



## Maricopa County Elections Department Community Network

October 28, 2015  
AGENDA

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- Introductions
- 2015 Legislative Review
- Running for Office, Campaign Finance and Public Disclosure
- November 2015 Elections
- Next Meeting:
  - December 2, 2015: 2016 Preview and Voter Registration 101

# Campaign Finance & Legislative Update

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Presented by:

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Mary Fontes, Federal Compliance Officer

Maricopa County Elections Department

# What's New

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2016 Elections

Campaign Finance Legislation

# Election Cycle

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- HB 2415
- A.R.S. § 16-901 (7) - Election is defined
  - Primary & General Election are combined
    - Eliminates separate accounting / reporting requirements
- A.R.S. § 16-901(8) - Election Cycle is defined
  - Beginning 21 days after a General election
  - Ending 20 days after the next successive General election for a particular elected office

# Contribution Limits Increased

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- A.R.S. § 16-905
- Local offices
  - From an individual or single political committee = \$6,250 **per election cycle**
  - From a certified political committee (Super PAC) = \$12,500 **per election cycle**
- Partnerships
  - From individual partners = \$6,250 **per election cycle**
- Trust accounts
  - Contributions from a revocable trust are allowed
    - Reported as “personal monies”

# Surplus Funds from 2014

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- A.R.S. §16-915.01- Disposal of surplus monies; transfer of debt
  - 4 Scenarios apply for candidates seeking office in 2016 / 2018
- 1) Surplus from Primary or General or Both from 2014
  - Transfer to a NEW 2016 or 2018 candidate committee
  - Amended Statement of Organization is NOT required
  - If amended prior to July 3, 2015, *the filing officer shall take reasonable measures to assist candidates and committees to come into conformance with this act.*

# Surplus Funds continued

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- 2) Candidates with a \$0.00 balance in both the Primary & General accounts
  - Must file a Termination Statement for that committee
- 3) Candidates with a DEBT remaining in the Primary or General or Both and do NOT TRANSFER the debt to a new 2016 or 2018 committee
  - May accept contributions to retire the debt using the limits in effect for the 2014 cycle
    - \$2,500 per individual or PAC, \$5,000 per Super PAC
  - This does not affect the candidate's contribution limits for a 2016 or 2018 committee

# Surplus Funds continued

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- 4) Candidates with a DEBT remaining in the Primary or General or Both and do TRANSFER the debt to a new 2016 or 2018 committee
  - Contributions to retire the transferred debt are counted against the contribution limits for the new committee
    - \$6,250 per individual or PAC, \$12,500 per Super PAC

# Electronic Filing System

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- HB 2589
- A.R.S. §16-916.02
  - Allows a political subdivision to participate in the Secretary of State's campaign finance system
    - Not currently developed
  - If the city/town desires to opt in, notice is required 30 days before the first report is due for the calendar year, and a fee will be assessed
    - Fee determined by the Secretary of State

# Late Filings

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- HB 2595
- A.R.S. §16-918
  - Late fees accrue until the day the late report is filed
  - Filing officer must accept the late report unless penalties have been assessed pursuant to an enforcement matter
    - A.R.S. §16-924
  - Notice to the enforcement officer for failure to file can be given on the 31<sup>st</sup> day after the filing deadline

# Political Committee Definition continued

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- HB 2649
- A.R.S. §16-901.20(f)
  - Categories unchanged: Candidate, Exploratory Committee, Separate Segregated Fund, Political Party, Political Organization
  - Categories removed: Independent Expenditure Committee, Committee organized to support or oppose one or more candidates\*
  - Categories revised: Ballot Measures or Recall apply only to an association or combination of persons that **circulate petitions**
    - Not applicable to a group supporting or opposing a ballot measure or recall\*

\* may still be defined as a political committee under new criteria created in legislation

# Political Committee Definition

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- HB 2649
- A.R.S. §16-901.20(f)
  - Registration as a political committee is required if:
    - An association or combination of persons is organized, conducted or combined for the primary purpose of influencing the result of any election; **and**
    - **Knowingly** receives contributions or makes expenditures of more than \$500.00 in connection with any election during the *calendar year*.
    - \$250.00 threshold is no longer valid
- A.R.S. §16-902.01
  - Statement of Organization must be filed within 5 business days after meeting the definition.

# Filing Officer

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Campaign Finance - To Do List

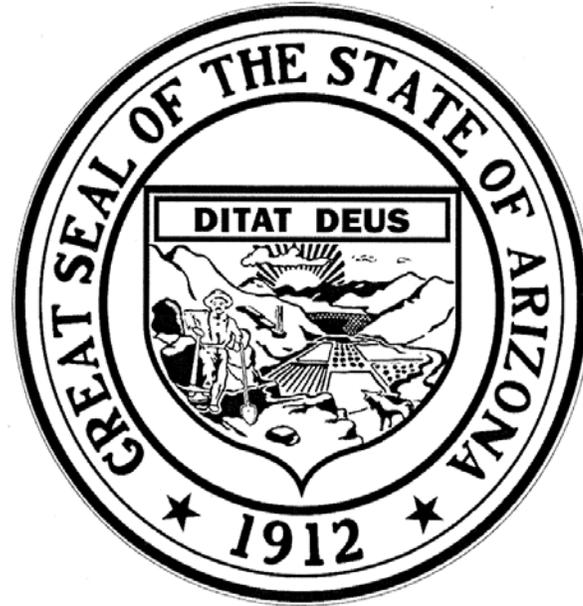
- Update any online information to reflect new definitions
- Update Statement of Organization – Committee Types / Definitions
- Update \$500 Threshold Statement – Committee Types / Definitions
- Update Contribution Limits Chart
- Update Failure to File Procedure
  - Continue to send “notice of delinquency” if the report has been filed late and the late fee has not been paid
  - If not received by the 31<sup>st</sup> day after it was due, send for enforcement action

# Legislative Update

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2015 Legislation Summary

## 2015 Election Laws



Michele Reagan  
Secretary of State  
State of Arizona

# SB 1184

## Municipal Elections; Ballot; Disclosure

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- A.R.S. §9-826
- Publicity Pamphlet
  - Language required for elections to approve a Bond, Sales Tax or Property Tax measure
  - Bond
    - An estimate of the annual levy of property taxes sufficient to pay the debt on the bond
  - Sales Tax Levy
    - The amount of the tax increase
  - Property Tax Levy
    - An estimate of the tax for a single-family residence valued at \$100,000, commercial property valued at \$250,000 and vacant land valued at \$10,000.

# SB 1287

## Ballot Contents Disclosure: Prohibition

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- A.R.S. §§16-515, 16-1018
  - Prohibits taking photographs or videos within the 75 foot limit
  - Decriminalizes the act of a voter who takes an image of the voter's own ballot and posts it on the internet or other electronic medium
    - by posting, the voter consents to re-transmittal of the photo
  - Note: It continues to be a Class 2 misdemeanor to show **another voter's** ballot

# HB 2109

## Ballot; Form; Secondary Property Taxes

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- A.R.S. §35-454
- Language required for Bond election to be repaid with secondary property taxes
  - “BOND APPROVAL YES” or “BOND APPROVAL NO” and the following:
  - A “YES” VOTE SHALL AUTHORIZE THE \_\_\_ GOVERNING BODY TO ISSUE AND SELL \$\_\_\_ OF \_\_\_ BONDS OF THE DISTRICT TO BE REPAID WITH SECONDARY PROPERTY TAXES.
  - A “NO” VOTE SHALL NOT AUTHORIZE THE \_\_\_ GOVERNING BODY TO ISSUE AND SELL SUCH BONDS OF THE DISTRICT.

# HB 2214

## Majority Vote Calculation; Municipal Elections

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- A.R.S. §9-821.01
  - Changes the formula used for calculating the majority votes cast for a candidate
  - Codifies the formula in the session law contained in Laws 2014, Chapter 256 (HB 2126)
    - Formula uses votes cast based on the offices to be filled at that election
    - Avoids unnecessary runoff elections
    - Saves \$\$\$

# HB 2214

## New Formula

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- A.R.S. § 9-821.01(D)
  1. Calculate the total number of actual votes cast for all candidates for an office;
  2. Divide by the number of seats to be filled for that office; and
  3. Divide by 2 and round to the highest whole number
- What if more candidates receive a majority than there are seats to be filled?
- A.R.S. § 9-821.01
  - The candidates who receive the highest number of votes equal to the number of seats to be filled for the office from among those candidates who receive a majority of votes cast are declared elected.

# HB 2214

## What if ???

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- There is not a candidate in the Primary that receives the majority of votes cast?
- The number of seats to be filled for the office is more than the number of candidates who receive a majority of votes cast?
- A.R.S. § 9-821.01(F)
  - Candidates who did not receive a majority of votes cast advance to the General or Runoff election if the number of candidates is equal to twice the number of seats to be filled and the candidates received the highest number of votes for the office.
  - If more than one candidate received an equal number of the highest votes for the office, ALL candidates received the equal number of votes advance to the General or Runoff election
  - Candidates equal in number to the seats to be filled for the office who receive the highest number of votes at the General or Runoff election are elected.
  - If two or more candidates receive the equal number of votes (higher than any other candidate), the candidate elected is determined by lot.

# HB 2407

## Initiative, Referendum and Recall Provisions

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- A.R.S. § § 19-101.01, 19-201.01
  - Specified that referendum and recall are subject to “**strict compliance**”
- A.R.S. § 19-112 – Referendum – Signatures and Verification
  - The full and correct copy of the title and text of the measure for circulation for signatures for any local matter must be:
    - The copy of the measure signed or enacted into law by the mayor with its proposed text in full; AND the original and any amended texts: OR
    - If a local matter was enacted without an ordinance or resolution, the official minutes approved by the governing body signed by the clerk.
  - Signatures collected with any copy of the text that is not a facsimile of the full and correct copy of the local measure are INVALID.
  - The circulator affidavit shall not be modified and any petition that contains a partially completed affidavit or an affidavit that has been modified in INVALID.

# HB 2407

## Initiative & Referendum

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- A.R.S. § 19-121 - Procedures for Filing
  - The political committee that is the proponent of the petition and that files the petitions shall organize the signature sheets and group them by circulator
  - The filing officer may return as UNFILED any signature sheets that are not so organized and grouped
- A.R.S. § 19-121.01(A)(1) – Removal of Petition Sheets
  - Sheets not attached to a copy of the **complete** title and text
  - Sheets not bearing the **correct** petition serial number in the lower right-hand corner of each side
  - Sheets containing a circulator's affidavit that is **not completed or signed** or that has been **modified**.
  - Sheets where the circulator is required to be registered with the Secretary of State and was **not properly registered at the time the petitions were circulated**.

# HB 2407

## Initiative & Referendum continued

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- A.R.S. § 19-121.01(A)(3) – Removal of Signatures
  - The signed date is **before the date of the filing** of the Statement of Organization for the political committee filing the petition.
  - The signed date is **after** the date on which the **circulator affidavit was completed and notarized.**
  - The signed date is presumed to be true by the filing officer. Any person seeking to establish a different date for the signer bears the burden of proof in overcoming the presumption,

# HB 2407

## Initiative & Referendum continued

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- A.R.S. § 19-121.02 – Disqualification of Signatures by County Recorder
  - If a signature is determined to be invalid after a comparison is made between the signature and handwriting on the petition and the signer's voter registration file.
  - If the person circulating the petition was a Justice of the Peace or a County Recorder at the time the person circulated the petition.

# HB 2407

## Initiative & Referendum continued

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- A.R.S. § 19-121.04 – Determining Total Number of Valid Signatures
  - Subtract all signatures removed during review (A.R.S. § 19-121.01(A)(1))
  - If the number of valid signatures is less than 100%, the filing officer retains the original signature sheets until after conclusion of any litigation regarding the measure or the time has expired to file an action.
  - Filing officer's receipt to the proponents, must be amended to reflect the changes in the law.

# HB 2407

## Initiative & Referendum continued

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- A.R.S. § 19-118 – Registered Circulators
  - Out of state circulators on local measures are required to register with the Secretary of State
- A.R.S. § 19-122 – Court Action
  - Court action can only be made as outlined in statute
  - No separate actions can be maintained seeking to enjoin the filing officer from certifying or printing the official ballot for the election
  - Actions are filed in Superior Court in the county where the city/town is located.

# HB 2407

## Recall Provisions

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- A.R.S. § § 19-202.01, 19-203
  - Recall Application and Petition Filing
  - Upon receipt of the application and petition, the filing officer marks the official date and time of receipt and assigns the serial number.
  - Must be submitted to the filing officer as a single document
  - Changes to the text or general statement require the applicant to file a new application.
    - Filing officer marks a new date and time of receipt and assigns a new serial number.
  - Signatures collected with any copy of the recall text that is not a facsimile of the time and date marked copy **that is not identical to the filing officer's version** are INVALID.
  - Signatures collected on a prior recall petition are INVALID.

# HB 2595

## Early Voting

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- A.R.S. § 16-558.01
  - First day to mail early ballots is **27** days prior to the election
  - Early ballot requests received by **candidates, political committees or “other organizations”** must be turned in to the county recorder or other officer in charge of elections within 6 business days after receipt or 11 days prior to the election whichever is earlier

# HB 2608

## Elections; Active Registered Voters

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- A.R.S. § 16-322 – Signature Requirements
- Reduces the required number of signatures for the following offices:
  - US Senate – Removed the 3-County requirement
  - Statewide – Removed the 3-County requirement
  - US Representative in Congress
  - Legislature
  - County Office
  - Superior Court Judge
  - Justice of the Peace & Constable
- No changes for City/Town offices

# HB 2608

## Elections; Active Registered Voters

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- A.R.S. § 16-193 – Use “active” registered voters for determining the following:
  - Signature requirements on candidate nomination petitions
  - Mailing and distributing election related notices, pamphlets or ballots
    - Sample Ballots, Publicity Pamphlets
  - Providing voting machines at polling places
  - Providing ballots polling places
  - Determining qualification for political party continued representation
  - Choosing political party officers for precinct and legislative committees

\* This has been the standard practice

# HB 2608

## Qualified Signer

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- A.R.S. § 16-321
  - Candidate Nomination Signature Requirements – Qualified Signers
    - Registered as a member of the party from which the candidate is seeking nomination
    - Registered as a member of a party that is not entitled to continued representation on the ballot
    - Registered as Independent or No Party Preference
    - Example: County Office – Republican Candidate
      - Active voters registered as follows: Republican, Green, + Others (anyone in a non recognized party)
        - Do NOT include Democrat & Libertarian

# HB 2613

## Political Activity; Public Resources

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- A.R.S. § § 9-500.14, 11-410, 15-511, 15-1408 and 16-192
  - Cities, Towns, Counties, School Districts, MCCCDC, State & Special Taxing Districts
  - Prohibited from using public resources to influence the outcome of an election
    - Includes use of promotional expenditures that occur after an election is called through election day
    - Does not prohibit “routine communications”
      - Messages or advertisements that are germane to the functions of the district and that maintain the frequency, scope and distribution consistent with the past practices or are necessary for public safety.
    - AG Opinion: I15-002 Amended (R15-002)
      - Issued July 30, 2015

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**Questions?**