

THIRTY-NINTH LEGISLATURE  
FIFTH SPECIAL SESSION

SUMMARY OF LEGISLATION  
OF THE THIRTY-NINTH LEGISLATURE  
FIFTH SPECIAL SESSION  
1990

\*Strike-everything Amendment

<u>Chapter</u>	<u>Bill</u>	<u>Short Title</u>	<u>Page</u>
1 (E)	HB 2001	Runoff election	1

Session Convened  
Monday, November 19, 1990  
at 9:00 a.m.

Session Adjourned Sine Die  
Monday, November 19, 1990  
at 7:21 p.m.

THIRTY-NINTH LEGISLATURE  
FIFTH SPECIAL SESSION

Chapter 1 (E) - HB 2001 (runoff election)

Proposition 105, the constitutional amendment approved by the voters in the 1988 election, states in part:

"If no person receives a majority of the votes cast for the office (Executive Department officers), a second election shall be held as prescribed by law between the persons receiving the highest and second highest number of votes cast for the office."

ELECTION DATE

The bill sets the runoff election date for Tuesday, February 26, 1991.

WRITE-IN CANDIDATES

The bill prohibits write-in candidates from participating in the runoff election (pursuant to the 50+1 constitutional provision).

VOTER REGISTRATION CANCELLATION

The bill provides that a person's voter registration will not be cancelled for failure to vote in the November 6, 1990 general election. (This suspends the January 1991 purge.) If voter registrations were cancelled on January 1, 1991 for failure to vote in the general election (as provided by ARS 16-166), many voters would go to the polls on the day of the runoff and find that their names have been removed from the voter rolls. (Under the law, the voter is not notified of the cancellation until February 1.)

EXPEDITED CANVASS

The canvass of the runoff election by the county boards of supervisors and the secretary of state must be completed within seven days after the election.

POLLING PLACE CHANGES

The bill states that wherever it is possible, the same polling places used in the November 6 general election must be used for the runoff election. Any changes in polling places must be approved by the secretary of state. (Changes in polling places also must be approved by the Justice Department.)

CAMPAIGN CONTRIBUTION LIMITATIONS

The runoff election will be deemed a separate general election for purposes of compliance with the campaign contribution laws and penal provisions of the election code. The PAC and individual limits of Proposition 200 (ARS 16-905) apply to the runoff election. In addition, that portion of a contribution made by an individual to a runoff election candidate that is within the limits of Prop 200 (\$550) is exempt from the calendar year contribution limits on individuals (\$2,200 per calendar year) for the calendar year in which the contribution was made.

THIRTY-NINTH LEGISLATURE  
FIFTH SPECIAL SESSION

If a candidate in the runoff election contributes more than \$110,000 of his own money to his own campaign, contributors to the other candidate can give any amount, including all prior contributions to a runoff candidate, up to the \$2,200 aggregate calendar year limit on individuals.

29-DAY VOTER REGISTRATION CUTOFF

In the 1990 session, the Legislature changed the current 50-day voter registration cutoff date to 29 days prior to an election. This change was to take effect on May 31, 1991, but this bill makes the 29-day registration effective in time for the runoff election.

APPROPRIATION

The bill makes a \$2.65 million appropriation to the secretary of state to conduct the runoff election and to reimburse counties for the cost of the election.

ABSENTEE VOTING

The bill states that a voter may vote absentee if inclement weather can be reasonably expected to occur in his precinct at the time of the election. This is in addition to other reasons (currently in statute) to vote absentee.

ELECTION TIMELINE

The following election events will occur based on a February 26, 1991 runoff election:

- \* January 24, 1990: Absentee voting begins
- \* January 28, 1990: Voter registration cutoff

This session law contains an emergency clause. Except as otherwise provided in the bill, general election laws shall apply to the runoff election.

State of Arizona  
House of Representatives  
Thirty-ninth Legislature  
Fifth Special Session  
1990

ISSUED BY  
**JIM SHUMWAY** House Engrossed  
SECRETARY OF STATE

CHAPTER 1  
HOUSE BILL 2001

AN ACT

RELATING TO ELECTIONS; AMENDING LAWS 1990, CHAPTER 321, SECTION 16; MAKING AN APPROPRIATION.

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

2 Section 1. Runoff election; proclamation; write-in  
3 candidate prohibited

4 A. Pursuant to article V, section 1, Constitution of Arizona, a  
5 second election shall be held between the persons receiving the highest  
6 and second highest number of votes cast for an executive department office  
7 if no person has received a majority of the votes cast for that executive  
8 department office at the general election held November 6, 1990 according  
9 to the official canvass.

10 B. If an election is required, the second election shall be held on  
11 Tuesday, February 26, 1991.

12 C. If the second election described in subsection A is required,  
13 the governor shall issue a proclamation containing a statement of the date  
14 of the election and the office to be filled. The governor shall transmit  
15 a copy of the election proclamation to the clerk of the board of  
16 supervisors of each county and the clerk shall notify the board of  
17 supervisors of the receipt of the election proclamation. The board shall  
18 publish a copy of the proclamation in an official newspaper in the county  
19 at least ten days before the election.

20 D. Notwithstanding any other statute and pursuant to article V,  
21 section 1, Constitution of Arizona, a write-in candidate is not permitted  
22 in a second election.

23 E. The election prescribed by this section shall be considered a  
24 special and not a general election for subsequent initiative, referendum  
25 and recall purposes.

26 Sec. 2. Suspension of voter registration cancellation

27 Notwithstanding the provisions of sections 16-165 and 16-166,  
28 Arizona Revised Statutes, a county recorder shall not remove or cancel  
29 from the general county register the registration of any elector for that  
30 elector's failure to vote in the general election held November 6, 1990.

31 Sec. 3. Canvass; seven days

32 The board of supervisors of a county shall canvass the second  
33 election and deliver the official canvass to the secretary of state not

1 later than four days after the second election. The secretary of state  
2 shall canvass the second election not later than three days after  
3 receiving the official canvass from the board of supervisors. The canvass  
4 of the second election shall be completed not later than seven days after  
5 the second election.

6 Sec. 4. Polling places; changes

7 To the extent it is practicable, the board of supervisors of a  
8 county shall use as polling places for the second election those same  
9 polling places used for the general election held November 6, 1990. The  
10 board of supervisors shall not change a polling place to be used in the  
11 second election unless it first obtains the approval of that change from  
12 the secretary of state.

13 Sec. 5. Contribution limitations; exemption

14 A. If a second election is required pursuant to section 1 of this  
15 act, the election shall be deemed a separate general election for purposes  
16 of title 16, chapters 6 and 7, Arizona Revised Statutes. Except as  
17 provided in subsection B of this section, the provisions of title 16,  
18 chapters 6 and 7, Arizona Revised Statutes, apply to that election cycle.

19 B. That portion of a contribution made by an individual to a  
20 candidate for a second election proclaimed pursuant to section 1 of this  
21 act which does not exceed the limit prescribed in section 16-905,  
22 subsection B, Arizona Revised Statutes, is exempt from the calendar year  
23 contribution limitation on individuals prescribed in section 16-905,  
24 subsection D, Arizona Revised Statutes, for the calendar year in which the  
25 contribution was made.

26 C. Notwithstanding subsection B of this section, a contribution  
27 made pursuant to section 16-905, subsection E, Arizona Revised Statutes,  
28 including all prior contributions to a candidate for a second election  
29 proclaimed pursuant to section 1 of this act, shall not exceed the  
30 contribution limitation established in section 16-905, subsection D,  
31 Arizona Revised Statutes.

32 Sec. 6. Applicability of general election and alcoholic  
33 beverages laws

34 A. The provisions of general election law apply to the second  
35 election proclaimed pursuant to section 1 of this act unless inconsistent  
36 with the provisions of this act.

37 B. The provisions of the alcoholic beverages laws relating to  
38 general elections apply to the second election proclaimed pursuant to  
39 section 1 of this act.

40 C. In addition to the provisions of section 16-541, Arizona Revised  
41 Statutes, in the case of a second election proclaimed pursuant to section  
42 1 of this act, a qualified elector shall be permitted to vote absentee if  
43 inclement weather can be reasonably expected to occur in his precinct at  
44 the time of the second election.

45 Sec. 7. Effective date of twenty-nine day voter registration

46 A. Laws 1990, chapter 321, sections 1 through 12, 14 and 15 are  
47 effective on the effective date of this act.

1 B. Notwithstanding the provisions of section 16-227, Arizona  
2 Revised Statutes, any political subdivision that has adopted a call of  
3 election prior to the effective date of this act shall give notice of the  
4 last day to register to vote in the political subdivision election by the  
5 publication at least once of a notice prepared by the clerk of the  
6 political subdivision in a newspaper of general circulation in the  
7 political subdivision.

8 Sec. 8. Laws 1990, chapter 321, section 16 is amended to read:

9 Sec. 16. Delayed effective date

10 SECTION 13 OF this act is effective May 31, 1991.

11 Sec. 9. Appropriation; lapsing

12 A. The sum of two million six hundred fifty thousand dollars is  
13 appropriated from the state general fund to the secretary of state to  
14 defray the expenses incurred in carrying out the provisions of this act,  
15 to make advance payments to counties and to reimburse counties for the  
16 cost of the election.

17 B. The clerk of the board of supervisors of each county shall  
18 submit to the secretary of state for approval an itemized claim verified  
19 by the clerk for expenses incurred or to be incurred by the county as  
20 provided in subsection A of this section. On approval of the claim by the  
21 secretary of state, the claim shall be submitted to the department of  
22 administration division of finance for payment to the county from the sum  
23 appropriated by this section.

24 C. The appropriation made by this section is exempt from the  
25 provisions of section 35-190, Arizona Revised Statutes, relating to  
26 lapsing of appropriations, except that all monies remaining unexpended and  
27 unencumbered on June 30, 1991 revert to the state general fund.

28 Sec. 10. Emergency

29 To preserve the public peace, health and safety it is necessary that  
30 this act become immediately operative. It is therefore declared to be an  
31 emergency measure, to take effect as provided by law.

Approved by the Governor November 19, 1990

Filed in the Office of Secretary of State November 19, 1990

# HOUSE ENGROSSED

## Fifth Special Session

runoff election

### COVER SHEET

H.B. 2001  
(Reference to House engrossed bill)

#### Page 1

Line 10, after "required, the" inserted "second"  
After line 22, inserted subsection E

#### Page 2

Line 19, after "B." struck "A" and inserted "That portion of a"  
Line 21, after "act" inserted "which does not exceed the limit  
prescribed in section 16-905, subsection B, Arizona Revised  
Statutes,"  
After line 25, inserted subsection C  
Lines 34 and 38, after "apply to" struck "an" and inserted "the second"  
After line 39, inserted subsection C

#### Page 3

Line 12, after "sum of" struck "three million" and inserted "two  
million six hundred fifty thousand"  
Line 27, after "June 30," struck "1992" and inserted "1991"

HOUSE BILL 2001

AN ACT

RELATING TO ELECTIONS; AMENDING LAWS 1990, CHAPTER 321, SECTION 16; MAKING AN APPROPRIATION.

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

2 Section 1. Runoff election; proclamation; write-in  
3 candidate prohibited

4 A. Pursuant to article V, section 1, Constitution of Arizona, a  
5 second election shall be held between the persons receiving the highest  
6 and second highest number of votes cast for an executive department office  
7 if no person has received a majority of the votes cast for that executive  
8 department office at the general election held November 6, 1990 according  
9 to the official canvass.

10 B. If an election is required, the second election shall be held on  
11 Tuesday, February 26, 1991.

12 C. If the second election described in subsection A is required,  
13 the governor shall issue a proclamation containing a statement of the date  
14 of the election and the office to be filled. The governor shall transmit  
15 a copy of the election proclamation to the clerk of the board of  
16 supervisors of each county and the clerk shall notify the board of  
17 supervisors of the receipt of the election proclamation. The board shall  
18 publish a copy of the proclamation in an official newspaper in the county  
19 at least ten days before the election.

20 D. Notwithstanding any other statute and pursuant to article V,  
21 section 1, Constitution of Arizona, a write-in candidate is not permitted  
22 in a second election.

23 E. The election prescribed by this section shall be considered a  
24 special and not a general election for subsequent initiative, referendum  
25 and recall purposes.

26 Sec. 2. Suspension of voter registration cancellation

27 Notwithstanding the provisions of sections 16-165 and 16-166,  
28 Arizona Revised Statutes, a county recorder shall not remove or cancel  
29 from the general county register the registration of any elector for that  
30 elector's failure to vote in the general election held November 6, 1990.

31 Sec. 3. Canvass; seven days

32 The board of supervisors of a county shall canvass the second  
33 election and deliver the official canvass to the secretary of state not

1 later than four days after the second election. The secretary of state  
2 shall canvass the second election not later than three days after  
3 receiving the official canvass from the board of supervisors. The canvass  
4 of the second election shall be completed not later than seven days after  
5 the second election.

6 Sec. 4. Polling places; changes

7 To the extent it is practicable, the board of supervisors of a  
8 county shall use as polling places for the second election those same  
9 polling places used for the general election held November 6, 1990. The  
10 board of supervisors shall not change a polling place to be used in the  
11 second election unless it first obtains the approval of that change from  
12 the secretary of state.

13 Sec. 5. Contribution limitations; exemption

14 A. If a second election is required pursuant to section 1 of this  
15 act, the election shall be deemed a separate general election for purposes  
16 of title 16, chapters 6 and 7, Arizona Revised Statutes. Except as  
17 provided in subsection B of this section, the provisions of title 16,  
18 chapters 6 and 7, Arizona Revised Statutes, apply to that election cycle.

19 B. That portion of a contribution made by an individual to a  
20 candidate for a second election proclaimed pursuant to section 1 of this  
21 act which does not exceed the limit prescribed in section 16-905,  
22 subsection B, Arizona Revised Statutes, is exempt from the calendar year  
23 contribution limitation on individuals prescribed in section 16-905,  
24 subsection D, Arizona Revised Statutes, for the calendar year in which the  
25 contribution was made.

26 C. Notwithstanding subsection B of this section, a contribution  
27 made pursuant to section 16-905, subsection E, Arizona Revised Statutes,  
28 including all prior contributions to a candidate for a second election  
29 proclaimed pursuant to section 1 of this act, shall not exceed the  
30 contribution limitation established in section 16-905, subsection D,  
31 Arizona Revised Statutes.

32 Sec. 6. Applicability of general election and alcoholic  
33 beverages laws

34 A. The provisions of general election law apply to the second  
35 election proclaimed pursuant to section 1 of this act unless inconsistent  
36 with the provisions of this act.

37 B. The provisions of the alcoholic beverages laws relating to  
38 general elections apply to the second election proclaimed pursuant to  
39 section 1 of this act.

40 C. In addition to the provisions of section 16-541, Arizona Revised  
41 Statutes, in the case of a second election proclaimed pursuant to section  
42 1 of this act, a qualified elector shall be permitted to vote absentee if  
43 inclement weather can be reasonably expected to occur in his precinct at  
44 the time of the second election.

45 Sec. 7. Effective date of twenty-nine day voter registration

46 A. Laws 1990, chapter 321, sections 1 through 12, 14 and 15 are  
47 effective on the effective date of this act.

1 B. Notwithstanding the provisions of section 16-227, Arizona  
2 Revised Statutes, any political subdivision that has adopted a call of  
3 election prior to the effective date of this act shall give notice of the  
4 last day to register to vote in the political subdivision election by the  
5 publication at least once of a notice prepared by the clerk of the  
6 political subdivision in a newspaper of general circulation in the  
7 political subdivision.

8 Sec. 8. Laws 1990, chapter 321, section 16 is amended to read:

9 Sec. 16. Delayed effective date

10 SECTION 13 OF this act is effective May 31, 1991.

11 Sec. 9. Appropriation; lapsing

12 A. The sum of two million six hundred fifty thousand dollars is  
13 appropriated from the state general fund to the secretary of state to  
14 defray the expenses incurred in carrying out the provisions of this act,  
15 to make advance payments to counties and to reimburse counties for the  
16 cost of the election.

17 B. The clerk of the board of supervisors of each county shall  
18 submit to the secretary of state for approval an itemized claim verified  
19 by the clerk for expenses incurred or to be incurred by the county as  
20 provided in subsection A of this section. On approval of the claim by the  
21 secretary of state, the claim shall be submitted to the department of  
22 administration division of finance for payment to the county from the sum  
23 appropriated by this section.

24 C. The appropriation made by this section is exempt from the  
25 provisions of section 35-190, Arizona Revised Statutes, relating to  
26 lapsing of appropriations, except that all monies remaining unexpended and  
27 unencumbered on June 30, 1991 revert to the state general fund.

28 Sec. 10. Emergency

29 To preserve the public peace, health and safety it is necessary that  
30 this act become immediately operative. It is therefore declared to be an  
31 emergency measure, to take effect as provided by law.

COMMITTEE ON JUDICIARY  
HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2001  
(Reference to printed bill)

- 1 Page 1, line 10, after "the" insert "second"  
2 Between lines 22 and 23, insert:  
3 "E. The election prescribed by this section shall be considered  
4 a special and not a general election for subsequent initiative,  
5 referendum and recall purposes."  
6 Page 2, line 18, strike "A" and insert "That portion of a"  
7 Line 19, after "act" insert "which does not exceed the limit prescribed  
8 in section 16-905, subsection B, Arizona Revised Statutes,"  
9 Between lines 22 and 23, insert:  
10 "C. Notwithstanding subsection B of this section, a contribution  
11 made pursuant to section 16-905, subsection E, Arizona Revised Statutes,  
12 including all prior contributions to a candidate for a second election  
13 proclaimed pursuant to section 1 of this act, shall not exceed the  
14 contribution limitation established in section 16-905, subsection D,  
15 Arizona Revised Statutes."  
16 Line 25, strike "an" and insert "the second"  
17 Line 29, strike "an" and insert "the second"  
18 Between lines 30 and 31, insert:  
19 "C. In addition to the provisions of section 16-541, in the case  
20 of an election proclaimed pursuant to section 1 of this act, a qualified  
21 elector shall be permitted to vote absentee if inclement weather can  
22 be reasonably expected to occur in his precinct at the time of the  
23 election."  
24 Line 45, strike "three million" and insert "two million six hundred fifty  
25 thousand"  
26 Amend title to conform  
and, as so amended, it do pass

JIM SKELLY  
Chairman

HOUSE

HB 2001  
Introduced  
November 19, 1990

Referred on November 19, 1990

Rules \_\_\_\_\_

Judiciary \_\_\_\_\_

Introduced by

Representatives Skelly, Meredith, Brown: Hamilton, Hull

AN ACT

RELATING TO ELECTIONS; AMENDING LAWS 1990, CHAPTER 321, SECTION 16; MAKING AN APPROPRIATION.

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

2 Section 1. Runoff election; proclamation; write-in  
3 candidate prohibited

4 A. Pursuant to article V, section 1, Constitution of Arizona, a  
5 second election shall be held between the persons receiving the highest  
6 and second highest number of votes cast for an executive department office  
7 if no person has received a majority of the votes cast for that executive  
8 department office at the general election held November 6, 1990 according  
9 to the official canvass.

10 B. If an election is required, the election shall be held on  
11 Tuesday, February 26, 1991.

12 C. If the second election described in subsection A is required,  
13 the governor shall issue a proclamation containing a statement of the date  
14 of the election and the office to be filled. The governor shall transmit  
15 a copy of the election proclamation to the clerk of the board of  
16 supervisors of each county and the clerk shall notify the board of  
17 supervisors of the receipt of the election proclamation. The board shall  
18 publish a copy of the proclamation in an official newspaper in the county  
19 at least ten days before the election.

20 D. Notwithstanding any other statute and pursuant to article V,  
21 section 1, Constitution of Arizona, a write-in candidate is not permitted  
22 in a second election.

23 Sec. 2. Suspension of voter registration cancellation

24 Notwithstanding the provisions of sections 16-165 and 16-166,  
25 Arizona Revised Statutes, a county recorder shall not remove or cancel  
26 from the general county register the registration of any elector for that  
27 elector's failure to vote in the general election held November 6, 1990.

28 Sec. 3. Canvass; seven days

29 The board of supervisors of a county shall canvass the second  
30 election and deliver the official canvass to the secretary of state not  
31 later than four days after the second election. The secretary of state

1 shall canvass the second election not later than three days after  
2 receiving the official canvass from the board of supervisors. The canvass  
3 of the second election shall be completed not later than seven days after  
4 the second election.

5 Sec. 4. Polling places; changes

6 To the extent it is practicable, the board of supervisors of a  
7 county shall use as polling places for the second election those same  
8 polling places used for the general election held November 6, 1990. The  
9 board of supervisors shall not change a polling place to be used in the  
10 second election unless it first obtains the approval of that change from  
11 the secretary of state.

12 Sec. 5. Contribution limitations; exemption

13 A. If a second election is required pursuant to section 1 of this  
14 act, the election shall be deemed a separate general election for purposes  
15 of title 16, chapters 6 and 7, Arizona Revised Statutes. Except as  
16 provided in subsection B of this section, the provisions of title 16,  
17 chapters 6 and 7, Arizona Revised Statutes, apply to that election cycle.

18 B. A contribution made by an individual to a candidate for a  
19 second election proclaimed pursuant to section 1 of this act is exempt  
20 from the calendar year contribution limitation on individuals prescribed  
21 in section 16-905, subsection D, Arizona Revised Statutes, for the  
22 calendar year in which the contribution was made.

23 Sec. 6. Applicability of general election and alcoholic  
24 beverages laws

25 A. The provisions of general election law apply to an election  
26 proclaimed pursuant to section 1 of this act unless inconsistent with the  
27 provisions of this act.

28 B. The provisions of the alcoholic beverages laws relating to  
29 general elections apply to an election proclaimed pursuant to section 1 of  
30 this act.

31 Sec. 7. Effective date of twenty-nine day voter registration

32 A. Laws 1990, chapter 321, sections 1 through 12, 14 and 15 are  
33 effective on the effective date of this act.

34 B. Notwithstanding the provisions of section 16-227, Arizona  
35 Revised Statutes, any political subdivision that has adopted a call of  
36 election prior to the effective date of this act shall give notice of the  
37 last day to register to vote in the political subdivision election by the  
38 publication at least once of a notice prepared by the clerk of the  
39 political subdivision in a newspaper of general circulation in the  
40 political subdivision.

41 Sec. 8. Laws 1990, chapter 321, section 16 is amended to read:

42 Sec. 16. Delayed effective date

43 SECTION 13 OF this act is effective May 31, 1991.

44 Sec. 9. Appropriation; lapsing

45 A. The sum of three million dollars is appropriated from the state  
46 general fund to the secretary of state to defray the expenses incurred in  
47 carrying out the provisions of this act, to make advance payments to  
48 counties and to reimburse counties for the cost of the election.

1           B. The clerk of the board of supervisors of each county shall  
2 submit to the secretary of state for approval an itemized claim verified  
3 by the clerk for expenses incurred or to be incurred by the county as  
4 provided in subsection A of this section. On approval of the claim by the  
5 secretary of state, the claim shall be submitted to the department of  
6 administration division of finance for payment to the county from the sum  
7 appropriated by this section.

8           C. The appropriation made by this section is exempt from the  
9 provisions of section 35-190, Arizona Revised Statutes, relating to  
10 lapsing of appropriations, except that all monies remaining unexpended and  
11 unencumbered on June 30, 1992 revert to the state general fund.

12           Sec. 10. Emergency

13           To preserve the public peace, health and safety it is necessary that  
14 this act become immediately operative. It is therefore declared to be an  
15 emergency measure, to take effect as provided by law.

JUDICIARY

SENATE AMENDMENTS TO S.B. 1001

(Reference to printed bill)

1 Page 1, line 10, after "the" insert "second"

2 Between lines 22 and 23, insert:

3 "E. The election prescribed by this section shall be considered a  
4 special and not a general election for subsequent initiative, referendum and  
5 recall purposes."

6 Page 2, line 18, strike "A" insert "That portion of a"

7 Line 19, after "act" insert "which does not exceed the limit prescribed in  
8 section 16-905, subsection B, Arizona Revised Statutes,"

9 Between lines 22 and 23, insert:

10 "C. Notwithstanding subsection B of this section, a contribution made  
11 pursuant to section 16-905, subsection E, Arizona Revised Statutes, including  
12 all prior contributions to a candidate for a second election proclaimed  
13 pursuant to section 1 of this act, shall not exceed the contribution  
14 limitation established in section 16-905, subsection D, Arizona Revised  
15 Statutes."

16 Lines 25 and 29, strike "an" insert "the second"

17 Between lines 30 and 31, insert:

18 "C. In addition to the provisions of section 16-541, in the case of a  
19 second election proclaimed pursuant to section one of this act, a qualified  
20 elector shall be permitted to vote absentee if inclement weather can be  
21 reasonably expected to occur in his precinct at the time of the second  
22 election."

23 Line 45, strike "three" insert "two"; after "million" insert "six hundred fifty  
thousand"

25 Amend title to conform

S E N A T E

**SB 1001**

Introduced

November 19, 1990

Referred on November 19, 1990

Rules \_\_\_\_\_

Judiciary \_\_\_\_\_

Introduced by  
Senators Usdane, Mawhinney, Stephens, Rios

AN ACT

RELATING TO ELECTIONS; AMENDING LAWS 1990, CHAPTER 321, SECTION 16; MAKING AN APPROPRIATION.

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

2 Section 1. Runoff election; proclamation; write-in  
3 candidate prohibited

4 A. Pursuant to article V, section 1, Constitution of Arizona, a  
5 second election shall be held between the persons receiving the highest  
6 and second highest number of votes cast for an executive department office  
7 if no person has received a majority of the votes cast for that executive  
8 department office at the general election held November 6, 1990 according  
9 to the official canvass.

10 B. If an election is required, the election shall be held on  
11 Tuesday, February 26, 1991.

12 C. If the second election described in subsection A is required,  
13 the governor shall issue a proclamation containing a statement of the date  
14 of the election and the office to be filled. The governor shall transmit  
15 a copy of the election proclamation to the clerk of the board of  
16 supervisors of each county and the clerk shall notify the board of  
17 supervisors of the receipt of the election proclamation. The board shall  
18 publish a copy of the proclamation in an official newspaper in the county  
19 at least ten days before the election.

20 D. Notwithstanding any other statute and pursuant to article V,  
21 section 1, Constitution of Arizona, a write-in candidate is not permitted  
22 in a second election.

23 Sec. 2. Suspension of voter registration cancellation

24 Notwithstanding the provisions of sections 16-165 and 16-166,  
25 Arizona Revised Statutes, a county recorder shall not remove or cancel  
26 from the general county register the registration of any elector for that  
27 elector's failure to vote in the general election held November 6, 1990.

28 Sec. 3. Canvass; seven days

29 The board of supervisors of a county shall canvass the second  
30 election and deliver the official canvass to the secretary of state not  
31 later than four days after the second election. The secretary of state

1 shall canvass the second election not later than three days after  
2 receiving the official canvass from the board of supervisors. The canvass  
3 of the second election shall be completed not later than seven days after  
4 the second election.

5 Sec. 4. Polling places; changes

6 To the extent it is practicable, the board of supervisors of a  
7 county shall use as polling places for the second election those same  
8 polling places used for the general election held November 6, 1990. The  
9 board of supervisors shall not change a polling place to be used in the  
10 second election unless it first obtains the approval of that change from  
11 the secretary of state.

12 Sec. 5. Contribution limitations; exemption

13 A. If a second election is required pursuant to section 1 of this  
14 act, the election shall be deemed a separate general election for purposes  
15 of title 16, chapters 6 and 7, Arizona Revised Statutes. Except as  
16 provided in subsection B of this section, the provisions of title 16,  
17 chapters 6 and 7, Arizona Revised Statutes, apply to that election cycle.

18 B. A contribution made by an individual to a candidate for a  
19 second election proclaimed pursuant to section 1 of this act is exempt  
20 from the calendar year contribution limitation on individuals prescribed  
21 in section 16-905, subsection D, Arizona Revised Statutes, for the  
22 calendar year in which the contribution was made.

23 Sec. 6. Applicability of general election and alcoholic  
24 beverages laws

25 A. The provisions of general election law apply to an election  
26 proclaimed pursuant to section 1 of this act unless inconsistent with the  
27 provisions of this act.

28 B. The provisions of the alcoholic beverages laws relating to  
29 general elections apply to an election proclaimed pursuant to section 1 of  
30 this act.

31 Sec. 7. Effective date of twenty-nine day voter registration

32 A. Laws 1990, chapter 321, sections 1 through 12, 14 and 15 are  
33 effective on the effective date of this act.

34 B. Notwithstanding the provisions of section 16-227, Arizona  
35 Revised Statutes, any political subdivision that has adopted a call of  
36 election prior to the effective date of this act shall give notice of the  
37 last day to register to vote in the political subdivision election by the  
38 publication at least once of a notice prepared by the clerk of the  
39 political subdivision in a newspaper of general circulation in the  
40 political subdivision.

41 Sec. 8. Laws 1990, chapter 321, section 16 is amended to read:

42 Sec. 16. Delayed effective date

43 SECTION 13 OF this act is effective May 31, 1991.

44 Sec. 9. Appropriation; lapsing

45 A. The sum of three million dollars is appropriated from the state  
46 general fund to the secretary of state to defray the expenses incurred in  
47 carrying out the provisions of this act, to make advance payments to  
48 counties and to reimburse counties for the cost of the election.

1           B. The clerk of the board of supervisors of each county shall  
2 submit to the secretary of state for approval an itemized claim verified  
3 by the clerk for expenses incurred or to be incurred by the county as  
4 provided in subsection A of this section. On approval of the claim by the  
5 secretary of state, the claim shall be submitted to the department of  
6 administration division of finance for payment to the county from the sum  
7 appropriated by this section.

8           C. The appropriation made by this section is exempt from the  
9 provisions of section 35-190, Arizona Revised Statutes, relating to  
10 lapsing of appropriations, except that all monies remaining unexpended and  
11 unencumbered on June 30, 1992 revert to the state general fund.

12           Sec. 10. Emergency

13           To preserve the public peace, health and safety it is necessary that  
14 this act become immediately operative. It is therefore declared to be an  
15 emergency measure, to take effect as provided by law.

P E R S O N A L   P R O G R E S S   R E P O R T  
Requested by blockwo

Thirty-ninth Legislature  
Fifth Special Session

Date 11/20/90. Time 09:21:19  
PAGE 1

-----HOUSE INFORMATION-----					-----SENATE INFORMATION-----					
NUMB	COMM.	DATE	ACTION	C O W ACTION	3RD READ & VOTE	COMM.	DATE	ACTION	C O W ACTION	3RD READ & VOTE
					PAGE 1					
HB			runoff election							
2001	JUD	11/19	DPA	11/19 DPA	11/19 54-3-3-0 E					
11/19	RULES	11/19	C&P							
					SKELLY MEREDITH BROWN et al					
					11/19 29-0-1-0 E					
					GOV: SIGNED 11/19      CH    1 E					

HCR majority vote: repeal  
2001  
00/00

HINK STEFFEY ALDRIDGE

SB runoff election  
1001  
00/00

USDANE MAWHINNEY STEPHENS et al  
11/19 DPA

JUD  
JUD 11/19 DPA  
RULES  
RULES 11/19 PFC

PROCLAMATION  
by the  
Governor of the State of Arizona

Calling a Fifth Special Session of The  
Thirty-Ninth Legislature of  
the State of Arizona

By the power vested in me by Article IV, Part 2, Section 3, and by Article V, Section 4, of the Arizona Constitution, I, Rose Mofford, Governor of the State of Arizona, call the 39th Legislature to meet in Fifth Special Session in the Capitol on Monday, the nineteenth day of November, 1990, at 9:00 a.m.

The subject to be considered during the special session is:

The enactment of Legislation pursuant to Article V, Section 1 of the Arizona Constitution to prescribe laws for the conduct of the second election for the Office of Governor and the appropriation of funds for payment of the expenses to be incurred in connection with the election.

IN WITNESS WHEREOF, I have  
hereunto set my hand and  
caused to be affixed the  
Great Seal of the State of  
Arizona



GOVERNOR



DONE at the Capitol in  
Phoenix this fifteenth day of  
November in the Year of Our  
Lord One Thousand Nine  
Hundred and Ninety and of the  
Independence of the United  
State of America the Two  
Hundred and Fourteenth.

ATTEST:



Secretary of State