16-442\(G\)](#).

²⁴⁵⁶ See Chapter 10, Section 10.1.2.

²⁴⁵⁷ [A.R.S. § 16-442\(C\)-\(D\)](#).

- Material breach of contract with any Arizona jurisdiction;
- Submission of a fraudulent, misleading, or otherwise ineligible application for certification or recertification;
- Installation or use of an unauthorized voting system;²⁴⁵⁸
- Failure to properly function or perform, including perceived security vulnerabilities;
- Federal decertification by the EAC;
- Failure to place election equipment source code in escrow and/or failure to authorize the State of Arizona to access or receive the source code; or
- Failure to continue to meet any requirements for certification.²⁴⁵⁹

Upon issuance of an Intent to Decertify, the Secretary of State must promptly notify the manufacturer and any affected parties. Within 30 days of issuance, the manufacturer and any affected parties may submit written comments to the Secretary of State in support of or opposition to the proposed decertification.

Within 120 days of issuance, the Secretary of State must convene the Equipment Certification Committee. At a public meeting the Committee must:

- Review the evidence for and against decertification;
- Ask questions to the manufacturer’s representatives (as necessary);
- Seek legal advice in executive session (as necessary); and
- Vote whether to recommend decertification.²⁴⁶⁰

The Equipment Certification Committee must issue a written recommendation to the Secretary of State based on the majority vote from the public meeting.²⁴⁶¹

²⁴⁵⁸ In addition to decertification, the Secretary of State may prohibit the purchase, lease, or use of any voting system (or component thereof) if a manufacturer or jurisdiction: (1) installs, uses, or permits the use of a voting system that is not certified for use or approved for experimental use; or (2) uses or includes hardware, firmware, or software in a voting system version that is not certified for use or approved for experimental use. [A.R.S. § 16-442\(D\)](#).

²⁴⁵⁹ See Chapter 10, Section 10.1.1.2.2.1.

²⁴⁶⁰ The Equipment Certification Committee may recommend full or partial decertification. The Committee may also specify the conditions under which the voting system may continue to be used by a county, city, town or special taxing district.

²⁴⁶¹ The Equipment Certification Committee may issue the written recommendation during or after the public meeting.

With a reasonable period after receiving the Equipment Certification Committee's recommendation, the Secretary of State must issue a final decision on the Intent to Decertify. The Secretary of State may accept, deny or modify the Equipment Certification Committee's recommendation, including issuance of a conditional recertification. The Secretary must follow the remaining procedures applicable to issuance of a final decision for an application for certification or recertification.²⁴⁶²

The manufacturer or affected party may appeal a decertification in accordance with the appeal procedures for denials of certification and recertification.²⁴⁶³

10.4 REQUIREMENTS FOR EXPERIMENTAL USE OF VOTING EQUIPMENT

The Secretary of State or the governing board of a county, city, town or special taxing district may authorize the experimental use of a voting system without filing an application for certification; however, the experimental certification is only effective for the next election cycle.²⁴⁶⁴ The voting system may not be purchased, leased or used thereafter unless the voting system is certified by the Secretary of State's Equipment Certification Committee.²⁴⁶⁵

²⁴⁶² See Chapter 10, Section 10.1.1.3.

²⁴⁶³ See Chapter 10, Section 10.1.2.

²⁴⁶⁴ [A.R.S. § 16-442\(F\)](#).

²⁴⁶⁵ See Chapter 10, Section 10.1.1.2.

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CHAPTER 11

Help America Vote Act Complaints

The Secretary of State has jurisdiction to address complaints alleging a violation of Title III of the federal Help America Vote Act of 2002 (HAVA).²⁴⁶⁶

11.1 SCOPE OF JURISDICTION

The Secretary of State has jurisdiction to address a HAVA complaint alleging a violation of the complainant's rights with respect to:

- Voting system standards;²⁴⁶⁷
- Provisional voting;²⁴⁶⁸
- Voting information requirements;²⁴⁶⁹
- Operational standards of the statewide voter registration system;²⁴⁷⁰ or
- Voter registration procedures.²⁴⁷¹

Each HAVA provision is discussed in further detail below.

11.1.1 VOTING SYSTEM STANDARDS

Under HAVA, a voting system must:²⁴⁷²

- Permit the voter to verify (in a private and independent manner) the votes selected by the voter on the ballot before the ballot is cast and counted;²⁴⁷³
- Provide the voter the opportunity (in a private and independent manner) to change the ballot or correct any error before the ballot is cast and counted (including the opportunity to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct any error);²⁴⁷⁴

²⁴⁶⁶ See [52 U.S.C. § 21112\(a\)\(2\)\(B\)](#). Title III of HAVA ranges from [52 U.S.C. §§ 21081-21102](#).

²⁴⁶⁷ [52 U.S.C. § 21081](#).

²⁴⁶⁸ [52 U.S.C. § 21082\(a\)](#).

²⁴⁶⁹ [52 U.S.C. § 21082\(b\)](#).

²⁴⁷⁰ [52 U.S.C. § 21083\(a\)](#).

²⁴⁷¹ [52 U.S.C. § 21083\(b\)](#).

²⁴⁷² See Chapter 10, Section 10.1.1.2.2.1.1.

²⁴⁷³ [52 U.S.C. § 21081\(a\)\(1\)\(A\)\(i\)](#); see also [52 U.S.C. § 21081\(a\)\(1\)\(B\)](#).

²⁴⁷⁴ [52 U.S.C. § 21081\(a\)\(1\)\(A\)\(ii\)](#); see also [52 U.S.C. § 21081\(a\)\(1\)\(B\)](#).

- If the voter votes for more than one candidate for a single office:²⁴⁷⁵
 - Notify the voter that he or she voted for more than one candidate;
 - Notify the voter before the ballot is cast and counted of the effect of casting multiple voters for the office; and
 - Provide the voter with the opportunity to correct the ballot before the ballot is cast and counted;
- Produce a record with an audit capacity for the system;²⁴⁷⁶
- Be accessible for individuals with disabilities, including nonvisual accessibility for the visually impaired, in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters;²⁴⁷⁷
- Provide alternative language accessibility;²⁴⁷⁸
- Maintain error rates in counting ballots that comply with federal standards;²⁴⁷⁹ and
- Utilizes a uniform and nondiscriminatory standard for what constitutes a vote.²⁴⁸⁰

11.1.2 PROVISIONAL VOTING

If an eligible voter seeks to vote in a federal election, but his or her name does not appear in the signature roster, e-Pollbook or equivalent voter list, the voter is entitled to cast a provisional ballot as follows:

- A poll worker must notify the voter that he or she is entitled to cast a provisional ballot;²⁴⁸¹
- The voter is entitled to cast a provisional ballot upon signing an affirmation that he or she is registered and eligible to vote at the election;²⁴⁸²
- If the voter casts a provisional ballot, a poll worker must provide written information explaining how the voter may verify whether his or her provisional ballot counted (and if the provisional ballot did not count, the reason why it was not counted),²⁴⁸³

²⁴⁷⁵ [52 U.S.C. § 21081\(a\)\(1\)\(A\)\(iii\)](#); *see also* [52 U.S.C. § 21081\(a\)\(1\)\(B\)](#).

²⁴⁷⁶ [52 U.S.C. § 21081\(a\)\(2\)](#).

²⁴⁷⁷ [52 U.S.C. § 21081\(a\)\(3\)](#).

²⁴⁷⁸ [52 U.S.C. § 21081\(a\)\(4\)](#).

²⁴⁷⁹ [52 U.S.C. § 21081\(a\)\(5\)](#).

²⁴⁸⁰ [52 U.S.C. § 21081\(a\)\(6\)](#).

²⁴⁸¹ [52 U.S.C. § 21082\(a\)\(1\)](#); *see* Chapter 4, Section 4.2.1.1.2.

²⁴⁸² [52 U.S.C. § 21082\(a\)\(2\)](#); *see* Chapter 4, Section 4.2.1.1.2.

²⁴⁸³ [52 U.S.C. § 21082\(a\)\(5\)\(A\)](#); *see* Chapter 4, Section . The County Recorder or other officer in charge of elections must maintain a free website whereby voters may verify whether their provision ballot

- If the voter casts a provisional ballot, poll workers must transmit the provisional ballot to the County Recorder for verification;²⁴⁸⁴ and
- If the County Recorder verifies the provisional ballot, the County Recorder must transmit the ballot to the officer in charge of elections for tabulation in accordance with state law.²⁴⁸⁵

11.1.3 VOTING INFORMATION REQUIREMENTS

Under HAVA, the officer in charge of elections must publicly display certain information at each voting location for a federal election:

- A sample ballot for that election;²⁴⁸⁶
- Information regarding the election date and hours the polls will be open;²⁴⁸⁷
- Instructions how to vote, including instructions how to cast a regular ballot and provisional ballot;²⁴⁸⁸
- Instructions for voters who register by mail and first time voters;²⁴⁸⁹
- General information on voting rights under Federal and State law, including information on the right to cast a provisional ballot and instructions explaining how to contact the appropriate election officials if the voter’s rights have been violated;²⁴⁹⁰ and
- General information on Federal and State laws regarding prohibitions on fraud and misrepresentation in voting.²⁴⁹¹

11.1.4 OPERATIONAL STANDARDS OF THE STATEWIDE VOTER REGISTRATION SYSTEM

Under HAVA, the Secretary of State must maintain a single, uniform, official, centralized, interactive computerized statewide voter registration database as follows:

counted (and if the provisional ballot did not count, the reason why it was not counted). [52 U.S.C. § 21082\(a\)\(5\)\(B\)](#).

²⁴⁸⁴ [52 U.S.C. § 21082\(a\)\(3\)](#); see Chapter 4, Section 4.3.1.1.

²⁴⁸⁵ [52 U.S.C. § 21082\(a\)\(4\)](#); see Chapter 4, Section 4.3.1.1.1.

²⁴⁸⁶ [52 U.S.C. § 21082\(b\)\(2\)\(A\)](#); see Chapter 4, Section 4.1.6.3.3.

²⁴⁸⁷ [52 U.S.C. § 21082\(b\)\(2\)\(B\)](#); see Chapter 4, Section 4.2.1.1.1.

²⁴⁸⁸ [52 U.S.C. § 21082\(b\)\(2\)\(C\)](#); see Chapter 4, Section 4.2.1.1.1; Chapter 4, Section 4.2.1.1.2; Chapter 4, Section 4.2.1.1.3.

²⁴⁸⁹ [52 U.S.C. § 21082\(b\)\(2\)\(D\)](#).

²⁴⁹⁰ [52 U.S.C. § 21082\(b\)\(2\)\(E\)](#); see Chapter 11, Section 11.2.

²⁴⁹¹ [52 U.S.C. § 21082\(b\)\(2\)\(F\)](#).

- The statewide voter registration database must serve the single system for storing and managing the official list of registered voters throughout the State;²⁴⁹²
- The statewide voter registration database must contain the name and registration information of every lawfully registered voter in the State;²⁴⁹³
- Every registered voter must be assigned a unique identifier in the statewide voter registration database;²⁴⁹⁴
- The statewide voter registration database must be coordinated with other government databases, including the Motor Vehicle Division and Social Security Administration;²⁴⁹⁵
- The statewide voter registration database must allow access to authorized election officials;²⁴⁹⁶ and
- All voter registration information obtained by a County Recorder must be electronically entered and transmitted to the statewide voter registration database on an expedited basis.²⁴⁹⁷

In conjunction with maintaining a statewide voter registration database, list maintenance activities must be conducted as follows:

- The statewide voter registration database must be updated regularly, and must include:
 - A reasonable effort to cancel registrants who are ineligible to vote;²⁴⁹⁸ and
 - Safeguards to ensure that eligible voters are not canceled in error;²⁴⁹⁹
- Any cancellation as a registered voter must be conducted in accordance with the National Voter Registration Act;²⁵⁰⁰
- The Secretary of State must coordinate with other State agencies for the purpose of cancelling voter registration records on the basis of felony conviction or death;²⁵⁰¹
- List maintenance must be conducted in a manner that ensures:

²⁴⁹² [52 U.S.C. § 21083\(a\)\(1\)\(A\)\(i\)](#); see Chapter 1, Section 1.1.

²⁴⁹³ [52 U.S.C. § 21083\(a\)\(1\)\(A\)\(ii\)](#); see Chapter 1, Section 1.1; Ariz. Atty. Gen. Op. I17-006 (R17-005) (2017).

²⁴⁹⁴ [52 U.S.C. § 21083\(a\)\(1\)\(A\)\(iii\)](#); see Chapter 1, Section 1.8.2.1.

²⁴⁹⁵ [52 U.S.C. § 21083\(a\)\(1\)\(A\)\(iv\)](#); [52 U.S.C. § 21083\(a\)\(1\)\(B\)](#); see Chapter 1, Section 1.9.2;

²⁴⁹⁶ [52 U.S.C. § 21083\(a\)\(1\)\(A\)\(v\)](#).

²⁴⁹⁷ [52 U.S.C. § 21083\(a\)\(1\)\(A\)\(vi\)](#). The Secretary of State must provide support as necessary to a County Recorder to enable entry of registration information in the statewide voter registration system. [52 U.S.C. § 21083\(a\)\(1\)\(A\)\(vii\)](#).

²⁴⁹⁸ [52 U.S.C. § 21083\(a\)\(4\)\(A\)](#). A voter must be canceled in accordance with NVRA and may not be canceled solely by reason of failure to vote. [52 U.S.C. § 21083\(a\)\(4\)\(A\)](#).

²⁴⁹⁹ [52 U.S.C. § 21083\(a\)\(4\)\(B\)](#).

²⁵⁰⁰ [52 U.S.C. § 21083\(a\)\(2\)\(A\)\(i\)](#); see Chapter 1, Section 1.14; [52 U.S.C. § 20501](#) *et. seq.*

²⁵⁰¹ [52 U.S.C. § 21083\(a\)\(2\)\(A\)\(ii\)](#); see Chapter 1, Section 1.14.1; [52 U.S.C. § 20507\(a\)\(3\)\(B\)](#), [\(a\)\(4\)\(A\)](#).

- Each registered voter appears in the statewide voter registration database;²⁵⁰² and
- Duplicate names are identified and cancelled in the statewide voter registration database.²⁵⁰³

11.1.5 VOTER REGISTRATION PROCEDURES

Under HAVA, the following voter registration procedures must be followed:

- If a registrant possesses a current and valid driver’s license number, the registrant must include the driver’s license number with the voter registration form; otherwise, the registrant must provide the last four digits of his or her Social Security Number;²⁵⁰⁴ and
- A first-time voter who registers to vote by mail must prove identity before being issued a ballot.²⁵⁰⁵

11.2 FORM OF COMPLAINT

Any Arizona resident who believes that a HAVA Title III violation has occurred, is occurring, or will occur may file a complaint with the Secretary of State.²⁵⁰⁶ The complaint:

- Must be made in writing, using the Secretary of State’s prescribed complaint form;²⁵⁰⁷
- Must include the complainant’s contact information, including residential address, phone number, and email address;

²⁵⁰² [52 U.S.C. § 21083\(a\)\(2\)\(B\)\(i\)](#). Under HAVA “only voters who are not registered or who are not eligible to vote are removed from the computerized list,” [52 U.S.C. § 21083\(a\)\(2\)\(B\)\(ii\)](#), but Arizona’s statewide voter registration database does not “remove” voters for any reason (voter registration “statuses” are only affected).

²⁵⁰³ [52 U.S.C. § 21083\(a\)\(2\)\(B\)\(iii\)](#); see Chapter 1, Section 1.9.3.

²⁵⁰⁴ [52 U.S.C. § 21083\(a\)\(5\)\(A\)\(i\)](#); see Chapter 1, Section 1.8.2.1. If the registrant has not been issued a DL# or SSN, the registrant will be issued a unique identifier in the statewide voter registration database. [52 U.S.C. § 21083\(a\)\(5\)\(A\)\(ii\)](#); see Chapter 1, Section 1.8.2.1.

²⁵⁰⁵ [52 U.S.C. § 21083\(b\)\(1\), \(2\)\(A\), \(3\)](#); see Chapter 1, Section 1.8.3.3; Chapter 4, Section 4.2.4. A person that does not meet the identification requirements for first-time voting may cast a provisional ballot. [52 U.S.C. § 21083\(b\)\(2\)\(B\)](#).

²⁵⁰⁶ [52 U.S.C. § 21112\(a\)\(1\), \(a\)\(2\)\(B\)](#). If the complaint involves an alleged violation involving the statewide voter registration database pursuant to [52 U.S.C. § 21083\(a\)\(1\)\(A\)\(i\)](#), the Secretary of State may refer the HAVA complaint to a County Recorder or other officer in charge of elections. In this case, the duties of the Secretary of State shall devolve to the appropriate election official for resolution.

²⁵⁰⁷ [52 U.S.C. § 21112\(a\)\(2\)\(C\)](#). An English or Spanish complaint form may be obtained at <https://www.azsos.gov/elections/arizona-election-laws-publications>, by contacting the Secretary of State, or by contacting any county elections official. If the Secretary of State’s complaint form is not available, a person may file a complaint using any other written document as long as the complaint satisfies the remaining criteria in this Section.

- Must be signed by the complainant and notarized;²⁵⁰⁸
- Must specify the HAVA Title III violation, including the date of the alleged violation;
- May request a hearing be conducted before the Office of Administrative Hearings;²⁵⁰⁹ and
- Attach any relevant evidence to be considered by Secretary of State and/or Office of Administrative Hearings.

11.3 DEADLINE TO FILE COMPLAINT

A HAVA complaint must be filed within 60 days of the alleged violation. Failure to timely file a HAVA complaint may result in dismissal.

11.4 FILING INSTRUCTIONS

A completed HAVA complaint may be:

- Filed in person at the Secretary of State's office at 1700 W. Washington Street, 7th Floor, Phoenix, AZ 85007;
- Mailed to the Secretary of State's office at the above address; or
- Emailed to the Secretary of State at elections@azsos.gov.

11.5 PROCESSING A HAVA COMPLAINT

Within 5 business days of receiving a complete HAVA complaint,²⁵¹⁰ the Secretary of State must determine whether HAVA Title III violation has been properly alleged. If the complaint does not allege a credible Title III violation, the Secretary of State must dismiss the complaint.

If the Secretary of State determines the complaint alleges a credible Title III violation, the Secretary of State must notify the affected jurisdiction in writing (and enclose the complaint with all relevant documentation) within the same 5 business day period. Further processing is dependent on whether the complainant requested a hearing.

If the Secretary of State determines the complaint raises common questions of law and fact with another pending HAVA complaint, the Secretary of State may take reasonable steps to consolidate the actions and notify the parties accordingly.²⁵¹¹

²⁵⁰⁸ [52 U.S.C. § 21112\(a\)\(2\)\(C\)](#).

²⁵⁰⁹ [52 U.S.C. § 21112\(a\)\(2\)\(E\)](#).

²⁵¹⁰ If a HAVA complaint is incomplete, the Secretary of State may return the complaint and suspend processing until a complete HAVA complaint has been filed.

²⁵¹¹ [52 U.S.C. § 21112\(a\)\(2\)\(D\)](#).

11.5.1 COMPLAINANT DID NOT REQUEST HEARING

If a complainant did not request a hearing, the Secretary of State will provide the affected jurisdiction 60 days (from the date of the complaint) to respond to the complaint in writing.

Upon receipt of the jurisdiction's response, the Secretary of State will make a final determination in accordance with the requirements and timeline outlined in Section 11.6.

11.5.2 COMPLAINANT REQUESTED HEARING

If a complainant requested a hearing, the Secretary of State must initiate a case before the Office of Administrative Hearings (OAH) within the 5 business day period outlined in Chapter 11, Section 11.5.²⁵¹² The Secretary of State's written "Request for Hearing" must adhere to the requirements of the Arizona Administrative Code.²⁵¹³

An OAH administrative law judge must conduct a hearing within 60 days after the HAVA complaint was filed with the Secretary of State. The OAH hearing must be conducted in accordance with the procedures governing administrative hearings.²⁵¹⁴

If the administrative law judge finds that a HAVA Title III violation occurred, the judge must (in addition to issuing a findings of fact and conclusions of law) recommend an appropriate remedy if such remedy is available.²⁵¹⁵ Any remedy recommended by the administrative law judge must adhere to the requirements outlined in Chapter 11, Section 11.7.

11.6 SECRETARY OF STATE FINAL DETERMINATION

The Secretary of State must make a final determination on a HAVA complaint.²⁵¹⁶

The Secretary of State normally must make this determination within 90 days after the HAVA complaint was filed pursuant to Chapter 11, Section 11.6.1. However, in the event a final determination cannot be made within 90 days, the Secretary of State may initiate an alternative dispute resolution procedure under Chapter 11, Section 11.6.2.

²⁵¹² In this case, the affected jurisdiction will file any response with the OAH, not the Secretary of State.

²⁵¹³ [A.A.C. R2-19-103](#).

²⁵¹⁴ [A.R.S. § 41-1092](#) to [A.R.S. § 41-1092.12](#); [A.A.C. R2-19](#). A recommended decision must be issued within 20 days of the hearing. [A.R.S. § 41-1092.08\(A\)](#).

²⁵¹⁵ [A.R.S. § 41-1092.08\(A\)](#).

²⁵¹⁶ The Secretary of State must retain a complete record involving the HAVA complaint for a 2-year period from the date of the complaint, including written and oral proceedings before the OAH or an ADR judge.

11.6.1 STANDARD TRACK DETERMINATIONS

The Secretary of State should attempt to resolve all HAVA complaints within 90 days.²⁵¹⁷ However, the Secretary of State may resolve a HAVA complaint on a longer timeline if both parties consent.²⁵¹⁸

If a complainant did not request a hearing, the Secretary of State must make a final determination based on the complaint and the affected jurisdiction's response. On the other hand, if a complainant requested a hearing and the OAH issued a recommended decision, the Secretary of State may accept, reject or modify the recommended decision.²⁵¹⁹

If the Secretary of State finds no HAVA violation, the Secretary of State must dismiss the matter and notify the parties accordingly.²⁵²⁰

If the Secretary of State finds a HAVA violation, the Secretary of State must issue a written decision, including the form of relief, and notify the parties accordingly.²⁵²¹

11.6.2 ALTERNATIVE DISPUTE RESOLUTION DETERMINATIONS

If the Secretary of State is unable to resolve a HAVA complaint within 90 days for any reason, the complaint may be resolved through an alternative dispute resolution (ADR) process as follows.²⁵²²

- Within 5 business days after the deadline to issue a standard track decision pursuant to Section 11.6.1, the Secretary of State must designate a neutral administrative law judge, arbitrator, mediator, or other neutral person (“ADR judge”) to render a decision on the HAVA complaint.
- The ADR judge may review the record compiled in any earlier proceedings, but may also request additional written briefs and/or oral testimony.
- The ADR judge must issue written findings of fact and conclusions of law, including recommendation of an appropriate remedy if such remedy is available, within 60 days after the original 90-day deadline referenced under Section 11.6.1.²⁵²³ Any remedy recommended by the ADR judge must adhere to the requirements outlined in Section 11.7. The ADR judge may extend the decision timeline with the consent of the parties.

²⁵¹⁷ [52 U.S.C. § 21112\(a\)\(2\)\(H\).](#)

²⁵¹⁸ [52 U.S.C. § 21112\(a\)\(2\)\(H\).](#)

²⁵¹⁹ [A.R.S. § 41-1092.08\(B\).](#)

²⁵²⁰ [52 U.S.C. § 21112\(a\)\(2\)\(G\).](#)

²⁵²¹ [52 U.S.C. § 21112\(a\)\(2\)\(F\).](#)

²⁵²² [52 U.S.C. § 21112\(a\)\(2\)\(I\).](#)

²⁵²³ [52 U.S.C. § 21112\(a\)\(2\)\(I\).](#)

- The ADR judge's decision shall constitute the final determination. The Secretary of State must transmit the ADR judge's decision to the parties.
- The ADR judge shall serve without compensation.

11.7 PERMISSIBLE REMEDIES FOR HAVA VIOLATION

A remedy for any HAVA violation may only involve remedial measures. Compensatory damages, punitive damages, or civil fines may not be awarded. Thus, an appropriate remedy may include:

- A plan for rectifying the particular violation;
- An order requiring that additional training may be provided to election officials to ensure compliance with Federal and State law; and/or
- An order requiring additional voter education.

GLOSSARY OF TERMS

ACCESSIBLE VOTING EQUIPMENT

Any voting system with adaptable technology making it accessible to individuals with disabilities, including a direct recording electronic voting system (DRE).

AZ DL / ID #

An Arizona driver's license number or Arizona identification card number.

BALLOT

The document or device on which votes are recorded.

BALLOT BY MAIL ELECTION

An election in which all eligible voters in a jurisdiction receive an early ballot by mail, regardless of PEVL status.

BALLOT MEASURE

A proposal by initiative, referral or referendum to amend, enact or veto a law.

BALLOT REPORT

A written report to document accountability of ballots at the voting location, which includes the number of ballots received from the officer in charge of elections, spoiled ballots, unused ballots, voted ballots, the ballots requiring verification, and an explanation of any discrepancies.

BALLOT TRANSFER CONTAINER

A container made of a durable material in which voted ballots are sealed and transported to the central count facility.

BLANK BALLOT

A ballot cast by a voter who chose not to vote for any races.

CANDIDATE COMMITTEE

The committee used by a candidate for campaign finance purposes to run for public office.

CANVASS (see also OFFICIAL CANVASS)

The act or process of finalizing or approving unofficial election results to become official election results.

CENTRAL COUNT FACILITY

The location where the ballots and other materials are received from the voting location and tabulated at a central location.

CIRCULATOR AFFIDAVIT

The affidavit on the reverse side of a candidate nomination or ballot measure petition.

CITIZEN REFERENDUM

A method by which voters may veto a law (or part of a law) by gathering signatures from registered voters to place the measure on the ballot for reconsideration.

CONDITIONAL PROVISIONAL BALLOT

A ballot issued to a voter who does not present an acceptable form of identification at the polling place, but who is entitled to vote a ballot that is conditioned on subsequently providing acceptable identification by the applicable statutory deadline.

CONSOLIDATED ELECTION

An election held on one of four standardized dates in a calendar year:

- The second Tuesday in March;
- The third Tuesday in May;
- The tenth Tuesday before the first Tuesday after the first Monday in November; or
- The first Tuesday after the first Monday in November.

CONTRIBUTION

Any money, advance, deposit or other thing of value that is made to a person for the purpose of influencing an election.

CROSS CHECK PROGRAM

The program through which the voter registration and alleged double voting information is shared between states under the Interstate Voter Registration Cross Check program.

CUMULATIVE REPORT

A printed report showing the number and percentage of votes received for all of the candidates and issues in an election.

DAMAGED BALLOT

A ballot that has been torn, crumpled, or for some other physical reason cannot be properly fed into the tabulation equipment.

DISABILITIES AGENCY

A state agency, division, or office covered under the National Voter Registration Act (NVRA) that administers state-funded programs to provide services to persons with disabilities.

DUPLICATE BALLOT

A ballot used by a duplication board to reproduce damaged ballots, or emailed/faxed ballots cast by Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) voters, for the purpose of creating a ballot capable of being tabulated by tabulation equipment.

EAC (see ELECTION ASSISTANCE COMMISSION)**EARLY BALLOT**

An absentee ballot mailed to early voters or otherwise cast during the early voting period.

EARLY VOTING

A period beginning 27 days before an election in which voters may vote by mail or in person at onsite early voting locations designated by the County Recorder.

EARLY VOTING AFFIDAVIT

A statutorily-prescribed affidavit that must be printed on an early ballot envelope.

ELECTION ASSISTANCE COMMISSION (EAC)

A federal commission charged with developing guidance to meet Help America Vote Act (HAVA) requirements, adopting voluntary voting system guidelines, and serving as a national clearinghouse of information on election administration.

ELECTION BOARD

The collection of workers (inspector, judges, clerks, and marshal) at a particular voting location.

ELECTION PROGRAM

An electronic file or files that contain information about a specifically-programmed election, including the program used by election management software to lay out ballots and program tabulating equipment.

ELECTRONIC VOTING SYSTEM (see VOTING SYSTEM)**E-POLLBOOK**

A computer, tablet, or other electronic device used at the voting location to check-in voters in lieu of a paper signature roster.

EZ VOTER REGISTRATIONS

Registrations received from the Arizona Motor Vehicle Division (MVD), whether online or in person at an MVD office (or MVD-affiliated office).

FEDERAL FORM (*see also* **NATIONAL MAIL VOTER REGISTRATION FORM**)

A federal voter registration form prescribed by the Election Assistance Commission (EAC) pursuant to the National Voter Registration Act (NVRA), available at <https://www.eac.gov/voters/national-mail-voter-registration-form/>.

FEDERAL ONLY VOTER

A voter entitled to vote only in federal elections because the voter registered using the National Mail Voter Registration Form (“Federal Form”) and did not provide acceptable proof of citizenship. A registrant with a “FED” status reason also did not prove identity, while a registrant with a “FEDI” status reason proved identity pursuant to the Help American Vote Act (HAVA) and is therefore eligible to receive an early ballot by mail.

FEDERAL POST CARD APPLICATION (FPCA)

A federal voter registration form prescribed by the U.S. Department of Defense pursuant to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) for use by military and overseas voters, available at <https://www.fvap.gov/military-voter/overview>. The FPCA also serves as an early ballot request form for all Arizona elections.

FEDERAL WRITE-IN ABSENTEE BALLOT (FWAB)

A federal voter registration form prescribed by the U.S. Department of Defense pursuant to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) for use by military and overseas voters, available at <https://www.fvap.gov/military-voter/overview>. The FWAB also serves as an early ballot request form and emergency write-in ballot for federal elections in Arizona.

FINANCIAL DISCLOSURE STATEMENT

A statutorily-prescribed financial disclosure that must be filed by all non-federal public officers and candidates (except precinct committeemen).

FPCA (*see* **FEDERAL POST CARD APPLICATION**)**FULL BALLOT VOTER**

A registered voter that provided acceptable proof of citizenship and therefore is entitled to vote in all federal, state and local races in Arizona.

FWAB (*see* **FEDERAL WRITE-IN ABSENTEE BALLOT**)**HAND COUNT**

A manual count of selected precincts and early ballots following a presidential, federal, statewide, or legislative election for the purpose of confirming the accuracy of election results.

HARD MATCH

A match involving a minimum number of reliable data points between two records.

HAVA (*see* **HELP AMERICA VOTE ACT**)**HELP AMERICA VOTE ACT (HAVA)**

A federal law codified at 52 U.S.C. §§ 20901-21145 that governs voting system standards, provisional voting, voter information requirements, statewide voter registration system requirements, and voter registration procedures.

INACTIVE VOTER

A registered voter with inactive status pursuant to the National Voter Registration Act (NVRA) based on returned election mail that indicates the voter may have moved addresses.

INITIATIVE

A method by which voters may propose new laws or amend existing laws by gathering signatures from registered voters to place a measure on the ballot.

L&A TEST (*see* **LOGIC & ACCURACY TEST**)**LOGIC & ACCURACY TEST (L&A TEST)**

A test involving test ballots and a pre-prepared script to confirm the ability of certified voting equipment to accurately tabulate votes.

MEMORY STICK (*see* **MEMORY STORAGE DEVICE**)**MEMORY STORAGE DEVICE** (*see also* **MEMORY STICK**)

A device inserted in an electronic voting system that stores election results.

MENTAL INCAPACITATION

A judicial finding that a person is impaired by mental illness, mental deficiency, mental disorder, physical illness or disability, chronic use of drugs, chronic intoxication or other cause and lacks sufficient understanding or capacity to make or communicate responsible decisions about himself or herself.

NATIONAL MAIL VOTER REGISTRATION FORM (*see also* **FEDERAL FORM**)

A federal voter registration form prescribed by the Election Assistance Commission (EAC) pursuant to the National Voter Registration Act (NVRA), available at <https://www.eac.gov/voters/national-mail-voter-registration-form/>.

NATIONAL VOTER REGISTRATION ACT (NVRA)

A federal law codified at 52 U.S.C. §§ 20501-20511 that governs voter registration list maintenance and voter registration processes by mail and through voter registration agencies.

NOMINATION PAPER

A document through which a candidate for public office formally expresses his or her intent to run for office and declares that he or she is qualified to hold that office if elected.

NOMINATION PETITION

A paper document or electronic system used to gather signatures from qualified electors in order to run for public office.

NONRESIDENT CIRCULATOR

A nonresident of Arizona who circulates a candidate nomination petition or ballot measure petition in any Arizona jurisdiction.

NVRA (*see* NATIONAL VOTER REGISTRATION ACT)**OFFICER IN CHARGE OF ELECTIONS**

The chief election officer charged with duties overseeing the conduct of elections other than duties assigned to the County Recorder.

OFFICIAL CANVASS

The official record of the election results, which must contain:

- The number of ballots cast in each precinct and in the county, the number rejected in each precinct and in the county;
- The titles of the offices voted for and the names of the persons (with party designations, if any) of each person elected to fill the offices;
- The number of votes by precinct and county received by each candidate;
- The numbers and a brief title of each proposed amendment or measure voted on; and
- The number of votes by precinct and county for and against each proposed amendment or measure.

ON-SITE EARLY VOTING

The ability to cast an early ballot in person at a location established by the County Recorder during the early voting period and through 5:00 p.m. on the Friday before the election.

OPTICAL SCAN EQUIPMENT

Electronic vote tabulation equipment which reads and records the votes from marked paper ballots.

OVERVOTE

A vote for more candidates than the number to be elected for the specific office, or when a voter selects the correct number of candidates on the official ballot but also writes in a candidate's name for the same office.

PAID CIRCULATOR

A person (other than a paid employee of a political committee) who is compensated to circulate petitions for a statewide ballot measure based on the number of signatures or sheets with signatures obtained.

PERMANENT EARLY VOTER LIST (PEVL)

A database of registered voters who have opted to receive an early ballot by mail for every election in which the voter is eligible.

PETITION CIRCULATOR

A person who circulates a candidate nomination petition or ballot measure petition and is responsible for completing the circulator affidavit on the reverse side of the petition.

POLITICAL ACTION COMMITTEE

A group or organization whose primary purpose is influencing the result of an election and who receives contributions or makes expenditures (in any combination) in excess of the applicable financial threshold.

POLITICAL PARTY OBSERVER

A credentialed political party representative who is permitted to observe the voting, ballot processing, or ballot tabulation process in authorized locations and at authorized times.

POLL LIST

A list of all persons who vote at a particular voting location in the consecutive order in which these persons sign the signature roster copy of the precinct register.

POLL WORKER

A member of the election board that works at a voting location on election day.

POLLING PLACE

The location where voters vote within a precinct in a polling place assigned election.

PRECINCT

A predetermined geographical area within which registered voters reside.

PRECINCT REGISTER

A listing of all registered voters within a precinct as of the date of voter registration cut-off.

PROVISIONAL BALLOT

A ballot cast by a voter whose name does not appear on the signature roster or in an e-pollbook listing of eligible voters.

PUBLIC ASSISTANCE AGENCY

A state agency, division, or office that provides cash assistance or in-kind assistance to low-income or underserved populations based on established eligibility criteria.

QUALIFIED ELECTOR

A person who is qualified to register to vote, is properly registered in the jurisdiction in question, and will be at least 18 years old on or before the election.

REASON CODE

The code or descriptor associated with a voter's registration status that explains the reason or origin of the status.

RECALL PETITION

A method by which voters may remove an elected official from office by gathering signatures from registered voters to call a new election for the office.

RECOGNIZED POLITICAL PARTY

A political party qualified hold a primary election and have its nominees appear on the general election ballot, whether as a new party or a party with continued representation on the ballot.

RECORDER'S CERTIFICATE

A certificate issued by the County Recorder that authorizes a registrant to vote at a particular voting location.

REGISTRATION STATUS

A description of a registrant's current registration status, such as active, inactive, canceled, suspense, not eligible or not registered.

SAVE (see SYSTEMATIC ALIEN VERIFICATION FOR ENTITLEMENTS)**SAMPLE BALLOT**

A sample ballot previewing the candidates and ballot measures that will appear on the official ballot.

SECURED REGISTRANT

A registrant whose complete or partial information is shielded from public view, whether pursuant to A.R.S. § 16-153 or the Secretary of State's Address Confidentiality Program pursuant to A.R.S. §§ 41-161 *et seq.*

SIGNATURE ROSTER

A copy of the precinct register that contains a space in which each registered voter who wishes to vote signs his or her name before being issued a ballot.

SOFT MATCH

A match of some minimum degree of information between two records that indicates the reasonable possibility that the records relate to the same person, but which requires an individualized inquiry to confirm whether a true match exists.

SSN4

The last four digits of a registrant's Social Security Number.

STANDING COMMITTEE

A PAC or political party registered with the Secretary of State for campaign finance purposes but which conducts political activity in multiple Arizona jurisdictions.

STATE FORM

The state voter registration form prescribed by the Secretary of State pursuant to A.R.S. § 16-152.

STATEMENT ON RECALL

An optional document through which a federal candidate pledges to voluntarily resign if recalled.

SYSTEMATIC ALIEN VERIFICATION FOR ENTITLEMENTS (SAVE)

A database maintained by the U.S. Department of Homeland Security for the purpose of verifying citizenship and immigration status.

TABULATION ROOM

The room or location within the central count facility where ballots are tabulated.

UNDERVOTE

The number of choices selected by a voter in a contest is less than the maximum number allowed for that contest, or when no selection is made for a single choice contest.

UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT (UOCAVA)

A federal law codified at 52 U.S.C. §§ 20301-20311 that governs specialized voting procedures for uniformed and overseas citizens.

UNREADABLE BALLOT

A ballot that clearly indicates the voter's intent but has been marked with a device or in a manner that the tabulation equipment cannot read, thereby allowing the ballot to be duplicated.

UNUSED BALLOT

An early ballot not mailed to voters or issued to any voters at the voting location.

UNVOTED BALLOT

A ballot that has been issued but not voted.

UOCAVA (*see* UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT)**UOCAVA VOTER**

A registrant who falls into one of the following categories under the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA):

- Uniformed service members;
- Eligible family members of uniformed service members;
- Overseas voters; and
- Non-resident U.S. Citizens with parents already registered to vote in Arizona.

Uniform services members are members of the U.S. Army, Navy, Air Force, Marine Corps, Coast Guard, commissioned corps of the National Oceanic and Atmospheric Administration, and commissioned corps of the Public Health Service. Members of the U.S. Merchant Marines also qualify as uniformed service members if the member is temporarily absent from Arizona due to service in the U.S. Merchant Marine. Eligible family members (spouses and dependents) of uniformed services members also qualify for UOCAVA status.

Overseas voters are persons residing outside the U.S. that are qualified to vote (or would be qualified to vote if not for their current overseas residence) in the Arizona county in which they were last domiciled before leaving the U.S.

VOTE

The expression of a voter's selection for a particular candidate or ballot measure.

For a candidate race, a vote is expressed by connecting the arrow or filling in the oval that corresponds to a candidate or candidates in particular race, or by writing a person's name in the appropriate write-in space and connecting the arrow / filling in the oval that corresponds to the applicable write-in candidate position(s) on the ballot.

For ballot measures, a vote is expressed by connecting the arrow or filling in the oval that corresponds to one position, either affirmative or negative.

For accessible voting equipment (including ballot marking devices), a vote is expressed by touching the boxes on the screen adjacent to his or her choices or using a handheld device to make those selections.

VOTE CENTER

A voting location in which any registered voter in the county may receive an appropriate ballot for that voter and lawfully cast that ballot.

VOTER ID CARD

A card mailed to a voter confirming registration and providing other required registration information.

VOTER REGISTRATION AZ II (VRAZ II)

The statewide voter registration system currently in use in Arizona to comply with the Help America Vote Act (HAVA).

VOTING DEVICE

An apparatus which the voter uses to record his or her votes.

WRITE-IN

A vote for a candidate whose name is not printed on the ballot but must be handwritten or typed by the voter.