

TUCSON, ARIZONA
Supp. No. 106 – Instruction Sheet

Enclosed with this instruction sheet are new and replacement pages for your loose-leaf copy of the Code, bringing the Code current through March 31, 2015. In order to keep your copy of the Code up to date, you must remove the following indicated obsolete pages from your Code and replace them with the indicated revised pages. The current revision number appearing on the lower left corner of each page revised in this package is “Supp. No. 106” If you have any questions, please contact American Legal Publishing at 1-800-445-5588.

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CONTAINING
THE CHARTER AND GENERAL ORDINANCES
CITY OF TUCSON, ARIZONA

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From our experience in publishing Looseleaf Supplements on a page-for-page substitution basis, it has become evident that through usage and supplementation many pages can be inserted and removed in error.

The following listing is included in this Code as a ready guide for the user to determine whether the Code volume properly reflects the latest printing of each page.

In the first column all page numbers are listed in sequence. The second column reflects the latest printing of the pages as they should appear in an up-to-date volume. The letters "OC" indicate the pages have not been reprinted in the Supplement Service and appear as published for the original Code. When a page has been reprinted or printed in the Supplement Service, this column reflects the identification number or Supplement Number printed on the bottom of the page.

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- establish, own, equip, maintain and operate, electric, steam or other railways or transportation systems, or services, within or without the city, and to sell or lease the same.
- (9) *Acquisition of property for street, etc., railway purposes.* To acquire by purchase, condemnation or otherwise, lands, rights-of-way and property, both real and personal, within or without the city, for street or interurban or other railways, or other public ways, or other transportation systems, and all necessary equipment and terminals and terminal facilities therefor, or to control, operate, sell or lease the same.
- (10) *Care of sick and helpless, etc.* To provide for the care of the sick and helpless, and to make regulations to prevent the spread of diseases.
- (11) *Improvement and maintenance of streets, alleys, etc.* To establish and change the grade and to lay out, open, extend, widen, change, vacate, pave, repave, gravel, surface, resurface, or otherwise improve streets, alleys, sidewalks, crossings, and other highways, and public squares and places, to make provisions for cleaning and sprinkling the same, and to construct therein any works necessary or convenient for providing any public service or utility.
- (12) *Construction and maintenance of sewers.* To construct and maintain sewers, drains, and all other works for disposition of sewage and storm waters, both within and without the city.
- (13) *Acquisition of land for carrying underground wires, conduits, etc., use or lease of facilities.* To acquire by purchase, condemnation, construction, lease or otherwise, land or rights-of-way, and to construct, maintain, equip and operation tunnels and conduits through or under any street, right-of-way or any public property, for carrying wires, pipes or other means of conduct for public utilities, or other purposes, and to use, or lease or rent to persons, firms, or corporations, the use of such tunnels and conduits.
- (14) *Sale and purchase of water, heat, etc.* To sell, within or without the city, water and any form of heat or power, and all products of, or service by, any public utility conducted or operated by the city, and to purchase the same.
- (15) *Assessment of property for taxation; levy and collection of taxes for various municipal purposes.** To assess property within the city for taxation for any municipal purpose, and to levy and collect taxes on such property, or to provide for such assessments, levy and collection of taxes by officers of the county in which the city is situated, or otherwise, and to assess, levy and collect, or Cause to be assessed, levied and collected, assessments upon property to pay for the acquisition of lands for parks and playgrounds, and to pay for acquiring, grading, regrading, laying out, opening, widening, extending or improving or rights-of-way, streets, alleys, sidewalks, crossings and other highways, and public squares and places, and to pay for the construction of sewers, water, storm water, gas and other pipes, mains and conduits, and for the construction in any street or streets or public place or places, of any works or means necessary or convenient for providing therefor any public service or utility; to pay for planting, maintenance and care of grass, trees and shrubbery upon property belonging to or under the control of the city, and for the removal of grass, weeds, or obstructions therefrom, and for the removal from lands or lots of weeds, rubbish or other material. Provided: That any law of the State of Arizona, now existing or hereafter passed, and applicable to the City of Tucson, as to manner, methods or means of assessment, collection and enforcement of taxes or special assessments may be available of [sic] by the city. (Ord. No. 1142, eff. 6-23-48)
- (16) Reserved.

Editor's note--Pursuant to the provisions of Ord. No. 5130, adopted Apr. 7, 1980, at a special election held June 30, 1980, ch. IV, § 1(16), relating to creation and limitation on indebtedness and method of increase of debt limitation, approved by the governor Oct. 1, 1980, was repealed.

* **Cross reference**— Taxation generally, ch. XIII, § 6 et seq.

(16a) *Vote required for certain types of bond issues.* Notwithstanding any other provisions of this Charter, and with the exception of refunding bond issues, special assessment or improvement district and redevelopment or tax increment bonds, after the effective date of this subsection the city shall not issue or authorize the issuance of any bonds which pledge city tax revenues as a guarantee for their payment, in whole or in part, without the approval of a majority of the qualified electors of the city voting at an election called for that purpose. (Ord. No. 4704, eff. 11-28-77)

(17) Reserved.

Editor's note—Ch. IV, § 1(17) was repealed by Ord. No. 1142, eff. 6-23-48. The provision was inadvertently retained in the published version of the Charter until April, 2015.

(17a) *Added by Ord. No. 1835; repealed by Ord. No. 2297.*

(18) *Licensing and regulation of professions, trades, etc.; regulations and restraint of certain businesses; suppression of gambling, bawdy houses, etc.** To license and regulate places of amusement and the carrying on of any and all professions, trades, callings, occupations and kinds of business carried on within the limits of said city, and to fix the amount of license tax thereon, to be paid by all persons engaged in carrying on such

places of amusement and such professions, trades, callings, occupations and kinds of business in said city; and to provide for the manner of enforcing the payment of such license tax; and to regulate, restrain, suppress or prohibit hawking and peddling, and the carrying on of any laundry, garage, gasoline or other oil or service stations, livery and sale stable, cattle or horse corral, planing mill, rolling mill, rockcrusher, tank or refinery, foundry, brick yard, slaughterhouse, butcher shop, manufactory or manufacturing plant, and the keeping of animals, cattle or fowls within the limits, or within any designated portion of, said city; and to prohibit and suppress all games of chance, gambling houses, bawdy houses, and all places where intoxicating liquors are sold or kept, or offered for sale or given away, and any and all obnoxious, offenses [offensive], immoral, indecent or disreputable places or practices within the said city.

(19) *Protection against fires, floods, etc.; police and sanitary regulations.* To make, adopt and enforce all necessary rules and regulations for the prevention of fires, floods and riots, and to make and enforce all such local, police, sanitary and other regulations as are deemed expedient to maintain the public peace, protect property, promote the public morals and welfare, and preserve the health of the inhabitants of the city.

***Annotations**—Ch. IV, § 1(18) authorizes the city to license and regulate electricians, so long as said licensing and regulatory provisions are not arbitrary or unreasonable. **City of Tucson v. Stewart**, 45 Ariz. 36, 40 Pac. 2d 72.

Person who raises plants and sells them as seedlings for transplanting is liable for occupational tax as nurseryman even though many plants are nonbearing fruit trees. Plaintiffs contention that the tax was illegal because of statute providing right of producer to sell his own food products would not be restricted was rejected. **Monthan v. City of Tucson**, 80 Ariz. 179, 294 P. 2d 668.

Mortuaries are subject to reasonable police regulation as to location as well as the manner in which they are conducted. **City of Tucson v. Arizona Mortuary**, 34 Ariz. 495, 272 Pac. 293.

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Sec. 10-38.	Movement within salary ranges.
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***Editor's note** – The editor added “Human Resources” to the title in order to more accurately reflect the contents of the chapter as expressed in § 10-1.

Charter references – Civil service generally, ch. XXII; department of human resources, ch. XXX.

Cross reference – Civil service statutes of reserve police officers, § 2-122(a).

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- Secs. 10-40 – 10-44. Reserved.
- Sec. 10-45. Computation of hourly rates.
- Sec. 10-46. Part-time employees to be paid by the hour.
- Sec. 10-47. Recruiting referral compensation for commissioned personnel.
- Sec. 10-48. Supplement to military pay.
- Sec. 10-49. Holiday and BOI pay for commissioned officers of the Tucson Police Department of the position of lieutenant and assignment positions of captain and assistant chief.
- Sec. 10-50. Reserved.
- Sec. 10-51. Basic working hours; alternate work schedules for city employees are authorized subject to city manager approval.
- Sec. 10-52. Longevity compensation plan.
- Sec. 10-53. Pipeline protection program; compensation.
- Sec. 10-53.1. Permanent and probationary city civil service employees and elected officials and appointed employees downtown allowance.
- Sec. 10-53.2. Maintenance management program, assignment and incentive pay compensation.
- Sec. 10-53.3. Career enhancement program (CEP) incentive pay for commissioned police personnel through rank of captain.
- Sec. 10-53.4. Additional compensation for certain public safety command staff.
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- Sec. 10-53.6. Additional compensation to defray housekeeping costs for commissioned fire personnel.
- Sec. 10-53.7. Certified crane operator assignment and incentive pay program.

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- Sec. 10-54. Reserved.

eff. 7-1-10; Ord. No. 10900, § 2, 6-28-11, eff. 7-1-11; Ord. No. 10989, § 3, 6-5-12, eff. 7-1-12; Ord. No. 11075, § 5, 5-21-13, eff. 7-1-13; Ord. No. 11134, § 2, 12-17-13; Ord. No. 11180, § 2, 6-3-14, eff. 6-29-14)

Editor's note – Ord. No. 11180, § 2, adopted June 3, 2014, ratified, reaffirmed, and reenacted this section for Fiscal Year 2015. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective June 29, 2014.

Sec. 10-53.6. Additional compensation to defray housekeeping costs for commissioned fire personnel.

Commissioned fire personnel shall receive twenty-nine dollars and eighteen cents (\$29.18) per pay period in addition to compensation provided by the Annual Compensation Plan Schedules to defray housekeeping costs.

(Ord. No. 10426, § 5, 6-19-07, eff. 6-24-07; Ord. No. 10558, § 3, 6-25-08, eff. 6-22-08)

Sec. 10-53.7. Certified crane operator assignment and incentive pay program.

(a) In addition to the compensation authorized by section 10-31, city water department employees, trained, certified, and licensed for the operation and maintenance of telescopic boom cranes (TSS) boom truck fixed cab (BTF), shall receive a pay increase of five dollars per hour (\$5.00) added to the employee's base salary as designated by the annual compensation plan when assigned to and during the operation of the telescopic boom cranes.

(b) Telescopic boom crane operation work assignments are temporary and at the discretion of the director of the water department; assignment to and removal from (TSS) (BTF) crane operation is not appealable to the city civil service commission.

(c) The director of human resources is responsible for the administration of certified crane operator and assignment compensation, including, but not limited to, fixing competency and proficiency standards and setting criteria to be utilized by the water department director when making a certified crane operator assignment.

(Ord. No. 11240, § 1, 2-4-15)

ARTICLE III. RESERVED

Sec. 10-54. Reserved.

Editor's note – Section 10-54, the executive pay plan, was repealed by § 1 of Ord. No. 7383, adopted Mar. 19, 1990. The section had been derived from Ord. Nos. 4850, 4940, 4985, 5164, 5399, 5599, 5798, 6040, 6264, 6735, 7004, 7243, 7275. See now § 10-31.

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Chapter 12

ELECTIONS*

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***Editor's note** – Former Chapter 12 was repealed and replaced in its entirety by Ord. 11245, adopted February 18, 2015

Charter references – Power of city to regulate elections, ch. IV, § 1(20); elections generally, ch. XVI.

Cross references – Description of wards, § 1-19; additions to wards upon annexation, § 1-20.

State law reference – Municipal election and voters, A.R.S. §§ 9-821 – 9-825.

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- Sec. 12-30. Release of unofficial election returns.
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**ARTICLE I.
VOTER QUALIFICATIONS
AND REGISTRATIONS**

Sec. 12-1. City clerk to compile and keep register of persons entitled to vote.

(a) For every city election, the city clerk shall compile, from the information in the general county voting register, a complete record of all persons entitled to vote at that city election under the provisions of this article, which shall be known as the “City of Tucson Register of Voters. City of Tucson, Arizona”, and be open to inspection at all times during the city clerk’s office hours.

(b) In a polling place election the City Clerk shall use the permanent early voting list provided by the Pima County Recorder to assist in the administration of elections.
(Ord. No. 11245, § 2, 2-18-15)

Sec. 12-2. Qualifications of city electors.

Every resident of the city may become a qualified elector and may register to vote at all city elections if the resident:

- (a) Is a current resident of the city and will have been a resident of the state for twenty-nine (29) days; and
- (b) Is a resident of the ward in which they claim the right to vote thirty (30) days, next preceding any primary, general, or special election; and
- (c) Is a citizen of the United States; and
- (d) Will be eighteen (18) years of age or more on or before the date of the election next following his registration; and
- (e) Is able to write their name or make their mark, unless prevented from doing so by physical disability; and
- (f) Has not been convicted of treason or a felony, unless restored to civil rights; and

(g) Has not been adjudicated an incapacitated person as defined in A.R.S. § 14-5101; and

(h) For purposes of this section, “resident” means an individual who has actual physical presence in the City, or for purposes if a political subdivision actual physical presence in the political subdivision, combined with intent to remain. A temporary absence does not result in a loss of residence if the individual has an intent to return following his absence. An individual has only one residence for purposes of this section.

(Ord. No. 11245, § 2, 2-18-15)

Sec. 12-3. Change of residence from one address to another.

A qualified elector who moves from one address to another during the twenty-nine (29) day period preceding a City election is deemed to be a resident and registered elector at the address from which they have moved, until the day after the City election, whichever applies, and must vote within that precinct.
(Ord. No. 11245, § 2, 2-18-15)

Sec. 12-4. Registration, residence in ward required.

All persons whose names appear on the “City of Tucson Register of Voters”, as herein provided, and who are qualified voters of the city and of the ward in which they claim the right to vote, under the provisions of this article, shall be entitled to vote in their respective wards at any primary, general or special city election, but any person whose name does not so appear shall not be entitled to vote in city elections.
(Ord. No. 11245, § 2, 2-18-15)

Secs. 12-5 – 12-10. Reserved.

ARTICLE II. CONDUCT OF ELECTIONS

Sec. 12-11. Applicability of general election laws; duties of the mayor and council and city clerk.

(a) The provisions of the Arizona Constitution and the general laws of the State of Arizona, governing

the elections of state and county officers, not inconsistent with the provisions of the Tucson Charter, shall govern City of Tucson elections. In matters for which no provision is made in the Tucson Charter, or this code, the mayor and council and city clerk, respectively, shall exercise the powers and perform the duties conferred or imposed by these laws on the secretary of state, board of supervisors and county election officials concerning elections.

All references hereinafter referred to as “controlling legislation,” except where a reference to a specific provision is necessary, all of these controlling provisions will hereinafter be referred to as “controlling legislation.”

(b) The provisions of article III shall apply to all elections under the Charter and this Code, and shall be enforced as provided in those laws.
(Ord. No. 11245, § 2, 2-18-15)

Sec. 12-12. Definitions.

“*Business day*” means any day that is not a Saturday, Sunday, or legal holiday.

“*Campaign Contract*” is a signed agreement between a candidate and the City wherein the candidate agrees to abide by limitations on candidate’s contributions, limitations on campaign expenditures, and limitations on the use of all contributions as specified in the City Charter, in exchange for public matching funds.

“*Campaign period*” means the entire time from the date on which an individual becomes a candidate until the election or defeat of the candidate. The campaign period ends on the date the mayor and council canvass and declare the results of the election at which the candidate is elected or defeated.

“*Contribution*” means any gift, subscription, loan, advance or deposit of money or anything of value made for the purpose of influencing an election including supporting or opposing a candidate for public office, or supporting or opposing the circulation of a petition for a ballot measure, question or proposition or the recall of a public officer. See also A.R.S. § 16-901, or any of its successor provisions and Code of Federal Regulations, Title 11, Chapter I, Subchapter A, Section 100.94, regarding Uncompensated Internet activity by individuals that is not a contribution.

“*Direct Campaign Expense*” means expenses related directly to further the campaign of the individual candidate, such as printing campaign literature, media space or time, mailings, campaign headquarters rent, or paying for campaign staff salaries.

“*Election Campaign Account*” is a restricted account in the general fund into which shall be deposited such sums as may be appropriated from time to time in the annual budget, gifts and donations made to the city for the support of public election campaign financing, and such sums as may otherwise be appropriated to said account.

“*Expenditure*” includes any purchase, payment, distribution, loan, advance, deposit or gift of money or anything of value made by a person for the purpose of influencing an election in this state including supporting or opposing the recall of a public officer or supporting or opposing the circulation of a petition for a ballot measure, question or proposition or the recall of a public officer and a contract, promise or agreement to make an expenditure resulting in an extension of credit and the value of any in-kind contribution received. See also A.R.S. § 16-901, or any of its successor provisions and Code of Federal Regulations, Title 11, Chapter I, Subchapter A, Section 100.94, regarding Uncompensated Internet activity by individuals that is not an expenditure.

“*Identification*” means:

- (a) For an individual, his name and mailing address, his occupation and the name of his employer.
- (b) For any other person, including a political committee, the full name and mailing address of the person. For a political committee, identification includes the identification number issued on the filing of a statement of organization pursuant to A.R.S. § 16-902.01.

“*Permanent Early Voting List*” or “*PEVL*” is a permanent list of voters, maintained by the county voter registrar, that elect to AUTOMATICALLY receive an early ballot for any election for which the voter is a qualified elector.

“*Qualified Elector*”: A person who is qualified to register to vote pursuant to section A.R.S. § 16-101.

- Citizen of the United States
- Will be eighteen (18) years of age or more on or before the date of the next regular general election
- Will have been a resident of the state twenty-nine (29) days before the election
- Is able to write his or her name or make a mark, unless prevented from doing so by a physical disability
- Has not been convicted of treason or a felony, unless restored to civil rights.
- Has not been adjudicated an incapacitated person

(Ord. No. 11245, § 2, 2-18-15)

Sec. 12-13. Mayor and council to adopt ordinance calling all municipal elections.

The conducting and carrying on of all city elections shall be under the control of the mayor and council, and they shall, by ordinance, subject to the provisions of the Tucson Charter, provide for the holding of all municipal elections. The ordinance calling each election shall be published in the same manner and in the same publications as all other ordinances requiring publication.

(Ord. No. 11245, § 2, 2-18-15)

Sec. 12-14. All special elections to be conducted in same manner and under same provisions as general elections.

All special elections provided for in the Tucson Charter, including, but not limited to, those involving initiative, referendum or recall, shall be conducted in the same manner and under the same provisions as are provided for the holding of general elections, including the qualifications of electors, the nomination of candidates and campaign contribution and expenditure requirements set forth in the Tucson Charter, this Code, or Arizona Revised Statutes.

(Ord. No. 11245, § 2, 2-18-15)

Sec. 12-15. Voting locations for city elections.

Pursuant to Tucson City Charter, there shall be at least one (1) voting location provided in each ward in the city for the casting of votes, or in the case of a Vote by Mail election, for the replacement of ballots and such voting locations shall be kept open on the day of

the election from 6:00 a.m. to 7:00 p.m. The mayor and council may increase the number of voting locations from time to time as necessity may require.

The following criteria will be used in determining voting locations and which precincts to combine for a specified election:

- (a) Selection of facilities already in use as polling places so as to cause a change in voting location for as few voters as possible.
- (b) Selection of facilities which will provide the greatest convenience to the greatest number of voters.
- (c) Selection of facilities located on or near major streets with adequate ingress and egress as well as ample voter parking capacity.
- (d) When determining voting locations, every attempt should be made to secure locations that are compliant with the Americans with Disabilities Act (ADA) and utilize the checklist authorized by the Department of Justice when surveying.

(Ord. No. 11245, § 2, 2-18-15)

Sec. 12-16. City clerk may promulgate rules, regulations, procedures, and forms necessary to conduct city elections and carry out provisions of this chapter and of the Tucson Charter.

The city clerk is authorized to promulgate rules, regulations, procedures, and forms necessary to conduct city elections and to carry out the provisions of this chapter and of Tucson Charter Chapters XVI, XIX, XX, and XXI, with the exception of campaign finance rules and regulations which shall be approved by mayor and council.

(Ord. No. 11245, § 2, 2-18-15)

Sec. 12-17. Form; preparation of ballot.

The city clerk shall prescribe the form of the ballot. The ballot for early ballot voters shall be identifiable as an early ballot.

(Ord. No. 11245, § 2, 2-18-15)

Sec. 12-18. City clerk to prescribe form of early ballot application and form of early or mail ballot affidavit.

The city clerk shall prescribe the form of the application for an early ballot, and the form of the affidavit for an early or mail ballot.
(Ord. No. 11245, § 2, 2-18-15)

Sec. 12-19. Rotation of names of candidates.

(a) In any primary election when there are two (2) or more candidates of the same political party on the ballot, the names of such candidates shall be so alternated on the ballots used in each election precinct that the name of each candidate shall appear substantially an equal number of times in each possible position.

(b) In any general election, the list of candidates of the several parties shall be arranged with the names of the parties in descending order according to the votes cast for governor for that county in the most recent general election for the office of governor.
(Ord. No. 11245, § 2, 2-18-15)

Sec. 12-20. City clerk authorized to conduct hand counts.

(a) In any city election, the city clerk is authorized to perform any hand count(s) the city clerk deems necessary to check the accuracy of the count produced by the central vote tabulating equipment, or to cause, authorize, or direct others to perform such hand count(s), including any county officer in charge of elections who is administering any consolidated election in which the city is participating.

(b) The percentage of ballots or voting areas subject to any hand count(s) shall be at the discretion of the city clerk.

(c) A hand count authorized by this section does not supersede the count produced by the central vote tabulating equipment, which is the official count.

(d) The city clerk shall promulgate rules, regulations, procedures, and forms necessary to carry out the provisions of this section.
(Ord. No. 11245, § 2, 2-18-15)

Sec. 12-21. City to bear costs incurred by city clerk.

All necessary expenses incurred by the city clerk in carrying out the provisions of this article, including all equipment, and supplies, shall be a city charge.
(Ord. No. 11245, § 2, 2-18-15)

Sec. 12-22. Displaying United States flag at voting locations.

The city clerk shall provide for the display of the flag of the United States in or near every voting location on election days during the hours the polls are open.
(Ord. No. 11245, § 2, 2-18-15)

Sec. 12-23. Appointment of voting location boards; vote by mail or early ballot boards, write-in boards; other election boards.

(a) Not less than twenty (20) days prior to Election Day the mayor and council shall appoint the number of election boards necessary to process ballots.

- (1) Each early ballot processing board shall consist, at a minimum, of two (2) judges from each of the two (2) largest political parties in the city, to be selected upon the recommendation of their county party chairs, made not less than thirty (30) days prior to election day. In the event that a party chair does not timely submit recommendations, the city clerk shall proceed to appoint the boards.
- (2) Each voting location election board shall consist, at a minimum, of one (1) inspector or deputy city clerk, one (1) marshal, and two (2) judges from each of the two (2) largest political parties in the city, to be selected upon the recommendation of their county party chairs, made not less than thirty (30) days prior to election day. In the event that a party chair does not timely submit recommendations, the city clerk shall proceed to appoint the boards. Additionally, clerks may be selected as deemed necessary by the City Clerk.

- (3) Each write-in ballot board shall consist of one (1) inspector and two (2) judges drawn from those members serving on ballot processing boards and shall be from each of the two (2) largest political parties in the city.
- (4) Each hand count board shall consist of two (2) judges drawn from those members serving on ballot processing boards and shall be from each of the two (2) largest political parties in the city.
- (5) The accuracy and certification board shall consist of one member of each of the major political parties. "Major political party" means the two parties receiving the highest number of votes for governor or presidential electors at the last general election.

(b) The mayor and council shall make all such appointments. The city clerk is authorized to fill such vacancies or appoint additional boards or members as deemed necessary.

(c) Members of all election boards ballot processing shall be qualified and registered electors of the city and appointments shall be made so as to provide as equal as practicable representation of members of the two (2) largest political parties of the city.

(d) The election boards shall serve at a place and time to be designated by the city clerk to process and prepare all early and mail ballots for tabulation.

(e) At any time within twenty (20) days prior to the election, the city clerk may appoint additional members to election boards as deemed necessary, or dismiss those that are not needed.

(f) The necessary printed blanks for poll lists, tally lists, lists of voters, ballots, oaths and returns shall be furnished to each board appointed at the expense of the city.

(Ord. No. 11245, § 2, 2-18-15)

Sec. 12-24. Authorized persons in voting locations during voting hours.

No person shall be allowed to remain inside the seventy-five (75) foot limit 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 that political party and the challengers allowed by law, may remain inside and no electioneering may occur within the seventy-five (75) foot limit.

Voters having cast their ballots shall promptly move outside the seventy-five (75) foot limit.
(Ord. No. 11245, § 2, 2-18-15)

Sec. 12-25. Prohibited electioneering within seventy-five (75) feet of city voting locations or sites where mail ballots may be cast.

(a) Electioneering occurs when an individual knowingly, intentionally, by verbal expression and in order to induce or compel another person to vote in a particular manner or refrain from voting expresses support for or opposition to a candidate who appears on the ballot, a ballot question that appears on the ballot, or a political party with one or more candidates who appear on the ballot in that election.

(b) There shall be no electioneering within the seventy-five (75) foot limit of any city voting location as posted by the election marshal, or within seventy-five (75) feet of the main outside entrance to any city voting location or site where mail ballots may be cast.

(c) An election official, a representative of a political party who has been appointed by the county chairman of that political party or a challenger who is authorized by law to be within the seventy-five (75) foot limit, shall not wear, carry or display materials that identify or express support for or opposition to a candidate, a political party or organization, a ballot question or any other political issue and shall not electioneer within the seventy-five (75) foot limit of a voting location.

(Ord. No. 11245, § 2, 2-18-15)

Sec. 12-26. Limits on permitted activities within the seventy-five (75) foot limit.

(a) Permitted materials means written or printed material or items that express support for or opposition to a candidate who appears on the ballot in that election, a ballot question that appears on the ballot in that election or a political party with one or more candidates who appear on the ballot in that election.

- (1) Permitted materials must be displayed prior to the opening of the voting location. No additional materials will be allowed after 6:00 a.m.
- (2) No permitted materials may be displayed inside the physical voting location itself.
- (3) Permitted materials may only be displayed inside the seventy-five (75) foot limit in the area marked by city clerk staff prior to Election Day.
- (4) Displays in this area must comply with the following:
 - a. signs posted in this area shall not exceed four (4) square feet;
 - b. prevent any interference with or danger to the movement of voters or city clerk election staff going into and out of the voting location;
 - c. provide equal access to all candidates, campaigns or other persons wishing to display permitted materials;
- (5) Permitted materials displayed inside the seventy-five (75) foot limit must be secured to prevent accidental dispersion or scattering. If the volume, concentration, or positioning of materials is deemed to create a potential hazard to the movement of persons, city clerk elections staff shall have the right to reposition the materials.

(6) Any permitted material left or found inside the seventy-five (75) foot limit, and not located in the designated area, will be removed by city clerk election staff.

(b) No photography or videography by any means will be allowed within the voting location itself. Permitted activities occurring within the seventy-five (75) foot limit shall NOT do any of the following:

- (1) Obstruct electors from entering or leaving the area provided for balloting.
- (2) Impede orderly balloting.
- (3) Otherwise interfere with the rights of electors.

(Ord. No. 11245, § 2, 2-18-15)

Sec. 12-27. Grounds for challenging a voter.

A person offering to vote may be orally challenged by any registered elector of the City upon any of the following grounds:

- (a) The voter is not the person whose name appears on the register.
- (b) The voter has not resided in the precinct for at least twenty-nine (29) days prior to the election.
- (c) The voter is not properly registered at an address permitted by the Tucson Charter and State law.
- (d) The individual is not a qualified registrant pursuant to State law.

(Ord. No. 11245, § 2, 2-18-15)

Sec. 12-28. Challenging of voters at a voting location; procedure.

(a) Upon challenge being made, if the person challenged appears to be registered, the person shall take and subscribe to the oath prescribed in the affidavit of registration and, if the person so elects, may be at once sworn to answer fully and truly all questions material to the challenges as are put to the person by the inspector of the voting location.

(b) Any returned United States mail addressed to the person challenged or the spouse of the person challenged, or both, and to the address appearing on the precinct register or affidavit shall be considered as sufficient grounds to proceed under this section.

(c) If after the examination on the challenge, a majority of the election board is satisfied that the challenge is not valid, the person challenged shall be permitted to vote.

(d) If the person challenged refuses to be sworn or affirmed, or refuses to answer questions material to the challenge or if a majority of the election board finds that the challenge is valid, the person challenged shall be permitted to vote a provisional ballot pursuant to State law.

(Ord. No. 11245, § 2, 2-18-15)

Sec. 12-29. Challenging of vote by mail and early ballots; procedure.

(a) The county chairman of each political party represented on the ballot may, by written appointment addressed to the early ballot board, designate party representatives and alternates to act as early ballot challengers for the party.

(b) No party may have more than the number of such representatives or alternates which were mutually agreed upon by each political party to be present at one time. If such agreement cannot be reached, the number of representatives shall be limited to one for each political party.

(c) An early ballot may be challenged on any grounds set forth in section 12-29. All challenges shall be made in writing with a brief statement of the grounds prior to the early ballot being placed in the ballot box.

- (1) If an early or mail ballot is challenged, it shall be set aside and retained in the possession of the early ballot board or other officer in charge of early ballot processing until a time that the early ballot board sets for determination of the challenge.

- (2) The early ballot board shall hear the grounds for the challenge and shall decide what disposition shall be made of the early ballot by majority vote. If the early ballot is not allowed, it shall be handled pursuant to rejection procedures promulgated by the city clerk.

(d) Within twenty-four (24) hours of receipt of a challenge, the ballot board or other officer in charge of early ballot processing shall mail, by first class mail, a notice of the challenge including a copy of the written challenge, and also including the time and place at which the voter may appear to defend the challenge, to the voter at the mailing address shown on the request for an early ballot or, if none was provided, to the mailing address shown on the registration rolls.

- (1) Notice shall also be mailed to the challenger at the address listed on the written challenge and provided to the county chairman of each political party represented on the ballot.
- (2) The board shall meet to determine the challenge at the time specified by the notice but, in any event, not earlier than ninety-six (96) hours after the notice is mailed, or forty-eight (48) hours if the notifying party chooses to deliver the notice by overnight or hand delivery, and not later than 5:00 p.m. on the Monday following the election.
- (3) The board shall provide the voter with an informal opportunity to make, or to submit, brief statements regarding the challenge. The board may decline to permit comments, either in person or in writing, by anyone other than the voter, the challenger and the party representatives.
- (4) The burden of proof is on the challenger to show why the voter should not be permitted to vote. The fact that the voter fails to appear shall not be deemed to be an admission of the validity of the challenge.

- (5) The ballot board or other officer in charge of early ballot processing is not required to provide the notices described in this subsection if the written challenge fails to set forth at least one of the grounds listed in section 12-27 as a basis for the challenge. In that event, the challenge will be summarily rejected at the meeting of the board.
- (6) Except for election contests pursuant to state law, the board’s decision is final and may not be appealed.

(e) If the vote is allowed, the board shall open the envelope containing the ballot in such a manner that the affidavit thereon is not destroyed, take out the ballot without unfolding it or permitting it to be opened or examined and show by the records of the election that the elector has voted.

(f) If the vote is not allowed, the affidavit envelope containing the ballot shall not be opened and the board shall mark across the face of such envelope the grounds for rejection. The affidavit envelope and its contents shall then be deposited with the opened affidavit envelopes and shall be preserved with official returns.

- (1) If the voter does not enter an appearance, the board shall send the voter a notice stating whether the ballot was disallowed and, if disallowed, providing the ground for the determination.
- (2) The notice shall be mailed by first class mail to the voter’s mailing address as shown on the registration rolls within three (3) days after the board’s determination.

(Ord. No. 11245, § 2, 2-18-15)

Sec. 12-30. Release of unofficial election returns.

Unofficial Returns for ballots that have been counted may be released to the public at any time after 8:00 p.m. on Election Day.
(Ord. No. 11245, § 2, 2-18-15)

Sec. 12-31. Adoption of official canvass of election.

As provided by the City Charter, the mayor and council shall convene on the first Monday after Election Day in order to adopt the official canvass of the election. If, at the time, the returns from the election are incomplete, the official canvass shall be postponed from day to day, not to exceed twenty (20) days following the election. The results printed by the vote tabulating equipment, to which have been added write-in votes, shall, when certified by the city clerk, constitute the official canvass of each precinct.
(Ord. No. 11245, § 2, 2-18-15)

Secs. 12-32 – 12-37. Reserved.

ARTICLE III. VOTE BY MAIL ELECTIONS AND EARLY VOTING

Sec. 12-38. Vote by mail elections authorized.

(a) The City of Tucson shall conduct all elections as vote by mail elections, unless otherwise prescribed by mayor and council. All city elections held on the same date shall use the same method of voting.

(b) For any city election conducted as a vote by mail election, the city clerk, with the approval of the mayor and council, shall designate voting locations as prescribed in section 12-15 of this code.

(c) The laws of the State of Arizona relative to violations of the election laws, specifically including those prohibiting coercion or intimidation of voters, shall apply to vote by mail elections under the Tucson Charter and this Code, and shall be enforced as provided in those laws.
(Ord. No. 11245, § 2, 2-18-15)

Sec. 12-39. Vote by mail notices; primary election political party selection.

The provisions of vote by mail elections for this article are pursuant to A.R.S. Title 16, and unless specifically prescribed otherwise in this code, are conducted in a similar manner as early voting provisions.

(a) Within ninety-three (93) days before any city election, the city clerk shall mail a vote by mail notice to every registered voter within the city limits, indicating the city will be holding a vote by mail election. The notice shall be mailed by non-forwardable mail that is marked with the statement required by the postmaster to receive an address correction notification.

(b) For voters registered with a political party that is entitled to continued representation on the ballot, the notice shall include the following information:

- (1) The date of the upcoming primary and general elections.
- (2) The name and address of the registered voter.

(c) For a primary election, if the voter is not registered as a member of a political party that is recognized for purposes of that primary, the notice shall allow the voter to designate the ballot of only one recognized political party. The elector may then receive and vote the ballot of only that political party. In these instances, the vote by mail notice shall include the following:

- (1) The date of the upcoming primary and general elections.
- (2) The name and address of the registered voter.
- (3) Indication if the voter requires the ballot to be mailed to an alternate address.
- (4) Indication for the voter's signature.
- (5) Indication for the voter's birth date.

(Ord. No. 11245, § 2, 2-18-15)

Sec. 12-40. Mailing vote by mail ballots.

(a) Not more than twenty-six (26) days before the election and not fewer than fifteen (15) days before the election, the city clerk shall send by non-forwardable mail all official ballots with printed

instructions and a return envelope bearing a printed ballot affidavit to each qualified elector entitled to vote in the election. The envelope in which the ballot is mailed shall be clearly marked with the statement required by the postmaster to receive an address correction and notification.

(b) The mayor and council shall determine whether the voter or the city will pay for the postage for the return of electors' marked ballots. An elector who votes in a vote by mail election shall return the elector's marked ballot to the city clerk or to a designated depository site no later than 7:00 p.m. on the day of the election.

(Ord. No. 11245, § 2, 2-18-15)

Sec. 12-41. Request for early ballots; on site early voting; emergency voting of electors.

(a) Within ninety-three (93) days before any city election not being conducted as vote by mail, an elector may make a request to the city clerk for an early ballot.

(b) If a request is made by a qualified and registered elector within twenty-six (26) days before the election, the city clerk shall mail the ballot together with the affidavit postage prepaid to the elector within forty-eight (48) hours after receipt of the request.

(c) All requests must be received by 5:00 p.m. on the eleventh (11th) day before the election. If the request indicates that the elector desires a general election ballot as well as a primary election ballot, the city clerk shall honor the request.

(d) Upon specific request by a qualified elector, or where the city clerk deems hand delivery appropriate, the city clerk may, in lieu of mailing, authorize deputy city clerks to hand deliver the ballot, together with the affidavit, to the elector.

(e) Any qualified elector who is unable to go to the voting location because of confinement due to a continuing illness or physical disability, may request that the city clerk have a special election board personally deliver a ballot to the qualified elector at their place of confinement. Such requests must be made by 5:00 p.m. on the second Friday before the election. This paragraph shall not be construed to limit the city clerk's powers regarding emergency voting under subsection (f) below.

(f) At the city clerk’s discretion, a qualified elector may request to vote early, between 5:00 p.m. on the eleventh (11th) day before the election and 5:00 p.m. on the Monday preceding the election, as a result of an emergency. For purposes of this section, “emergency” means any unforeseen circumstances that would prevent the elector from voting.

(g) The city clerk may, in the city clerk’s discretion, establish on site early voting locations. Any qualified elector who appears no later than 5:00 p.m. on the Friday before the election at an on site early voting location shall be permitted to vote at the on site location.

(Ord. No. 11245, § 2, 2-18-15)

Sec. 12-42. Early ballot request forms distributed by candidates or political committees.

(a) A candidate, political committee or other organization may distribute early ballot request forms to voters. If the early ballot request forms include a printed address for return, the addressee shall be the city. Failure to use the city as the return addressee is punishable by a civil penalty of up to three (3) times the cost of the production and distribution of the request.

(b) All original and completed early ballot request forms that are received by a candidate or political committee shall be submitted to the city clerk within six (6) business days after receipt by a candidate or political committee or eleven (11) days before the election day, whichever is earlier.

(c) Any person, political committee or other organization that fails to submit a completed early ballot request form to the city clerk within the prescribed time is subject to a civil penalty of up to twenty-five dollars (\$25.00) per day for each completed form withheld from submittal. Any person who knowingly fails to submit a completed early ballot request form before the submission deadline for the election immediately following the completion of the form is guilty of a class 6 felony.

(Ord. No. 11245, § 2, 2-18-15)

Sec. 12-43. Permanent early voting list.

(a) Not less than ninety (90) days before any regularly scheduled city primary election not being

conducted as vote by mail, the city clerk shall mail an election notice to all eligible city voters who are included on the Pima County Permanent Early Voting List. The notice shall be mailed by non-forwardable mail that is marked with the statement required by the postmaster to receive an address correction notification. The notice shall include:

- (1) The date(s) of the election(s) that are the subject of the notice.
- (2) The date(s) that the voter’s ballot is expected to be mailed.
- (3) The address where the ballot will be mailed.

(b) If the upcoming election is a partisan open primary election and the voter is not registered as a member of one of the political parties that is recognized for purposes of that primary, the notice shall include information on the procedure for the voter to designate a political party ballot.

(c) The notice shall be delivered with return postage prepaid and shall also include a means for the voter to do any of the following:

- (1) Change the mailing address for the voter’s ballot for the upcoming election or elections indicated on the notice.
- (2) Update the voter’s residence address.
- (3) Request that the voter not be sent a ballot for the upcoming election or elections indicated on the notice.

(d) If a voter who is on the permanent early voting list is not registered as a member of a recognized political party and fails to notify the city clerk of the voter’s choice of a political party ballot within forty-five (45) days before a partisan open primary election, the following apply:

- (1) The voter shall not automatically be sent a ballot for that partisan open primary election only and the voter’s name shall remain on the permanent early voting list for future elections.

- (2) To receive an early ballot for the primary election, the voter shall submit the voter's choice for political party ballot to the city clerk.

(e) If the notice that is mailed to the voter is returned undeliverable by the postal service, the city clerk shall forward the notice to the county recorder to update the voter's registration as appropriate.

(f) The city clerk shall mail an early ballot to all eligible voters included on the permanent early voting list. If the voter has not returned the notice or otherwise notified the city clerk within forty-five (45) days before the election that the voter does not wish to receive an early ballot by mail for the election or elections indicated, the ballot shall automatically be scheduled for mailing.

(g) A voter may make a written request to the Pima County Recorder at any time to be removed from the permanent early voting list.
(Ord. No. 11245, § 2, 2-18-15)

Sec. 12-44. Mailing early ballots.

(a) The city clerk shall mail the early ballot and the envelope for its return postage prepaid to the address provided by the requesting elector within five (5) days after receipt, except that early ballot mailings shall not begin more than twenty-six (26) days before the election.

(b) If a request is made by the elector within twenty-six (26) days before the election, the mailing of the early ballot must be made within forty-eight (48) hours after receipt of the request. Saturdays, Sundays and legal holidays are excluded from the computation of the forty-eight (48) hour period prescribed by this subsection.
(Ord. No. 11245, § 2, 2-18-15)

Sec. 12-45. Instructions to vote by mail and early voters.

(a) The city clerk shall supply printed instructions to vote by mail and early voters in substantially the following form that direct them to:

- (1) sign the affidavit

- (2) mark the ballot
(3) place the ballot inside the signed affidavit
(4) return both in the enclosed tamper-evident, self-addressed envelope

(b) The instructions shall include the following statement:

"In order to be valid and counted, the ballot together with the affidavit must be delivered to the city clerk's office or may be deposited at any voting location in the city no later than 7:00 p.m. on election day. Warning - it is a felony to offer or receive any compensation for a ballot."

(c) Only the elector may be in possession of that elector's unvoted ballot.
(Ord. No. 11245, § 2, 2-18-15)

Sec. 12-46. Duties of city clerk on receiving a returned vote by mail or early ballot.

(a) Upon receipt of the affidavit containing a returned vote by mail or early ballot, the city clerk shall compare that signature with the signature on any of the following:

- (1) A signature roster from a prior election which was prepared and certified as required by law.
(2) A verified vote by mail or early ballot affidavit from a prior election.
(3) Any other current form of reliable signature maintained as an official public record.

(b) At the sole discretion of the city clerk, in place of the procedures in subsection (a), contract with the Pima County Recorder to act as the agent to the city for comparing voter signatures.

(c) The city clerk shall then secure the affidavit unopened in the city clerk vault until delivery to the ballot board.
(Ord. No. 11245, § 2, 2-18-15)

Sec. 12-47. Voting provisional ballot after receiving vote by mail or early ballot.

Any elector who receives a vote by mail or early ballot may vote a provisional ballot, subject always to verification by the city clerk that the elector has not already voted. The elector shall be permitted to vote a provisional ballot as follows:

- (a) In a vote by mail election:
 - (1) The elector may request a replacement ballot from the city clerk; or
 - (2) The elector may vote in person at a voting location on election day.
- (b) In a polling place election:
 - (1) At an on-site early voting location on or before the Friday preceding election day; or
 - (2) At the qualified elector’s designated voting location on election day.

(Ord. No. 11245, § 2, 2-18-15)

Secs. 12-48 – 12-53. Reserved.

ARTICLE IV. FINANCIAL DISCLOSURE

Sec. 12-54. Duty to file financial disclosure statement; exceptions.

(a) In addition to other statements and reports required by law, every elected city officer, as a matter of public record, shall file with the city clerk on a form prescribed by the city clerk a verified financial disclosure statement as prescribed by state law covering the preceding calendar year ending December 31.

(b) The statement required to be filed pursuant to subsection (a) shall be filed by all persons who qualified as elected city officers at any time during the preceding calendar year on or before January 31 of each year, with the exception that a local public officer

appointed to fill a vacancy shall, within sixty (60) days following the taking of such office, file a financial disclosure statement covering the twelve (12) month period ending with the last full month prior to the date of taking office.

(Ord. No. 11245, § 2, 2-18-15)

Sec. 12-55. City clerk to provide forms and guidelines.

The city clerk shall prepare written guidelines, forms and samples for completing the financial disclosure statement required by this section. A copy of the guidelines, forms and samples shall be distributed to each elected city officer and shall be made available to each candidate required to file a financial disclosure statement pursuant to section 12-56 of this code.

(Ord. No. 11245, § 2, 2-18-15)

Sec. 12-56. Duty to file financial disclosure statement by a candidate for local public office.

A candidate for elected city office shall file a financial disclosure statement covering the preceding twelve (12) month period on a form prescribed by the city clerk at the time of filing nomination papers, and at any other time prescribed by statute.

(Ord. No. 11245, § 2, 2-18-15)

Sec. 12-57. Violation; classification.

(a) Any elected city officer or candidate who knowingly fails to file a financial disclosure statement required by this article, who knowingly files an incomplete financial disclosure statement or who knowingly files a false financial disclosure statement is guilty of a class 1 misdemeanor.

(b) Any elected city officer or candidate who violates this article is subject to a civil penalty of fifty dollars (\$50) for each day of noncompliance but not more than five hundred dollars (\$500) that may be imposed as prescribed in A.R.S. § 16-924.

(Ord. No. 11245, § 2, 2-18-15)

Secs. 12-58 – 12-63. Reserved.

ARTICLE V. NOMINATION; CANDIDATES**Sec. 12-64. Qualifications of candidates.**

(a) Candidates for the office of mayor and council member shall be duly qualified electors of the city under the laws of the State of Arizona and under the provisions of the Tucson Charter. Candidates shall be qualified electors of the city for not less than three (3) years immediately prior to becoming a candidate.

(b) Candidates for council member shall have resided in their respective ward for at least one (1) year prior to becoming a candidate.

(c) Time of residence and being a qualified elector shall be counted as residence and electoral qualifications within the city of Tucson one (1) year after said area becomes annexed to the city.

(d) At the time a candidate files nomination petitions, the city clerk shall obtain the candidate's voter registration history from the County Recorder. (Ord. No. 11245, § 2, 2-18-15)

Sec. 12-65. Form of nomination petition.

(a) The nomination petitions shall be in substantially the following form:

- (1) Petitions shall be on paper eleven (11) inches wide and eight and one-half (8½) inches long.
- (2) Petitions shall be headed by a caption stating the purpose of the petition, followed by the body of the petition stating the intent of the petitioners.
- (3) There shall be ten (10) lines spaced one-half (1/2) of an inch apart and consecutively numbered one through ten.
- (4) The signature portion of the petition shall be divided into columns headed by the following titles:
 - a. Signature.
 - b. Printed name.

c. Actual residence address, description of place of residence or Arizona post office box address, city or town.

d. Date of signing.

(5) A photograph of the candidate may appear on the nomination petition.

(b) The following shall appear on the petition:

Instructions for circulators

(1) All petitions shall be signed by the 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.

(Ord. No. 11245, § 2, 2-18-15)

Sec. 12-66. Number of signatures required.

Signatures obtained before a candidate files a completed statement of organization with the city clerk pursuant to section 12-81 of this code, are void and shall not be counted.

Number of signatures required for candidate nomination:

(a) Candidates for the office of mayor must obtain signatures from qualified electors of the city equal to at least five percent (5%) and not more than ten percent (10%) of the designated party vote in the city in the preceding mayoral election.

(b) Candidates for the office of council member must obtain signatures from qualified electors of the city equal to at least five percent (5%) and not more than ten percent (10%) of the designated party vote in the ward in the preceding election for that ward.
(Ord. No. 11245, § 2, 2-18-15)

Sec. 12-67. Nomination other than by primary.

(a) The nomination petition shall conform as nearly as possible to the provisions relating to nomination petitions of candidates to be voted for at primary elections pursuant to section 12-65 of this code.

(b) The number of valid signatures must be at least three percent (3%) of the total number of registered voters who are NOT members of a qualified political party. For council member candidates, the total is calculated using the total number of registered voters in the ward for which the candidate is seeking office.

(c) The percentage of registered voters necessary to sign the nomination other than by primary petition shall be determined by the total number of registered voters as of March 1 of the year in which the general election is held.
(Ord. No. 11245, § 2, 2-18-15)

Sec. 12-68. Nomination petition signers.

(a) Each signer of a nomination petition must be a qualified elector and member of the political party from which the candidate is seeking nomination, or a member of a political party that is not qualified for representation on the ballot pursuant to State law or the signer is registered as independent or party not determined.

(b) Each signer of a nomination petition may sign only one petition for the same office.

(c) A signature shall not be counted on a nomination petition unless the signature is upon a sheet bearing the form prescribed by the city clerk.

(d) Each signer of a nomination petition for the office of mayor shall, at the time of signing, be a qualified elector residing in the city of Tucson.

(e) Each signer of a nomination petition for the office of council member shall, at the time of signing, be a qualified elector residing in the ward the candidate is seeking to represent.
(Ord. No. 11245, § 2, 2-18-15)

Sec. 12-69. Nomination petition circulators.

The circulator, before whom the signatures were written on the signature sheet, shall:

- (a) Certify that the circulator is qualified to register to vote in the State of Arizona.
- (b) Certify, if the circulator is not a resident of Arizona, that prior to circulating the petition the circulator registered as an out of state circulator with the Secretary of State.
- (c) Certify that each of the names on the petition was signed in the circulator’s presence on the date indicated.
- (d) Certify that in the circulator’s belief each signer was a qualified elector who resided at the address given as the signer’s residence on the date indicated.
- (e) Circulators must sign the petition and type or print the circulator’s name under the circulator’s signature.
- (f) Type or print the circulator’s actual residence address or, if no street address, a description of the circulator’s residence location.

(Ord. No. 11245, § 2, 2-18-15)

Sec. 12-70. Nomination petition signature withdrawal.

Qualified electors wishing to withdraw their signatures from a nomination petition may do so by notifying the city clerk by a signed, written statement any time prior to the time the petition is filed with the city clerk.

(Ord. No. 11245, § 2, 2-18-15)

Sec. 12-71. Filing of nomination papers and petitions.

(a) To become a candidate for any city office, a qualified elector of the city of Tucson must file the following with the city clerk as one instrument:

- (1) Nomination paper in a form prescribed by the city clerk stating the exact manner in which the candidate desires to have their name printed on the ballot and which contains a notarized statement signed by the candidate affirming that the candidate is qualified to hold the office they seek.
- (2) Nomination petitions in a form prescribed by the city clerk containing the required number of signatures of qualified electors.
- (3) Financial Disclosure Statement covering the preceding twelve (12) month period.
- (4) A Statement of Organization or \$500 Threshold Exemption Statement, if required.

(b) Nomination papers and petitions must be filed not less than ninety (90) nor more than one hundred twenty (120) days before the primary election day. Write-in candidates shall comply with section 12-72 of this code.

(c) A person who does not file timely nomination papers that comply with this section is not eligible to have the person's name printed on the official ballot for that office.

(d) The city clerk will not accept supplements to nomination petitions.

(e) Except in cases where the liability is being appealed, the city clerk shall not accept the nomination paper of a candidate if the person is liable for an aggregation of one thousand dollars (\$1,000.00) or more in fines, penalties, late fees or administrative or civil judgments, including any interest or costs, in any combination, that have not been fully satisfied at the time of the attempted filing of the nomination paper and the liability arose from failure to comply with or enforcement of this code.

(f) Nomination papers and petitions shall be filed at the city clerk's office, or at a location specified by the city clerk.

(Ord. No. 11245, § 2, 2-18-15)

Sec. 12-72. Filing of nomination papers for write-in candidates.

(a) To become a write-in candidate for any city office, a qualified elector of the city of Tucson must file the following with the city clerk as one instrument:

- (1) Nomination paper in a form prescribed by the city clerk which contains a notarized statement signed by the candidate affirming that the candidate is qualified to hold the office they seek.
- (2) Financial Disclosure Statement covering the preceding twelve (12) month period.
- (3) A Statement of Organization or \$500 Threshold Exemption Statement, if required.

(b) A write-in candidate shall file the nomination paper not later than 5:00 p.m. on the fortieth (40th) day before the election.

(c) Any person who does not file a timely nomination paper shall not be counted in the tally of ballots.

(d) Except in cases where the liability is being appealed, the city clerk shall not accept the nomination paper of a write-in candidate if the person is liable for an aggregation of one thousand dollars (\$1,000.00) or more in fines, penalties, late fees or administrative or civil judgments, including any interest or costs, in any combination, that have not been fully satisfied at the time of the attempted filing of the nomination paper and the liability arose from failure to comply with or enforcement of this code.

(e) A candidate may not file pursuant to this section if any of the following applies:

- (1) For a candidate in the general election, the candidate ran in the immediately preceding primary election and failed to be nominated to the office sought in the current election.

- (2) For a candidate in the general election, the candidate filed a nomination petition for the immediately preceding primary election for the office sought and failed to provide a sufficient number of valid petition signatures.
- (3) For a candidate in the primary election, the candidate filed a nomination petition for the current primary election for the office sought and failed to provide a sufficient number of valid petition signatures.
- (4) For a candidate in the general election, the candidate filed a nomination petition for nomination other than by primary for the office sought and failed to provide a sufficient number of valid petition signatures.

(f) A write-in candidate shall not be declared nominated unless he receives a number of votes equivalent to at least the same number of signatures required for nominating petitions for the same office. (Ord. No. 11245, § 2, 2-18-15)

Sec. 12-73. Penalty for petition forgery.

In addition to the procedures set forth in this article, all petitions that have been submitted by a candidate who is found guilty of petition forgery shall be disqualified and that candidate shall not be eligible to seek election to a public office for a period of not less than five (5) years. (Ord. No. 11245, § 2, 2-18-15)

Sec. 12-74. Limitations on appeals of validity of nomination petitions; disqualification of candidate.

(a) Any elector filing any court action challenging the nomination of a candidate as provided for in this chapter shall do so no later than 5:00 p.m. of the tenth (10th) day, excluding Saturday, Sunday and legal holidays, after the last day for filing nomination papers and petitions.

(b) Any elector may challenge a candidate for any reason relating to qualifications for the office sought as prescribed by law, including age, residency, or failure to fully pay fines, penalties or judgments.

(c) For the purposes of an action challenging nomination petitions, the city clerk acts as the person’s agent to receive service of process. Process in an action challenging a nomination petition shall be served immediately after the action is filed and in no event more than twenty-four (24) hours after filing the action, excluding Saturdays, Sundays and legal holidays.

(d) Immediately on receipt of process served on the city clerk as agent for a person filing a nomination petition, the city clerk shall mail the process to the person and shall notify the person by telephone of the filing of the action. (Ord. No. 11245, § 2, 2-18-15)

Secs. 12-75 – 12-80. Reserved.

**ARTICLE VI. CAMPAIGN FINANCE;
CANDIDATES AND POLITICAL
COMMITTEES**

The provisions of this article shall apply to all political committees making contributions to candidates for the offices of mayor or council member, and all candidate committees in any city election. Petition drive political committees must also comply with provisions of article VII of this code. (Ord. No. 11245, § 2, 2-18-15)

Sec. 12-81. Registration of political committees.

(a) A political committee shall file a statement of organization in the form prescribed by the city clerk prior to accepting a contribution, making an expenditure, distributing campaign literature or circulating petitions. Signatures obtained before a candidate files a completed statement of organization with the city clerk are void and shall not be counted.

(b) The statement of organization shall include all of the following:

- (1) The name, address, telephone number, email address and type of committee.
- (2) The name, address, relationship and type of any sponsoring organization.
- (3) The names, addresses, telephone numbers, occupations and employers of the chairperson and treasurer of the committee.

- (4) In the case of a candidate's campaign committee, the name, address, office sought and party affiliation of the candidate.
- (5) A listing of all banks, safety deposit boxes or other depositories used by the committee.
- (6) A statement that the chairperson and treasurer have read all of the applicable laws relating to campaign finance and reporting.

(c) A political committee intending to accept contributions or make expenditures of five hundred dollars (\$500.00) or less, and more than two hundred fifty dollars (\$250.00), shall file a signed exemption statement in the form prescribed by the city clerk.

(d) If a political committee that has filed a five hundred dollar (\$500.00) exemption statement receives contributions or makes expenditures of more than five hundred dollars (\$500.00), the committee shall file a statement of organization with the city clerk within five (5) business days after exceeding the limit.

(e) On the filing of a statement of organization a political committee shall be issued a city identification number.
(Ord. No. 11245, § 2, 2-18-15)

Sec. 12-82. Organization of political committees.

(a) Each political committee shall have a chairperson and treasurer. The position of chairperson and treasurer of a single political committee may not be held by the same individual, except that a candidate may be chairperson and treasurer of their own campaign committee.

(b) The name of each political committee shall include the name of any sponsoring organization, and, in the case of a candidate's campaign committee, the committee's name shall include the name of the candidate, or, if for an exploratory committee, the individual who designated the committee.

(c) Before a political committee accepts a contribution or makes an expenditure it shall designate,

as its campaign depository, a bank, federally chartered depository institution or depository institution the deposits or accounts of which are insured by the federal deposit insurance corporation or the national credit union administration. The political committee shall notify the city clerk of the designation of the financial institution either at the time of filing the statement of organization or within five (5) business days after opening an account.

(d) The political committee shall file an amended statement of organization reporting any change in the information prescribed in this article within five (5) business days after the change.
(Ord. No. 11245, § 2, 2-18-15)

Sec. 12-83. Contribution limits.

(a) No person shall make a contribution of more than five hundred dollars (\$500.00) to any candidate for mayor or council member during any campaign period.

(b) A political committee may contribute up to one thousand dollars (\$1,000.00) to any candidate for mayor or council member. No individual member of such committee shall contribute more than five hundred dollars (\$500.00) toward the contribution, nor an aggregate amount of more than five hundred dollars (\$500.00) to any candidate whether through a committee contribution or a personal contribution.

(c) No candidate for mayor or council member shall accept or receive a campaign contribution of more than five hundred dollars (\$500.00) from any person or more than one thousand dollars (\$1,000.00) from any political committee during any campaign period.

(d) The limits imposed by this section shall not apply to contributions by a candidate's own resources to the candidate's own campaign.

(e) The limits imposed by this section shall not apply to independent expenditures.

(f) The limits imposed by this section shall not apply to the value of in-kind labor.
(Ord. No. 11245, § 2, 2-18-15)

Sec. 12-84. Personal use of campaign contributions prohibited.

Candidates shall not use contributions for indirect campaign purposes such as, donating to another's campaign, or making independent expenditures. Candidates may use contributions only for direct campaign expenses including, but not limited to, printing campaign literature, media space or time, mailings, campaign headquarters rent or telephones, or paying for campaign staff salaries.

(Ord. No. 11245, § 2, 2-18-15)

Sec. 12-85. Public matching funds program; campaign contract.

(a) In exchange for public matching funds, a candidate for mayor or council member may file a signed, notarized contract with the city agreeing to abide by limitations on the candidate's contributions, limitations on campaign expenditures, and limitations on the use of all contributions as specified in the City Charter, and pursuant to the Campaign Finance Administration Rules and Regulations adopted by the mayor and council.

(b) An individual wishing to become a public funding candidate must sign a campaign contract within thirty (30) days after the first of any of the following events occur:

- (1) The individual circulates or files nomination papers for a specified election; or
- (2) The individual publicly or formally declares candidacy for a specified election; or
- (3) The individual accepts a contribution or makes an expenditure for a specified election.

(c) A candidate who signs a contract shall comply with all contribution and expenditure limitations, even if the candidate never qualifies to receive public funds.

(Ord. No. 11245, § 2, 2-18-15)

Sec. 12-86. Campaign finance administrator; duties thereof.

(a) The city clerk or other officer appointed by the mayor and council shall administer the public matching funds program as the "campaign finance administrator." The office of the campaign finance administrator shall not be included in the classified civil service.

(b) The campaign finance administrator shall be responsible for the management of said office, shall administer the program, and is authorized to adopt, promulgate, amend, and rescind administrative rules and regulations to carry out the policies and purposes of the program. Prior to becoming effective, such rules and regulations shall be approved by the mayor and council.

(Ord. No. 11245, § 2, 2-18-15)

Sec. 12-87. Campaign literature and advertisements.

(a) A political committee that makes an expenditure for campaign literature or advertisements that expressly advocate the election or defeat of any candidate or that make any solicitation of contributions to any political committee shall be registered with the city clerk at the time of distribution, placement or solicitation and shall include on the literature or advertisement the words "paid for by" followed by the name of the committee that appears on its statement of organization or five hundred dollar (\$500.00) exemption statement.

This requirement does not apply to:

- (1) Bumper stickers, pins, buttons, pens and similar small items on which the statements required in subsection (a) of this section cannot be conveniently printed; or
- (2) Signs paid for by a candidate with campaign monies or by a candidate's campaign committee; or
- (3) A solicitation of contributions by a separate segregated fund from those persons it may solicit pursuant to state law.

(b) Any person purchasing literature or advertisements for the purpose of making an independent expenditure must also comply with A.R.S. § 16-914.02 (F), (G), and (L), or any successor provision(s).

(c) The disclosures required pursuant to this section shall be printed clearly and legibly in a conspicuous manner. The disclosure statement shall include the words “paid for by” followed by the name of the entity making the expenditure and shall state that it is not authorized by any candidate or candidate’s campaign committee. Disclosure statements shall also comply with the following:

- (1) If the communication is broadcast on radio, the disclosure shall be spoken at the end of the communication.
- (2) For printed material that is delivered or provided by hand or by mail, the disclosure shall be printed clearly and legibly in a conspicuous manner.
- (3) If the communication is broadcast on a telecommunications system, the following apply:
 - a. The disclosure shall be both written and spoken at the end of the communication, except that if the written disclosure statement is displayed for at least five (5) seconds of a thirty (30) second communications broadcast or ten (10) seconds of a sixty (60) second communications broadcast, a spoken disclosure statement is not required.
 - b. The written disclosure statement shall be printed in letters that are displayed in a height that is equal to or greater than four percent (4%) of the vertical picture height.

(d) A person who violates this section is subject to a civil penalty of up to three times the cost of producing and distributing the literature or advertisement. This civil penalty shall be imposed as

prescribed in A.R.S. Title 16, Chapter 6, or any successor provision(s).
(Ord. No. 11245, § 2, 2-18-15)

Sec. 12-88. Deceptive mailings.

(a) An individual or committee is prohibited from attempting to influence the outcome of an election by delivering or mailing any document that:

- (1) Purports to be authorized, approved, required, sent or reviewed by the state government, a county, city, or town, or any other political subdivision, or
- (2) Falsely simulates a document from any of these governmental entities.

(b) The penalty for deceptive mailings (civil penalty) is equal to twice the total cost of the mailing, or five hundred dollars (\$500.00), whichever amount is greater.

(Ord. No. 11245, § 2, 2-18-15)

Sec. 12-89. Contribution restrictions.

(a) An individual or political committee may not use economic influence to induce members of an organization to make contributions to a candidate, collect contributions from members of an organization for transmittal to a candidate, make payments to candidates for public appearances or services which are ordinarily uncompensated, or use any similar device to circumvent any of the limits of the Tucson Charter, this code, or A.R.S. § 16-905, or any successor provision(s).

(b) As provided in A.R.S. § 16-907(A), or any successor provision(s), any person who makes a contribution in the name of another person or who knowingly permits their name to be used to effect such a contribution and any person who knowingly accepts a contribution made by one person in the name of another person is guilty of a class 6 felony.

(c) If an anonymous contribution is accepted because it is received in a non-returnable form, it must be segregated from other funds and not be spent on the candidate’s campaign. These funds must be disposed of pursuant to A.R.S. § 16-915.01, or any successor provision(s).

(d) A contribution by an individual or a political committee to two (2) or more candidates in connection with a joint fund-raising effort shall be divided among the candidates in direct proportion to each candidate campaign committee's share of the expenses for the fund-raising effort.

(e) An unemancipated minor shall not make a contribution. Any such contribution shall be treated as a contribution by the child's parent(s).
(Ord. No. 11245, § 2, 2-18-15)

Sec. 12-90. Campaign finance reports required; failure to file; penalties.

All reporting shall be: (1) pursuant to the provisions of the A.R.S. Title 16, Chapter 6, or any successor provision(s); (2) on forms prescribed by the city clerk; and (3) filed by the dates specified.

- (a) If a political committee fails to file a report in a timely manner as required by this chapter, the city clerk shall send written notice of the delinquency of the report to the political committee, the candidate, the treasurer, or the designating individual, whichever applies. The notice shall be sent by certified mail within fifteen (15) days after the city clerk determines there may be a failure to file a campaign finance report. The notice shall provide with reasonable particularity the nature of the failure and a statement of the penalties provided in this section.
- (b) A political committee, or in the case of a candidate's campaign committee, the candidate, or in the case of an exploratory committee, the designating individual, is liable for a late penalty of ten dollars (\$10.00) for each business day after failure to make or file a campaign finance report that is required pursuant to this chapter up to a maximum of four hundred fifty dollars (\$450.00). The city clerk shall not accept a campaign report unless any penalties owed as a result of this section or any penalties imposed pursuant to section 12-91 of this chapter accompany the report.
- (c) A political committee, or in the case of a candidate's campaign committee, the candidate, or in the case of an exploratory

committee, the designating individual, that has failed to file within fifteen (15) days after receiving a notice of delinquency pursuant to subsection (a) of this section is liable for a civil penalty of twenty-five dollars (\$25.00) for each subsequent day that the filing is late. This penalty shall be assessed pursuant to section 12-91 of this code.

- (d) For the purposes of this section, there is a failure to make and file a campaign finance report if any of the following occurs:
 - (1) The report is not filed by 5:00 p.m. pursuant to the schedule prescribed by the city clerk.
 - (2) The report is not signed under penalty of perjury by the committee treasurer, the candidate, or the designating individual if the treasurer is unavailable.
 - (3) A good faith effort is not made to substantially complete the report as prescribed by A.R.S. § 16-915, or any successor provision(s).
- (e) It is a defense to an enforcement action brought pursuant to this section if good cause is shown for the failure to make and file a campaign finance report. For the purposes of this subsection, "good cause" includes an illness or absence from this state at the time the campaign finance report was due or the written notice of delinquency was delivered if the illness or absence reasonably prevented the treasurer, designating individual or candidate from filing the report or receiving the written notice.
- (f) In addition to the enforcement actions prescribed by this section, a person who was a candidate for nomination or election to any local or state office and who after written notice pursuant to this section failed to make and file a campaign finance report as required by this chapter is not eligible to be a candidate for nomination or election to any local or state office for five (5) years after the last failure to make and file a campaign finance report occurred. This penalty shall be imposed as follows:

- (1) A candidate's failure to make and file a campaign finance report with a filing officer for a jurisdiction is grounds for that filing officer to refuse the candidate's nomination paper for any local office in that jurisdiction as described in this subsection.
- (2) A candidate's failure to make and file a campaign finance report with any filing officer is grounds for a filing officer from another jurisdiction to refuse the candidate's nomination paper for any public office on presentation of a certified copy of a final order issued pursuant to A.R.S. § 16-924, or any successor provision(s).
- (g) For any political committee that has failed to file three (3) consecutive campaign finance reports with the city clerk, the city clerk shall send the committee chairperson and treasurer a written notice of intent to suspend the political committee. The notice of intent to suspend shall state that failure of the political committee to fully comply with all filing requirements for that committee, including any required payments, within thirty (30) days of the date of the notice shall result in suspension of the political committee's authority to operate in the city. On suspension of the political committee's authority to operate, the city clerk is no longer required to provide any further notice of delinquency to the political committee. This subsection does not reduce or eliminate the political committee's continuing obligation to make campaign finance filings and pay any fines, penalties, civil penalties or other sanctions that may continue to accrue as otherwise provided by law.

(Ord. No. 11245, § 2, 2-18-15)

Sec. 12-91. Civil penalties.

If the city clerk has reasonable cause to believe that a candidate or person is violating any provision of A.R.S. Title 16, Chapter 6, or any successor provisions, then the city clerk shall notify the city attorney, unless another penalty is specifically prescribed in this chapter.

- (a) The city attorney may serve on the person an order requiring compliance with that provision. The order shall state with reasonable particularity the nature of the violation and shall require compliance within twenty (20) days from the date of issuance of the order. Or due to the nature of the violation, no corrective action is possible, the city attorney shall assess a civil penalty of not more than one thousand dollars (\$1,000.00). The alleged violator has twenty (20) days from the date of issuance of the order to request a hearing pursuant to A.R.S. Title 41, Chapter 6, or any successor provision(s).
- (b) If a person fails to take corrective action within the time specified in the compliance order, the city attorney shall assess a civil penalty of not more than one thousand dollars (\$1,000.00). The person alleged to have violated the compliance order has thirty (30) days from the date of issuance of the order assessing the civil penalty to request a hearing pursuant to A.R.S. Title 41, Chapter 6, or any successor provision(s).

(Ord. No. 11245, § 2, 2-18-15)

Sec. 12-92. Political committee termination statement.

(a) A political committee may terminate only when the chairperson and treasurer file a termination statement with the city clerk. The committee must certify under penalty of perjury that it will no longer receive any contributions or make any expenditures, that the committee has no outstanding debts or obligations, and that any surplus monies have been disposed of pursuant to A.R.S. § 16-915.01 or any successor provision(s).

(b) The committee must also file a campaign finance report stating the manner of disposition of the surplus, the name and address of each recipient of surplus monies, and date and amount of each disposition of surplus monies.

(c) A committee that has filed a five hundred dollar (\$500) threshold exemption statement must terminate at the end of the campaign period for which the committee was formed. If such committee fails to

file its termination statement within ninety (90) days of the end of the campaign period, it shall pay a civil penalty of one hundred dollars (\$100).
(Ord. No. 11245, § 2, 2-18-15)

Sec. 12-93. Establishment of a restricted election campaign account.

The mayor and council shall establish an election campaign account in the general fund into which shall be deposited such sums as may be appropriated from time to time in the annual budget, gifts and donations made to the city for the support of public election campaign financing, and such sums as may otherwise be appropriated to said account. Money in said account shall be restricted, and expended for the purpose of assisting the financing of the public matching funds program.
(Ord. No. 11245, § 2, 2-18-15)

Sec. 12-94. Additional powers of mayor and council.

The mayor and council may enact ordinances as may be necessary or desirable to carry out the provisions of this chapter.
(Ord. No. 11245, § 2, 2-18-15)

Secs. 12-95 – 12-100. Reserved.

**ARTICLE VII. CAMPAIGN FINANCE;
PETITION DRIVE POLITICAL COMMITTEES**

Sec. 12-101. Definitions.

As used in this article, unless otherwise stated:

Petition means any City of Tucson initiative, referendum, or recall petition.

Petition drive means the circulation of any City of Tucson initiative, referendum or recall petition. A petition drive is deemed to be occurring independent of whether the petition is being actively circulated at any particular point(s) in time, is actually submitted to or filed with the city clerk for examination and certification.

Petition drive political committee means a political committee organized, conducted, or combined

for the purpose of influencing the result of any petition drive. The term includes, but is not necessarily limited to, political committees organized to circulate or oppose petitions.
(Ord. No. 11245, § 2, 2-18-15)

Sec. 12-102. Requirements for petition drive political committees; no receipt of contributions or expenditures until requirements met; financial records to be preserved.

(a) A petition drive political committee applying for the issuance of a serial number, and not previously registered with the city clerk as a political committee, shall file a statement of organization pursuant to sections 12-81 and 12-82 of this code, with the city clerk at the same time the committee files the application for a serial number. No petition drive political committee shall receive any contribution, or make or promise to make any expenditure prior to filing a statement of organization.

(b) All other petition drive political committees, specifically including those previously registered as political committees, shall file a statement of organization pursuant to sections 12-81 and 12-82 of this code, as a petition drive political committee with the city clerk no later than five (5) days after becoming a petition drive political committee, and in any event prior to receiving or expending any funds for the purpose of influencing the result of any petition drive.

(c) The petition drive political committee shall file an amended statement of organization reporting any change in the information prescribed in this article within five (5) days after the change.

(d) The name of each petition drive political committee shall include the name of any sponsoring organization and the official serial number for the petition, if assigned.

(e) The statement of organization shall include a statement as to whether the petition drive political committee supports or opposes the passage of the ballot measure. Upon completion of the designation of the ballot proposition number, the city clerk is authorized to and shall amend the name of the political committee by attaching to the statement of organization the ballot proposition number as a substitute for the official serial

number in the name of the political committee. The city clerk shall promptly notify the political committee of the amended political committee name and shall make that information available to the public.

(f) A petition drive political committee shall have a chairperson and treasurer. The position of chairperson and treasurer of a single petition drive political committee may not be held by the same individual.

(g) On the filing of a statement of organization, a petition drive political committee shall be issued a city identification number.

(h) Before any petition drive political committee accepts a contribution or makes an expenditure it shall also designate one (1) or more state banks, federally chartered depository institutions or depository institutions the deposits or accounts of which are insured by the federal deposit insurance corporation or the national credit union administration as its campaign depository or depositories. The petition drive political committee shall notify the city clerk of the designation of the financial institution either at the time of filing its statement of organization or within five (5) business days after opening an account.

(i) All petition drive political committees shall preserve all their financial records regarding contributions and expenditures for not less than thirty-six (36) months from the date of issuance by the city clerk of the serial number to which the financial records relate.

(Ord. No. 11245, § 2, 2-18-15)

Sec. 12-103. Time for filing of campaign finance reports by petition drive political committees; opening and closing reporting dates.

(a) In addition to filing campaign finance reports required under A.R.S. § 16-913, or any successor provision(s), the petition drive political committee that applied for the serial number shall also file campaign finance reports with the city clerk at all the following points in time:

- (1) Sixty (60) days after the date of issuance of the serial number by the city clerk, or on the date of filing the petition, whichever is earlier.

- (2) At the time of filing a petition filed more than sixty (60) days after the date of issuance.
- (3) Thirty (30) days after the filing of the petition.
- (4) On or before January 31st and June 30th of each year until there are no contributions or expenditures received or made and a termination statement has been filed.

(b) In addition to filing campaign finance reports required under A.R.S. § 16-913, or any successor provision(s), all other petition drive political committees shall also file campaign finance reports with the city clerk at all the following points in time:

- (1) Thirty (30) days after the filing of the petition to which the petition drive political committee's activities relate.
- (2) On or before January 31st and June 30th of each year until there are no contributions or expenditures received or made and a termination statement has been filed.

(c) If the date for filing any statement, notice or report required by this chapter is a Saturday, Sunday or legal holiday, the filing deadline is the next day that is not a Saturday, Sunday or legal holiday.

(d) In the case of any petition not filed with the city clerk within the deadline for filing established by the Tucson Charter or this code, all petition drive political committees shall file campaign finance reports twenty (20) days after the expiration of said deadline.

(e) A campaign finance report filed pursuant to this section shall show the aggregate sum of all contributions received, and of all expenditures made, between the opening reporting date and the closing reporting date, and shall itemize all expenditures and those contributions with a monetary value of more than fifty dollars (\$50.00), showing the specific amount and the identification of the contributor.

(f) The opening reporting date to be included in any campaign finance report filed pursuant to this section is the date on which the first previously

unreported contribution or expenditure was received or made by a petition drive political committee.

(g) The closing reporting date to be included in any campaign finance report filed pursuant to this section is ten (10) days prior to the filing of the report.

(h) Each campaign finance report required to be filed pursuant to this section shall be signed by the petition drive political committee’s treasurer and shall contain the certification of the signer under penalty of perjury that the report is true and complete. (Ord. No. 11245, § 2, 2-18-15)

Sec. 12-104. Notification requirements.

(a) In addition to the requirements relating to election contributions prescribed in section 12-103 of this code, a petition drive political committee shall give notice to the city clerk of any contribution or group of contributions to the committee that is made from a single source less than twenty (20) days before the day of the election if it exceeds two thousand five hundred dollars (\$2,500.00).

(b) In addition to the requirements in section 12-103 of this code, a petition drive political committee shall give notice to the city clerk each time any of the following occurs:

- (1) The committee has received contributions totaling ten thousand dollars (\$10,000.00) or more.
- (2) The committee has made expenditures totaling ten thousand dollars (\$10,000.00) or more.
- (3) The committee has received contributions totaling ten thousand dollars (\$10,000.00) or more from a single source.
- (4) The committee has received contributions totaling ten thousand dollars (\$10,000.00) or more from different additional single sources.

(c) The notices prescribed by this section shall be filed within twenty-four (24) hours, excluding Saturdays, Sundays and legal holidays. All notices shall

include the identification of the contributors, the dates of receipt and the amounts of the contributions or the amount, recipient and purpose of the expenditures. Contributions subject to the notification requirements of this section shall be included in the next report filed pursuant to section 12-103 of this code.

(d) For the purposes of this section, “single source” includes principals of the same partnership, corporation, limited partnership, limited liability company, limited liability partnership or association. (Ord. No. 11245, § 2, 2-18-15)

Sec. 12-105. Regulations for administration and enforcement; preservation of filings by city clerk; interpretation of reporting provisions.

(a) The city clerk is authorized and directed to promulgate regulations for the administration of this article.

(b) The city clerk shall preserve all filings made pursuant to this article in accordance with the retention schedules prescribed by the Arizona State Library, Archives and Public Records.

(c) It is the intent of this article that the procedures for reporting shall, to the extent possible, be consistent with those found in A.R.S. Title 16, Chapter 6 or any successor provision(s). (Ord. No. 11245, § 2, 2-18-15)

Sec. 12-106. Failure to comply a civil infraction.

(a) If a petition drive political committee fails to file a report in a timely manner as required by section 12-103 of this code, the report is not signed, or a good faith effort is not made to complete the report, it shall be a failure to file and penalties shall be assessed pursuant to section 12-90 of this code.

(b) Where a petition drive political committee has failed to file, improperly filed, or refused to file any notice as required by section 12-104 of this code, it shall be liable in a civil action for a civil penalty up to three (3) times the amount improperly reported or unreported. Additionally, the petition drive political committee shall not continue its activities, receive contributions, or make or promise to make any expenditure until the required notice is filed properly.

(c) It shall be a civil infraction for any person or petition drive political committee to make any statement or report required by this article, and therein knowingly misrepresent, misstate or fail to fully disclose the facts of any contribution or expenditure required to be reported pursuant to this article. Penalties shall be pursuant to section 12-91 of this code.

(d) The provisions of this section supplement, and do not supersede, any civil or criminal penalties provided under state law, and are in addition to any other rights or remedies available to the city.
(Ord. No. 11245, § 2, 2-18-15)

Secs. 12-107 – 12-111. Reserved.

ARTICLE VIII. INITIATIVE

Any proposed ordinance or amendment to the Charter of the City of Tucson may be submitted to the mayor and council by a petition signed by fifteen (15) percent of the qualified electors of the city, computed on the vote for the candidates for mayor at the last preceding general municipal election at which a mayor was elected.
(Ord. No. 11245, § 2, 2-18-15)

Sec. 12-112. Application to circulate petitions; filing of statement of organization.

(a) A person or persons intending to circulate an initiative petition shall, before causing the petition to be printed and circulated, file with the city clerk an application on a form to be provided by the city clerk, stating an intent to circulate and file a petition and setting forth the names, addresses and signatures of three (3) individuals (“petitioners”) who are responsible for the petition and who are to be notified of all proceedings and actions taken in reference to the petition.

(b) The application shall be accompanied by the complete title and text of the proposed measure to be initiated.

(c) On receipt of the application, the city clerk shall assign an official serial number to the petition, which number shall appear in the lower right-hand corner of each side of each page thereof, and issue that number to the applicant. The serial numbers shall be

assigned in numerical sequence. The city clerk shall maintain a record of each application received, the numbers assigned, and the applicant and petitioners to whom issued.

(d) The statement of organization required in section 12-102 of this code, and listing the chairperson and treasurer of the committee shall be filed with the city clerk at the time of application and before making any expenditures, accepting any contributions, distributing any campaign literature or circulating petitions. Signatures obtained before the filing of a completed statement of organization with the city clerk are void and shall not be counted in determining the legal sufficiency of any initiative petition(s).

(e) The name of the political committee on the statement of organization must include the official serial number for the petition, if assigned, and indicate whether the political committee supports or opposes the passage of the ballot measure.

(f) Each political committee that intends to accept contributions or make expenditures of five hundred dollars (\$500) or less, and more than two hundred fifty dollars (\$250), shall file a signed exemption statement in a form prescribed by the city clerk that states that intention before making any expenditures, accepting any contributions, distributing any campaign literature or circulating petitions.

(g) A political committee that has filed a five hundred dollar (\$500) threshold exemption statement receives contributions or makes expenditures of more than five hundred dollars (\$500) shall file a statement of organization with the city clerk in the format prescribed by the city clerk within five (5) business days after exceeding the five hundred dollar (\$500) limit.
(Ord. No. 11245, § 2, 2-18-15)

Sec. 12-113. Form of petition.

The term “petition,” as used in this article, means the title and text of the proposed measure, the signature sheets, and the affidavit of circulator.

(a) Any initiative petition desired to be submitted to the mayor and council shall be presented upon a petition which has been printed and numbered in the form prescribed by the city clerk.

- (b) The referendum petitions filed with the city clerk must meet the strict compliance standard imposed by the Arizona Supreme Court under the Arizona Constitution and statutes. This includes the form of petition and the requirement that the ward number shall be filled in on the signature sheet.
- (c) It is the responsibility of the petitioners of the initiative petition to ensure that at all times during circulation, the petition is in the required form, that it contains all required information, and that all of its pages are fully legible. Any deficiencies are subject to challenge by the public as well as the city clerk.
- (d) No additional information, instructions, symbols, or markings of any kind are to be printed on any portion of the petition, including the back or margins of any of the petition documents (title/text, signature sheet, affidavit of circulator).
- (e) The title and text of the measure proposed or referred by the petition shall be printed in at least eight (8) point type on either 8 ½" x 11" or 8 ½" x 14" paper, portrait or landscape orientation, and shall include both the original and (if applicable) amended text. The title and text shall indicate material deleted, if any, by printing the material with a line drawn through the center of the letters of the material, and shall indicate material added or new material by printing the letters of the material in capital letters. The eight (8) point type requirement does not apply to maps, charts, or other graphics.
- (f) If the full printing of the title and text of the initiative or referendum measure requires multiple pages, the title and text may be printed either on the front of each page or on the front and back of each page, at the option of the petitioners. Each and every page of the title and text shall be numbered sequentially (e.g. Page 1 of 5, Page 2 of 5, etc.) and the number shall appear in the upper right-hand corner of each page, immediately below the words "Tucson, Arizona" and the date of issuance.
- (g) The initiative petition shall be printed in black ink on white or recycled white pages.
- (h) The signature sheets shall be fourteen (14) inches in width by eight and one-half (8 1/2) inches in length.
- (i) All pages of the petition shall have a margin of at least one-half (1/2) inch at the top and one-fourth (1/4) inch at the bottom of each page.
- (j) The title of the petition shall read "CITY OF TUCSON" in the left margin followed by "INITIATIVE DESCRIPTION" centered.
- (k) The following language shall appear in the uppermost right-hand corner of the signature sheet: "It is unlawful to sign this petition before it has a serial number."
- (l) Immediately below the statement required in subsection (k) of this section, each signature sheet shall have printed in capital letters in no less than twelve (12) point bold-faced type the following:

 " _____ PAID CIRCULATOR"
 " _____ VOLUNTEER"
- (m) Immediately below the heading required in subsection (j) of this section, the petition shall include a description of no more than one hundred (100) words.
- (n) Immediately below the description required in subsection (m) of this section, the following language shall be included: "Notice: This is only a description of the proposed measure (or charter 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."

(o) Immediately below the notice required in subsection (n) of this section, the following language shall be included in eight (8) point centered type “Initiative Measure to be Submitted Directly to Electors”. Immediately below this centered heading, the following language shall be included: “To the Honorable Mayor and Council, and the Clerk of the City of Tucson: We, the undersigned, residents of the City of Tucson, Arizona, and duly qualified electors therein, do hereby submit and propose to you, for adoption, the following ordinance, and request that action be taken by you relative to the adoption or rejection of such proposed ordinance, at the earliest possible moment, and that the same be forthwith submitted to a vote of the people, to-wit: _____, a s described in the attached Title and Text. Each signer says: I have personally signed this petition with my first and last names. I have not signed any other petition for the same measure. I am a qualified elector of the City of Tucson, State of Arizona”.

(p) Immediately following the language described in section (o) above, the following language shall be included: “Warning: It is a class 1 misdemeanor for any person to knowingly sign an initiative or referendum petition with a name other than his own, except in a circumstance where he signs for a person, in the presence of and at the specific request of such person, who is incapable of signing his own name because of physical infirmity, or to knowingly sign his name more than once for the same measure, or to knowingly sign such petition when he is not a qualified elector.”

(q) The signature sheet shall include columns with the following headings:

- (1) Signature
- (2) Name (First and Last Name Printed)
- (3) Actual Address (Street & Number, if no street address, describe residence location)

(4) Ward No.

(5) Date Signed

(r) Each signature sheet shall contain fifteen (15) numbered lines for signatures spaced three-eighths (3/8) inch apart and numbered one through fifteen.

(s) Immediately below the fifteen (15) numbered lines described in section (r) above, the following language shall be included: “The validity of the signatures on this sheet must be sworn to by the circulator before a notary public on the form appearing on the back of the sheet.”

(t) The official serial number shall appear in the lower right-hand corner, immediately preceded by the words “SERIAL NUMBER” on both sides of the signature sheet and the title and text page(s).

(Ord. No. 11245, § 2, 2-18-15)

Sec. 12-114. Affidavit of circulator.

(a) The affidavit shall be in the following form printed on the reverse side of each signature sheet: “INITIATIVE AFFIDAVIT OF CIRCULATOR”.

(b) The words “Tucson, Arizona” and the date of issuance shall appear in the upper right-hand corner.

(c) In the upper left-hand corner include the following:

STATE OF ARIZONA)

County of Pima)

(d) Immediately below the language described in subsection (c), the following language shall be included:

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 City of Tucson and that at all times during circulation of this signature sheet a copy of the title and text was attached to the signature sheet (Ariz. Const. Art. IV, Pt. 1, §§ 1, ¶ 9, Arizona Revised Statutes § 19-112 (B), (C), (D), 19-114 (A) Tucson Charter, Chapter XIX, § 2, Tucson Code § 12-117 (h)). The signatures appearing on this petition sheet are the genuine signatures of the persons whose names they bear (Tucson Charter, Chapter XIX, § 2). I retained direct custody and control of this signature sheet, and personally observed each signer of this signature sheet actually sign it (Tucson Code § 12-117 (c), (j)). I crossed out and initialed blank signature lines on this signature sheet prior to or at the time my signature on this affidavit was notarized (Tucson Code § 12-117(l)).

(e) Immediately following the language in subsection (d), the following shall be included: “The names of the petitioners who should be notified of all proceedings and action taken in reference to this petition are:”

(f) Immediately below the information required in subsection (e), the following shall be included: the petitioners’ printed names, residence addresses, street and number (if no street address, describe residence location).

(g) Immediately below the statement described in subsection (f), the following shall be included: the circulator signature, printed name, actual residence address, street and number (if no street address, describe residence location).

(h) Immediately following the circulator signature required in subsection (g), the following shall be included:

Subscribed and sworn to (or affirmed) before me this _____ day of _____, 20____.

Notary Public Signature:

Printed Name of Notary Public:

My commission expires:

(i) Immediately below the notarial certificate, the following language shall be included: “Warning: A person commits perjury by making a false sworn statement in regard to a material issue believing it to be false. Perjury is a class 4 felony. (Arizona Revised Statutes § 13-2702)”

(j) The official serial number shall appear in the lower right-hand corner, immediately preceded by the words “SERIAL NUMBER” on both sides of the signature sheet and the title and text page(s). (Ord. No. 11245, § 2, 2-18-15)

Sec. 12-115. Final version of petition.

Prior to the circulation of an initiative petition, the petitioners shall file with the city clerk, as a public record, a blank final printed version of the initiative petition to be circulated, showing the official serial number. The initiative petition must include the full and correct copy of the title and text of the proposed measure to be initiated. The final version of the petition filed with the city clerk is the only valid version for circulation. (Ord. No. 11245, § 2, 2-18-15)

Sec. 12-116. Right of city clerk to review.

The city clerk shall have the right, at any time, to review, challenge or reject an initiative petition on the basis of any legal or procedural insufficiency, including but not limited to the petition’s failure to address legislation that is subject to the initiative process. The city clerk’s administration of the initiative process does not represent an acceptance or review of the petition, and the absence of objection at any particular time does not bar subsequent rejection of the initiative petition by the city. (Ord. No. 11245, § 2, 2-18-15)

Sec. 12-117. Circulation of petition.

(a) Prior to circulating the initiative or referendum petition, the circulator shall state whether they are a paid circulator or a volunteer by checking the appropriate line on the signature sheet.

(b) At all times during circulation, each signature sheet shall be attached to a full and correct copy of the title and text of the proposed measure.

(c) For purposes of this section, the term “at all times during circulation” means the entire period from the time the circulator receives any blank initiative petition for circulation until the time the petition is filed with the city clerk.

(d) With the exceptions listed in subsections (e) and (f), any person who is qualified to register to vote in the State of Arizona may circulate an initiative or referendum petition.

(e) No county recorder or justice of the peace and no person other than a person qualified to register to vote in the State of Arizona shall circulate an initiative petition and all signatures verified by any such person shall be void and shall not be counted in determining the legal sufficiency of the petition.

(f) A person who is not a resident of the State of Arizona and who wants to circulate any petition is required to register with the city clerk’s office prior to circulation.

- (1) The political committee that is circulating the petition shall collect and submit the registration forms to the city clerk. The city clerk shall publish on the city website all information regarding circulators that is required pursuant to this section.
- (2) The registration required by this subsection shall include the following provisions:
 - a. The circulator consents to the jurisdiction of the courts of this state in resolving any disputes concerning the circulation of petitions by that circulator.

b. The circulator shall designate an address in this state at which the circulator will accept service of process related to disputes concerning circulation of that circulator’s petitions. Service of process is affected under this section by delivering a copy of the subpoena to that person individually or by leaving a copy of the subpoena at the address designated by the circulator with a person of suitable age.

- (3) If a registered circulator is properly served with a subpoena to provide evidence in an action regarding circulation of petitions and fails to appear or produce documents as provided for in the subpoena, all signatures collected by that circulator are deemed invalid. The party serving the subpoena may request an order from the court directing the city clerk to remove any signatures collected by the circulator as provided for in section 12-69.
- (4) Any person may challenge the lawful registration of circulators in the superior court. A challenge may not be commenced more than five (5) days after the date on which the petitions for which the circulator is required to be registered are filed with the city clerk. The person challenging signatures may amend that complaint after the city clerk has removed signatures and signature sheets as prescribed in section 12-69. An action pursuant to this section shall be advanced on the calendar and decided by the court as soon as possible. Either party may appeal to the supreme court within five (5) calendar days after entry of judgment. The prevailing party in an action to challenge the registration of a circulator under this section is entitled to reasonable attorney fees.
- (5) The removal or disqualification of any one or more circulators does not

invalidate the random sample of signatures made pursuant to section 12-124 and the city clerk shall not be required to conduct any additional random sampling of signatures.

- (6) The city clerk shall disqualify all signatures collected by a circulator who fails to register pursuant to this subsection as provided for in section 12-69.
- (7) For the purposes of this chapter, “paid circulator”:
 - a. Means a natural person who receives monetary or other compensation that is based on the number of signatures obtained on a petition or on the number of petitions circulated that contain signatures.
 - b. Does not include a paid employee of any political committee organized pursuant to A.R.S. Title 16, Chapter 6, unless that employee’s primary responsibility is circulating petitions to obtain signatures.

(g) Signatures obtained on initiative petitions by a political committee proposing the initiative or any of its officers, agents, employees or members prior to the filing of the committee’s statement of organization or prior to the filing of the five hundred dollar (\$500) threshold exemption statement pursuant to A.R.S. § 16-902.01 are void and shall not be counted in determining the legal sufficiency of the petition.

(h) Each circulator of any petition page shall personally receive sufficient information from each signer of the signature sheet, at the time the signature is obtained, to ensure that the circulator can, as to all signers of that page, depose and state in the affidavit required by the Tucson charter that each signature is genuine, and that each signer is a resident and qualified elector of the city of Tucson.

(i) Every qualified elector signing a petition shall do so in the presence of the person who is

circulating the petition and who is to execute the affidavit of verification.

- (1) At the time of signing, the qualified elector shall sign his first and last names in the spaces provided and the elector so signing shall print his first and last names and write, in the appropriate spaces following the signature, the signer’s residence address, giving street and number, and if he has no street address, a description of his residence location.
- (2) In the case of strict compliance of the referendum, the qualified elector shall also print their ward number. (see Tucson Code 12-66, section 2)
- (3) The elector so signing shall write, in the appropriate spaces following the elector’s address, the date on which the elector signed the petition.

(j) The circulator of any petition page shall retain direct custody and control of the page at all times during circulation, except when a signer is signing; personally give the page to, and take it from, each signer; and personally observe each signer of the petition page actually sign the petition.

(k) Abandoned or stray petition sheets that are not or at any time have not been under the direct custody and control of the circulator shall be rejected in their entirety.

(l) Each circulator of an initiative petition shall cross out and initial any blank signature lines on the signature sheet including those in the middle of the sheet, prior to, or at the time, the circulator’s signature on the affidavit for that signature sheet is notarized.

(m) In the event that a circulator fails to cross out and initial any blank signature lines before notarization then the entire signature sheet shall be rejected and all signatures on that page will be void.

(n) The provisions of this section shall also apply to the circulation of any referendum or recall petition. (Ord. No. 11245, § 2, 2-18-15)

Sec. 12-118. Procedure for withdrawing signatures.

Qualified electors desiring to withdraw their signatures may do so by executing and filing with the city clerk an affidavit in the form prescribed by the city clerk.

- (a) A withdrawal of signature must occur no later than 5:00 p.m. on the date the petition containing their signature is actually filed.
- (b) To withdraw a petition signature, a person may do any of the following:
 - (1) Verify the withdrawal by signing a simple statement of intent to withdraw at the office of the city clerk.
 - (2) Mail a signed, notarized statement of intent to withdraw to the city clerk.
 - (3) Draw a line through the signature and printed name on the petition at any time prior to filing.
- (c) A signature withdrawn pursuant to subsections (a) and (b) of this section shall not be counted in determining the legal sufficiency of the petition.
- (d) A person who knowingly gives or receives money or any other thing of value for signing a statement of signature withdrawal pursuant to subsection (b) of this section is guilty of a class 1 misdemeanor.

(Ord. No. 11245, § 2, 2-18-15)

Sec. 12-119. Filing initiative petition.

The city clerk is responsible for, and shall exercise final control over, all aspects of the certification process relating to city initiative petitions. In the event of evidence of fraud or other circumstances that the city clerk determines may affect the security or integrity of the initiative petition, the city clerk shall consult with the city attorney to take additional steps necessary to ensure the security and integrity of the initiative petition process and the proper validation of signatures. The precise steps will be determined on a case-by-case basis.

- (a) All signature sheets with the full and correct copy of the title and text of the proposed measure to be initiated attached shall be filed with the city clerk as one (1) instrument, in the order and form prescribed by the city clerk. For purposes of this chapter, a petition is filed when the petition is tendered to the city clerk, and the city clerk takes custody of the petition.
- (b) Initiative petitions which have not been filed with the city clerk as of 5:00 p.m. on the day four (4) months prior to the ensuing general election after their issuance, shall be null and void.
- (c) In no event shall the city clerk accept an initiative petition which was issued for circulation more than twenty-four (24) months prior to the date of the city general election at which the measure is to be included on the ballot.
- (d) Initiative petitions must be filed at a location specified by the city clerk.
- (e) A representative of the petitioners shall be present from the time the city clerk begins processing the petition to the time the city clerk either issues an amended temporary receipt or rejects the petition for insufficiency.

(Ord. No. 11245, § 2, 2-18-15)

Sec. 12-120. Issuance of a petition filing receipt to the petitioners.

When a petition is filed, a receipt is immediately issued by the city clerk containing:

- (a) Part I- The petitioners' estimate of purported number of sheets and signatures filed.
- (b) Part II- The city clerk's estimate of purported number of sheets and signatures filed.
 - (1) If the signature sheets appear to contain a number of signatures equal to or exceeding the minimum number required, the city clerk shall commence

a verification process, examining the petition to determine if it contains the requisite number of signatures of qualified electors as prescribed by Chapter XIX of the Tucson City Charter and this chapter of the Tucson Code in order to proceed with certification.

- (2) If the number of estimated signatures does not appear to equal or exceed the minimum number required. The city clerk shall reject the initiative petition and immediately return it to the petitioners, without prejudice to the filing of a new petition for the same purpose. The city clerk shall indicate the reason for the rejection on the receipt.

After the city clerk issues the receipt, no additional petition sheets may be accepted for filing, and no additions, corrections, or adjustments to the filed petition sheets are permitted.

(Ord. No. 11245, § 2, 2-18-15)

Sec. 12-121. Examination of petitions.

Within ten (10) days after issuing the receipt, the city clerk shall ascertain whether the petition is signed by the requisite number of qualified electors to forward to the Pima County Recorder for further processing pursuant to applicable state law along with a receipt specifying the number of signature sheets and random sample signatures as determined by the city clerk.

- (a) The city clerk shall examine the petition for improper formatting. Examples of improperly formatted pages include, but are not necessarily limited to, the following:
 - (1) Signature sheets that are not attached to a full and correct copy of the title and text of the measure being proposed or referred;
 - (2) Any petition page that does not bear the words “Tucson, Arizona” and the date of issuance of the serial number in the upper right-hand corner;

- (3) Signature sheets that either do not themselves bear the city clerk’s official serial number in the lower right-hand corner, or that are attached to title and text pages which do not bear the official serial number, or that have both of these defects;
- (4) Signature sheets which are themselves, or whose attached title and text pages are, damaged in such a manner that the format or legibility of the petition is both in violation of this chapter and beyond correction (e.g. the official serial number is torn off, the title and text is missing, etc.);
- (5) Statutory language is missing from the signature sheet, including but not limited to the “Notice”, the “Warning” and the statement beginning with “we the undersigned...”

- (b) Signatures on a signature sheet with a defective circulator’s affidavit shall not be included in the count of signatures eligible for verification, and shall be ineligible for inclusion in the total number of valid signatures.
- (c) The city clerk shall examine the petition for defects. A signature sheet is subject to rejection where the circulator’s affidavit contains the following defects:

- (1) Is not completed or signed by the circulator;
- (2) Is missing the designated county of the circulator;
- (3) Is not notarized;
- (4) Is missing the notary’s signature;
- (5) Has been notarized by a notary whose commission has expired;

- (6) Does not have the notary's seal affixed or whose seal is not in compliance with the Arizona Revised Statutes relating to notaries public and the Secretary of State's Arizona Notary Public Reference Manual;
 - (7) Does not bear a notarization date;
 - (8) Contains a notary signatures that is dated earlier than the dates on which any electors signed the signature sheet of the initiative or referendum signature sheet;
 - (9) Is attached to a page where the circulator failed to cross out and initial any blank signature lines at the time of or prior to notarization;
 - (10) The circulator is prohibited from participating in any election, initiative, referendum or recall campaign pursuant to A.R.S. § 19-119.01(D);
 - (11) The circulator did not mark whether they are a paid circulator or a volunteer;
 - (12) In the opinion of the city clerk, it is otherwise defective.
- (d) The disqualification of a signature sheet results in the invalidity and removal of all signatures on that signature sheet, but not necessarily all signature sheets circulated by that circulator without an independent reason for disqualification for each signature sheet.
 - (e) Signatures on or attached to improperly formatted pages of the petition shall not be included in the count of signatures eligible for verification.
 - (f) Individual signature sheets that are damaged, illegible or improperly formatted may be accepted for examination and verification at the city clerk's discretion.
- (g) The city clerk shall examine the individual signatures (or signature lines) contained on each numbered signature sheet of the petition. A signature is not eligible for verification, and is ineligible for inclusion in the total number of valid signatures, if it meets any of the following criteria:
 - (1) The original signature is missing from the signature line;
 - (2) The residence address or description of the residence location is missing (street and number; and/or if no street address, described residence location) or the column contains only a post office box;
 - (3) The date of signing is missing;
 - (4) There is more than one signature placed on the numbered signature line, in which case only the signature which is actually on the line will be eligible for verification and all other signatures shall be rejected;
 - (5) There is an excess of fifteen (15) signatures on the signature sheet, in which case the one(s) in excess shall be rejected;
 - (6) The signature has been withdrawn, pursuant to controlling legislation;
 - (7) The date of signature is after the date on which the Affidavit of Circulator was notarized;
 - (8) The date the circulator or notary signed is earlier than the date the sheet was signed.
 - (9) The signature has been crossed out, or otherwise defaced, prior to being received by the city clerk.
 - (10) Ditto marks in any column except the signature column are acceptable as long as the reiterated information is valid.

- (11) The circulator has printed the elector’s first and last name (or other information) in violation of controlling legislation.
- (12) The signature or accompanying information is, in the opinion of the city clerk, otherwise insufficient or defective.
- (h) The city clerk shall also examine the petition for void signatures. Void signatures are ineligible for inclusion in the count of sufficient signatures and shall not be counted in determining the legal sufficiency of the petition. As used in this chapter, a signature is void if:

- (1) The signature appears on a signature sheet that was circulated by a county recorder, a justice of the peace, or a circulator who is not qualified to register to vote in the State of Arizona at the time of circulation of the signature sheet;
- (2) The signature was obtained prior to the filing with the city clerk of the Statement of Organization or \$500 Threshold Exemption Statement by the political committee proposing the initiative or referendum.
- (3) Signatures obtained by a person who is not a resident of the State of Arizona and who failed to register with the city clerk’s office.

(Ord. No. 11245, § 2, 2-18-15)

Sec. 12-122. Interim receipt of sufficiency.

If, after the examination and removal of ineligible signatures, the number of facially eligible signatures remaining on the signature sheets appears to equal or exceed the minimum number required, the city clerk shall issue an interim receipt of sufficiency to the petitioners, which shall list the number of signature sheets in the possession of the city clerk, and also the total number of signatures eligible for further examination and verification. The issuance of an interim receipt of sufficiency to the petitioners shall not preclude:

- (a) The continuation or repetition of any examinations carried out prior to its issuance;
- (b) The initiation of examinations or verifications not yet begun;
- (c) Any other activities the city clerk deems necessary to make a thorough, accurate and complete examination of the petition;
- (d) The exclusion from the total of valid signatures of any additional signatures found ineligible, invalid or void under the criteria of this chapter.

(Ord. No. 11245, § 2, 2-18-15)

Sec. 12-123. Receipt of insufficiency.

If, after completion of the procedures described in this chapter, the number of signatures remaining on the sheets which are eligible for verification does not appear to equal or exceed the minimum number required, the city clerk shall reject the initiative petition and immediately return it to the petitioners, without prejudice to the filing of a new petition for the same purpose.

(Ord. No. 11245, § 2, 2-18-15)

Sec. 12-124. Generation of random sample.

(a) After issuing the interim receipt of sufficiency to the petitioners for the initiative petition, the city clerk shall, at random, select five percent (5%) of the signatures determined to be eligible for verification. The random sample signatures to be verified shall be drawn in such a manner that every signature filed with the city clerk has an equal chance of being included in the sample.

(b) Upon generation of the random sample, the city clerk shall reproduce a facsimile of the front of each signature sheet containing a random sample signature and shall forward those facsimile signature sheets to the county recorder, who shall have fifteen (15) days, excluding Saturdays, Sundays, and legal holidays, to complete their examination and certify the results of the random sample.

(Ord. No. 11245, § 2, 2-18-15)

Sec 12-125. Disposition of petitions by city clerk.

Within seventy-two (72) hours, excluding Saturdays, Sundays and legal holidays, after receipt of the facsimile signature sheets and the certification of the results of the random sample from the county recorder, the city clerk shall determine the total number of valid signatures in the following manner:

- (a) Subtract all signatures from the total number of eligible signatures on petitions containing a defective circulator’s affidavit.
- (b) If a signer has signed more than once, subtract all but one otherwise valid signature;
- (c) Subtract all signatures that were found to be ineligible by the county recorder or found to be ineligible by the city clerk that were not previously subtracted;
- (d) After determining the percentage of all signatures found to be invalid in the random sample, subtract a like percentage from those signatures remaining after all previous subtractions have been performed.

(Ord. No. 11245, § 2, 2-18-15)

Sec. 12-126. Certificate of sufficiency.

If the actual number of signatures on the remaining sheets after all subtractions equals or exceeds the minimum number required by the constitution or if the number of valid signatures as projected from the random sample is at least one hundred per cent (100%) of the minimum number required by the constitution, the city clerk shall issue the following receipt to the person or organization that submitted them:

_____ signature sheets bearing _____ signatures for initiative petition serial number _____ have been refused for filing in this office because the person circulating them was a county recorder or justice of the peace at the time of circulating the petition or due to defects in the circulator’s affidavit. A total of _____ signatures included on the remaining petition sheets were found to be ineligible. Of the total random sample of _____ signatures, a total of _____ signatures were invalidated by the county recorder

resulting in a failure rate of _____ per cent. The actual number of remaining signatures for such initiative petition number _____ are equal to or in excess of the minimum required by the constitution to place a measure on the next ensuing city general election ballot. The number of valid signatures filed with this petition, based on the random sample, appears to be at least one hundred per cent (100%) of the minimum required or through examination of each signature has been certified to be greater than the minimum required by the constitution.

Date: _____
_____ city clerk (Seal)

The city clerk shall then forthwith notify the mayor and council that a sufficient number of signatures has been filed and that the initiative shall be placed on the ballot in the manner provided by law.
(Ord. No. 11245, § 2, 2-18-15)

Sec. 12-127. Certificate of insufficiency.

If the number of valid signatures as projected from the random sample is less than one hundred per cent (100%) of the minimum number required by the constitution or if the actual number of signatures on the remaining sheets after all subtractions from the random sample or after certification fails to equal or exceed the minimum required by the constitution, the city clerk shall immediately return the original signature sheets, in the form filed under A.R.S. § 19-121, to the person or organization that submitted them, together with a certified statement that, for the following reasons, the petition lacks the minimum number of signatures to place it on the general election ballot:

- (1) Signature sheets bearing city clerk page numbers _____ and bearing signatures of _____ persons appeared on petitions containing a defective circulator’s affidavit.
- (2) A total of _____ signatures on the remaining petition sheets were found to be ineligible.
- (3) A total of _____ signatures included in the random sample have been certified by the county recorder as ineligible at the time such petition was

signed and a projection from such random sample has indicated that _____ more signatures are ineligible to appear on the petition.

A facsimile of the certification of the county recorder under A.R.S. § 19-121.02 shall accompany the signature sheets returned to the person or organization that submitted them.
(Ord. No. 11245, § 2, 2-18-15)

Sec. 12-128. City clerk to certify sufficient petitions to mayor and council; mayor and council adopt ordinance or call an election.

When the petition shall be found by the city clerk to be sufficient, the city clerk shall submit the same, with the certificate of sufficiency without delay, to the mayor and council; and the mayor and council shall either:

- (1) Pass said initiative, without alteration, within twenty (20) days after the attachment of the city clerk’s certificate of sufficiency of the accompanying petition, or
- (2) Within twenty-five (25) days after the city clerk shall have attached the certificate of sufficiency to the petition, the mayor and council shall proceed to call a special election to be held in conjunction with the next ensuing city general election at which said initiative without alteration shall be submitted to the vote of the people.

(Ord. No. 11245, § 2, 2-18-15)

Sec. 12-129. Disposition of sufficient petitions.

The original copy of all petitions filed with the city clerk, and subsequently certified as sufficient, shall be kept by the city clerk pursuant to the retention schedule prescribed by the Arizona State Library, Archives and Public Records.
(Ord. No. 11245, § 2, 2-18-15)

Sec. 12-130. Number of proposed initiative measures to be voted on not limited.

Any number of proposed initiative measures may be voted upon at the same election.
(Ord. No. 11245, § 2, 2-18-15)

Sec. 12-131. Limit on number of initiative special elections.

There shall not be more than one (1) initiative special election in any period of twelve (12) months. In no event shall an initiative special election be called where the initiative petition has not been filed with the city clerk at least four (4) months prior to the date of the special election.
(Ord. No. 11245, § 2, 2-18-15)

Sec. 12-132. Arrangement for and conduct of election.

Whenever any ordinance is required to be submitted to the voters of the city at any election, the mayor and council shall order such ordinance to be printed in the official newspaper of the city, for three (3) consecutive days and posted in the official posting locations of the city. The mayor and council shall make, or cause to be made, all arrangements for holding such election; and the same shall be conducted, returned and result thereof declared, in all respects as are other city elections.
(Ord. No. 11245, § 2, 2-18-15)

Secs. 12-133 – 12-138. Reserved.

ARTICLE IX. REFERENDUM

Sec. 12-139. Applicability of referendum to city ordinances; 30-day period for referendum to be calculated from the date ordinance is made available from the city clerk.

Referendum shall apply to City ordinances as provided in Chapter XX of the City Charter. If petitioners file an application for referendum with the clerk relating to an ordinance, or any item, section, or part thereof that is subject to referendum, and the city clerk is unable to provide petitioners with a copy of the

ordinance at the time of application for an official serial number or on the same business day of the application, the thirty (30) day period for filing the referendum petition shall be calculated from the date such ordinance is made available from the city clerk. (Ord. No. 11245, § 2, 2-18-15)

Sec. 12-140. Form of petition.

The term “petition,” as used in this article, means the title and text of the proposed measure, the signature sheets, and the affidavit of circulator.

- (a) Any referendum petition desired to be submitted to the mayor and council shall be presented upon a petition which has been printed and numbered in the form prescribed by the city clerk.
- (b) The form of referendum petitions filed with the city clerk must meet the strict compliance standard imposed by the Arizona Supreme Court under the Arizona Constitution and Arizona Revised Statutes.
- (c) It is the responsibility of the petitioners of the referendum petition to ensure that at all times during circulation, the petition is in the required form, that it contains all required information, and that all of its pages are fully legible.
- (d) No additional information, instructions, symbols, or markings of any kind are to be printed on any portion of the petition, including the back or margins of any of the petition documents (title/text, signature sheet, affidavit of circulator).
- (e) The title and text of the measure proposed or referred by the petition shall be printed in at least eight (8) point type on either 8 ½” x 11” or 8 ½” x 14” paper, portrait or landscape orientation, and shall include both the original and (if applicable) amended text. The title and text shall indicate material deleted, if any, by printing the material with a line drawn through the center of the letters of the material, and shall indicate material added or new material by printing the letters of the material in capital letters. The eight (8) point type requirement does not apply to maps, charts, or other graphics.
- (f) If the full printing of the title and text of the initiative or referendum measure requires multiple pages, the title and text may be printed either on the front of each page or on the front and back of each page, at the option of the petitioners. Each and every page of the title and text shall be numbered sequentially (e.g. Page 1 of 5, Page 2 of 5, etc.) and the number shall appear in the upper right-hand corner of each page, immediately below the words “Tucson, Arizona” and the date of issuance.
- (g) The referendum petition shall be printed in black ink on white or recycled white pages.
- (h) The signature sheets shall be fourteen (14) inches in width by eight and one-half (8 1/2) inches in length.
- (i) All pages of the petition shall have a margin of at least one-half (1/2) inch at the top and one-fourth (1/4) inch at the bottom of each page.
- (j) The title of the petition shall read “CITY OF TUCSON” in the left margin followed by “Referendum Description” centered.
- (k) Immediately below the title required in subsection (j) of this section, the petition shall include a description of no more than one hundred (100) words of the principal provisions of the measure sought to be referred.
- (l) The following language shall appear in the uppermost right-hand corner of the signature sheet: “It is unlawful to sign this petition before it has a serial number.”
- (m) Immediately below the statement required in subsection (l) of this section, each signature sheet shall have printed in capital letters in no less than twelve (12) point bold-faced type the following:
 - “_____ PAID CIRCULATOR”
 - “_____ VOLUNTEER”

- (n) The words “Tucson, Arizona” and the date of issuance shall appear in the upper right-hand corner of both sides of the signature sheet.
- (o) Immediately below the description required in subsection (k) of this section, the following language shall be included: “Notice: This is only a description of the measure sought to be referred 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.”
- (p) In eight (8) point centered type, the following language shall be included “Petition for Referendum”.
- (q) Immediately below the language required in subsection (p) above, the following language shall be included: “To the City Clerk of the City of Tucson: We, the undersigned, residents of the City of Tucson, Arizona, and duly qualified electors therein, respectfully order that City of Tucson Ordinance No. _____ entitled *(title of act or ordinance, and if the petition is against less than the whole act or ordinance then set forth here the item, section, or part, of any measure on which the referendum is used)* passed by the Mayor and Council on _____ (date) and petition that this ordinance be reconsidered by the Mayor and Council and, if not repealed at the time of such reconsideration the same shall be referred to a vote of the qualified electors of the City of Tucson for their approval or rejection at the next city general or special election. Each signer for himself says: I have personally signed this petition with my first and last names. I have not signed any other petition for the same measure. I am a qualified elector of the City of Tucson.”
- (r) Immediately following the language in subsection (q) above, the following language shall be included: “Warning: It is a class 1 misdemeanor for any person to knowingly sign an initiative or referendum petition with

a name other than his own, except in a circumstance where he signs for a person, in the presence of and at the specific request of such person, who is incapable of signing his own name because of physical infirmity, or to knowingly sign his name more than once for the same measure, or to knowingly sign such petition when he is not a qualified elector.”

- (s) The signature sheet shall include columns with the following headings in bold-faced type:
 - (1) Signature
 - (2) Name (first and last name printed)
 - (3) Actual address (street & no. and if no street address, describe residence location)
 - (4) Arizona post office address & zip code
 - (5) City or town (if any)
 - (6) Ward No.
 - (7) Date signed
- (t) Each signature sheet shall contain fifteen (15) numbered lines for signatures spaced three-eighths (3/8) inch apart and numbered one through fifteen.
- (u) Immediately below the fifteen (15) numbered lines described in subsection (t) above, the following language shall be included: “The validity of the signatures on this sheet must be sworn to by the circulator before a notary public on the form appearing on the back of the sheet.”
- (v) The official serial number shall appear in the lower right-hand corner, immediately preceded by the words “SERIAL NUMBER” on both sides of the signature sheet and the title and text page(s).

(Ord. No. 11245, § 2, 2-18-15)

Sec. 12-141. Affidavit of circulator.

(a) The affidavit shall be in the following form printed on the reverse side of each signature sheet: "Referendum Affidavit of Circulator".

(b) The words "Tucson, Arizona" and the date of issuance shall appear in the upper right-hand corner.

(c) In the upper left-hand corner include the following:

State of Arizona)
) ss.:
County of ()
(Where notarized)

(d) Immediately below the language described in subsection (c) above, the following language shall be included:

I, _____ (print name) _____, 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 City of Tucson and that at all times during circulation of this signature sheet a copy of the title and text was attached to the signature sheet (Ariz. Const. Art. IV, Pt. 1, § 1, ¶ 9, A.R.S. §§ 19-112 (B), (C), (D), 19-114(A) Tucson Charter, Chapter XIX, § 2). The signatures appearing on this petition sheet are the genuine signatures of the persons whose names they bear and each and all of them are residents and duly qualified electors of the City of Tucson (Tucson Charter, Chapter XIX, § 2).

(e) Immediately following the language in subsection (d), the following language shall be included: "The names of the persons procuring this petition and who should be notified of all proceedings and action taken in reference to this petition are (Tucson Charter, Chapter XIX, § 2):".

(f) Immediately below the information required in subsection (e), the following shall be included: the petitioners' printed names, residence addresses, street and number (if no street address, describe residence location).

(g) Immediately below the information required in subsection (f), the following shall be included:

Signature of affiant _____
Typed or Printed Name of affiant (Circulator)

(Residence address, street and number of affiant, or
if no street address, a description of residence location) _____

(h) Immediately following the circulator signature required in subsection (g), the following shall be included:

Subscribed and sworn to (or affirmed) before me
on _____ (date)

Notary Public
_____, Arizona
(county where notarized)
My Commission expires on _____.
(date)

(i) The official serial number shall appear in the lower right-hand corner, immediately preceded by the words "SERIAL NUMBER" on both sides of the signature sheet and the title and text page(s). (Ord. No. 11245, § 2, 2-18-15)

Sec. 12-142. Provisions applicable to referendum.

(a) Pursuant to the strict compliance provisions relative to referendum, and the specific provisions to the Tucson Charter, the qualified elector shall print their ward number on the referendum petition.

(b) The title and text of a referendum petition must include a full and complete copy of the ordinance, item, section, or part of the ordinance sought to be repealed or referred, and all attachments.

(c) The provisions of article VI of this chapter, "Campaign Finance; Candidates and Political Committees," insofar as they relate to campaign literature and advertisements, deceptive mailings, and political committee termination statement, as therein set out, shall apply to referendum petitions.

(d) The provisions of article VII of this chapter, "Campaign Finance; Petition Drive Political Committees," shall apply to referendum petitions.

(e) The provisions of article VIII of this chapter, "Initiative," insofar as they relate to applications to circulate petitions, circulation of petitions, procedure for withdrawing signatures, filing petitions, examination and certification and disposition of petitions, as therein set out, shall apply to referendum petitions. The provision shall not be construed to affect the strict compliance standard imposed by the Arizona Supreme Court under the Arizona Constitution and Arizona Revised Statutes.
(Ord. No. 11245, § 2, 2-18-15)

Sec. 12-143. Right of city clerk to review.

The city clerk shall have the right, at any time, to review, challenge or reject a referendum petition on the basis of any legal or procedural insufficiency, including but not limited to the petition's failure to address legislation that is subject to the referendum process. The city clerk's administration of the referendum process does not represent an acceptance or review of the petition, and the absence of objection at any particular time does not bar subsequent rejection of the referendum petition by the City.
(Ord. No. 11245, § 2, 2-18-15)

Sec. 12-144. Submission of sufficient petitions to mayor and council; mayor and council repeal the part(s) protested or call an election.

When the petition shall be found by the city clerk to be sufficient, the city clerk shall submit the same, with the certificate, to the mayor and council. It shall be the duty of the mayor and council to reconsider such ordinance; and if the same, or item, section or part thereof protested be not repealed, the mayor and council shall submit the ordinance or item, section or part thereof protested to the electors of the city, either at the next ensuing city general election or at a special election to be called for that purpose. No special election shall be held less than one hundred twenty (120) days prior to or following a city primary or general election, and such protested ordinance or protested item, section or part thereof shall not go into effect or become operative unless a majority of the qualified electors, voting on the same, shall vote in favor thereof, and until the proclamation of the mayor is issued.
(Ord. No. 11245, § 2, 2-18-15)

Sec. 12-145. Insufficient petitions; effective date of ordinance.

The ordinance, item, section, or part thereof shall become effective if the petition is determined to be insufficient and the effective date has passed.
(Ord. No. 11245, § 2, 2-18-15)

Secs. 12-146 – 12-149. Reserved.

ARTICLE X. RECALL

Sec. 12-150. Petition authorized, number of signatures.

Every public officer holding an elective office, either by election or appointment, is subject to recall. The proposed recall of a public officer may be submitted to the mayor and council by a petition signed by qualified electors of the city equal in number to at least twenty-five (25) percent of the total number of votes cast for all of the candidates including valid write-in candidates for the office held by the officer sought to be removed, at the last preceding general election.
(Ord. No. 11245, § 2, 2-18-15)

Sec. 12-151. Affidavit to circulate recall petitions.

(a) Any qualified elector of the city may make and submit to the city clerk an affidavit containing the name of the officer to be removed and a general statement, not to exceed two hundred (200) words, stating the grounds for removal.

(b) The affidavit shall include an endorsement which shall set forth the names, residence addresses, and signatures of three (3) persons who are responsible for endorsing the petition and who are to be notified of all proceedings and actions taken in reference to the petition. The three (3) persons making the endorsement in the affidavit will be deemed, and referred to collectively as, the “petitioners of the recall petition” or simply “petitioners.”

(Ord. No. 11245, § 2, 2-18-15)

Sec. 12-152. Form of recall petition.

(a) The city clerk shall provide the elector submitting an affidavit to circulate recall petitions a sufficient number of copies of petitions prepared by the city clerk for such recall and removal.

(b) At the time of submission of the affidavit, the affiant or petitioners intending to circulate a recall petition shall deposit with the city clerk the fees sufficient to cover the printing and preparation of the recall petitions.

(c) The recall petition issued by the city clerk shall bear the electronic signature of the city clerk and the official embossed seal of the City of Tucson; shall be dated and addressed to the mayor and council and the city clerk; and shall contain the names and residence addresses of the three petitioners responsible for endorsing the petition, the number of recall petition forms issued, the name of the person sought to be removed, the office from which such removal is sought, and the grounds for removal, as stated in the affidavit.

(d) Only original recall petitions which have been printed and issued by the city clerk can be circulated and submitted for verification.

(Ord. No. 11245, § 2, 2-18-15)

Sec. 12-153. Circulation of recall petitions.

(a) No recall petition shall be circulated against any officer until the officer has actually held the office for at least six (6) months. The commencement of a subsequent term in the same office does not renew the six (6) month period delaying the circulation of a recall petition.

(b) A recall petition shall not be accepted for verification if more than one hundred twenty (120) days have passed since the date of issuance of the petition by the city clerk.

(Ord. No. 11245, § 2, 2-18-15)

Sec. 12-154. Notice to officer of issuance of recall petition.

The city clerk shall notify the officer sought to be removed of the submission of the affidavit and the issuance of a recall petition.

(Ord. No. 11245, § 2, 2-18-15)

Sec. 12-155. Provisions applicable to recall.

(a) The provisions of article VI of this chapter, “Campaign Finance; Candidates and Political Committees,” insofar as they relate to campaign literature and advertisements, deceptive mailings, and political committee termination statement, as therein set out, shall apply to recall petitions.

(b) The provisions of article VII of this chapter, “Campaign Finance; Petition Drive Political Committees,” shall apply to recall petitions.

(c) The provisions of article VIII of this chapter, “Initiative,” insofar as they relate to circulation of petitions, procedure for withdrawing signatures, submitting petitions, and examination and certification thereof shall apply to recall petitions.

(Ord. No. 11245, § 2, 2-18-15)

Sec. 12-156. Notice of insufficient petition.

If the certificate shows the petition to be insufficient, the city clerk shall at once notify in writing one (1) or more of the persons designated on the petition as submitting the same. The city clerk shall return the petition to one of the persons designated as

submitting it, without prejudice, however, to the submitting of a new petition for the same purpose.
(Ord. No. 11245, § 2, 2-18-15)

Sec. 12-157. Filing of sufficient petition; notice to officer; statement of defense.

(a) When the petition shall be found by the city clerk to be sufficient, the city clerk shall officially file the petition and shall submit the same with the certificate to the mayor and council, without delay, and the mayor and council shall immediately notify the officer sought to be removed;

(b) Within forty-eight (48) hours, excluding Saturdays, Sundays or legal holidays, of the filing of the recall petition, the city clerk shall give written notice to the person against whom it is filed of the following:

- (1) The notice shall state that a recall petition has been certified as sufficient, shall set forth the grounds of the recall, and shall notify the person to whom it is addressed that the officer has the right to prepare and have printed on the ballot a statement containing not more than two hundred (200) words defending the person’s official conduct.
- (2) The notice shall also state that if the officer fails to deliver the defensive statement to the city clerk within ten (10) days thereafter, the right to have a statement printed on the ballot shall be considered waived.

(Ord. No. 11245, § 2, 2-18-15)

Sec. 12-158. Resignation of officer.

If a person against whom a recall petition is filed desires to resign, the person may do so by filing a written tender thereof with the city clerk within five (5) days, excluding Saturdays, Sundays and legal holidays, after the official filing of the petition. In such event, the person’s resignation shall be accepted and effective immediately, and the vacancy shall be filled as provided by law.

(Ord. No. 11245, § 2, 2-18-15)

Sec. 12-159. Failure to resign; call of election.

If the officer does not resign within five (5) days after notification by the mayor and council, the mayor and council shall, not less than twenty (20) nor more than thirty (30) days from the date of the city clerk’s certificate that a sufficient petition is filed, order an election to be held on a date, not less than one hundred twenty (120) days after the certification.

(Ord. No. 11245, § 2, 2-18-15)

Sec. 12-160. Candidacy of officer sought to be removed.

An officer sought to be removed shall have their name placed on the official ballot without nomination unless otherwise requested in writing to the city clerk not less than sixty (60) days prior to the election.

(Ord. No. 11245, § 2, 2-18-15)

Sec. 12-161. Nomination of recall candidates.

(a) Candidates seeking nomination during a recall election must meet the qualification requirements pursuant to section 12-52 of this code.

(b) In the situation that the incumbent was elected to office, candidates other than the incumbent shall be placed upon the official recall ballot after filing a nomination petition that is signed by a number of qualified electors that is equal to at least two per cent of the total votes cast for all candidates for that office at the last general election.

(c) In the situation that the incumbent was appointed to the office, candidates other than the incumbent shall be placed upon the official recall ballot after filing a nomination petition that is signed by a number of qualified electors that is equal to at least one-half of one per cent of the total active registered voters in the district represented by that elective officer as determined on the date of the last general election.

(d) Nomination petition signers shall be qualified electors of the city for mayoral candidates and in the ward of the officer against whom the recall petition is filed for council member candidates.

(Ord. No. 11245, § 2, 2-18-15)

Sec. 12-162. Form of recall nomination petition.

(a) The title and body of the nomination petition shall be substantially in the following form:

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 City of Tucson, county of Pima, state of Arizona, hereby nominate _____, who resides at _____, in the City of Tucson 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. 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.

(b) The remainder of the petition shall be substantially in the form prescribed in section 12-55 of this code.

(c) Circulators of a Recall Nomination petition shall comply with the provisions of section 12-57 of this code.
 (Ord. No. 11245, § 2, 2-18-15)

Sec. 12-163. Filing of recall nomination petitions and papers.

Recall nomination petitions must be filed with the city clerk pursuant to section 12-66 of this code, except that such nomination petition shall be filed not more than ninety (90) days nor less than sixty (60) days prior to the date of the recall election.
 (Ord. No. 11245, § 2, 2-18-15)

Sec. 12-164. Arrangement for and conduct of election.

The mayor and council shall make, or cause to be made, publication of notice, and all arrangements for holding such election; and the same shall be conducted, returned and result thereof declared, in all respects as

are other city elections. If any vacancy occurs in said office after a recall election has been so ordered, the election shall nevertheless proceed as herein provided.
 (Ord. No. 11245, § 2, 2-18-15)

Sec. 12-165. Form of ballot.

(a) Ballots for the election shall contain the qualified elector's grounds for the officer's recall.

(b) Ballots shall also contain the officer's justification of their conduct in office, if timely filed pursuant to section 12-157 of this code.

(c) There shall be no party designation upon the recall ballot.

(d) The form of the ballot shall conform as nearly as practicable to the ballot prescribed for general elections.
 (Ord. No. 11245, § 2, 2-18-15)

Sec. 12-166. Incumbent to continue in office; costs for additional recall effort.

(a) The incumbent shall continue to perform the duties of the office until the result of said election shall have been officially declared. The candidate receiving the highest number of votes shall be declared elected for the remainder of the term. If the incumbent is not elected, they shall be deemed removed from office upon the canvassing and declaring the results of the election.

(b) If the officer sought to be recalled is elected, then no further recall petition shall be filed against the same officer during the term elected, unless petitioners first pay all expenses of the preceding election.
 (Ord. No. 11245, § 2, 2-18-15)

Sec. 12-167. Appointing recalled officers to public office.

No person who has been removed from an office by recall, or who resigned from such office while recall proceedings were pending against that officer, shall be appointed to any office within one (1) year after such removal or resignation.
 (Ord. No. 11245, § 2, 2-18-15)

Secs. 12-168 – 12-174. Reserved.

ARTICLE XI. REPORTING OF INDEPENDENT EXPENDITURES

Sec. 12-175. Supplemental reporting of independent expenditures in city limits.

(a) *Statement of purposes.* This article’s purposes are to:

- (1) Allow voters access to information about who supports or opposes candidates financially;
- (2) Allow the city clerk to more effectively distinguish independent expenditures from expenditures made by candidates or candidates’ campaign committees; and
- (3) Deter corruption and the appearance of corruption.

This article is intended to supplement, and not supersede or conflict with, any state law regarding the reporting of independent expenditures in city elections.

Corporations, limited liability companies and labor organizations making independent expenditures relating to the City of Tucson candidates must comply with the provisions of A.R.S. Title 16.

(b) *Definitions.* As used in this article:

“*Campaign period*” means the entire time from the date on which an individual becomes a candidate until the election or defeat of the candidate. The campaign period ends on the date the mayor and council canvass and declare the results of the election at which the candidate is elected or defeated.

“*Identification*” means:

- (1) For an individual, their name and mailing address, their occupation and the name of their employer.
- (2) For any other person, including a political committee, the full name and mailing address of the person. For a

political committee, identification includes the identification number issued on the filing of a statement of organization pursuant to A.R.S. § 16-902.01.

“*Independent expenditure*” means an expenditure by a person or political committee, other than a candidate’s campaign committee, that expressly advocates the election or defeat of a clearly identified candidate, that is made without cooperation or consultation with any candidate or committee or agent of the candidate and that is not made in concert with or at the request or suggestion of a candidate, or any committee or agent of the candidate. Independent expenditure includes an expenditure that is subject to the requirements of A.R.S. § 16-917, which requires a copy of the campaign literature or advertisement to be sent to a candidate named or otherwise referred to in the literature or advertisement.

“*Person*” includes a political committee as defined in A.R.S. § 16-901, as well as a natural person.

(c) *Registration.* Any person who makes independent expenditures related to a particular city office cumulatively exceeding one thousand dollars (\$1,000.00) during a campaign period, shall register with the city clerk, indicating the name, title, electronic mail address and telephone number of the person authorizing the independent expenditure.

(d) *Original report.* Any person who makes independent expenditures related to a particular city office cumulatively exceeding one thousand dollars (\$1,000.00) during a campaign period, shall file reports with the city clerk in accordance with subsection (g) so indicating.

- (1) The name and address of the person making the independent expenditure.
- (2) The amount of the expenditure and the name of the vendor or other payee receiving the expenditure.

- (3) The name of the candidate(s) and race(s) in which the expenditure was made and whether the expenditure was in support of or opposition to the candidate(s).
- (4) The communication medium and description of what was purchased with the expenditure.
- (5) The date of the expenditure. For the purposes of this article, an expenditure occurs on the date on which literature or advertisements are deposited at the post office for mailing, submitted to a communications system for broadcast or submitted to a newspaper or similar print medium for printing and, with respect to an expenditure for signs, the date on which a sign is first posted.

(e) *Supplemental report.* Any person who has previously reached the dollar amount specified in subsection (d) for filing an original report shall file a supplemental report in accordance with subsections (d) and (g) each time previously unreported independent expenditures specified by subsection (d) exceed one thousand dollars (\$1,000.00).

(f) *Exception for independent expenditures previously reported.* Subsections (d) and (e) shall not apply to any independent expenditure already reported by the person making the independent expenditure pursuant to the requirements of A.R.S. §§ 16-913 and 16-915, and the amount of that already reported independent expenditure shall not be used in calculating the trigger amounts for original and supplemental reports set forth in subsections (d) and (e).

(g) *Time of filing.* Any person who must file an original report pursuant to subsection (d), or who must file a supplemental report for previously unreported amounts pursuant to subsection (e), shall file the report with the city clerk not later than one day after making the expenditure, excluding Saturdays, Sundays and legal holidays.

(h) *Literature or Advertisements.* Any person purchasing literature or advertisements for the purpose of making an independent expenditure must also

comply with A.R.S. § 16-914.02(F), (G), (L), or any successor statutes.

(i) *Additional notification.* In addition to the reporting required in subsections (d) and (e), a person that makes independent expenditures for literature or advertisement relating to any one candidate or office within sixty (60) days shall:

- (1) Send by certified mail a copy of the campaign literature or advertisement to each candidate named or otherwise referred to in the literature or advertisement twenty-four (24) hours after depositing it at the post office for mailing, twenty-four (24) hours after submitting it to a telecommunications system for broadcast or twenty-four (24) hours after submitting it to a newspaper for printing.
- (2) The copy of the literature or advertisement sent to a candidate pursuant this section shall be a reproduction that is clearly readable, viewable or audible.

A person who violates this subsection is subject to a civil penalty of three (3) times the cost of the literature or advertisement that was distributed in violation of this subsection. This civil penalty shall be imposed as prescribed in A.R.S. § 16-924.

(j) *Contents of report.* Any report by a political committee under this article shall, in addition to providing all other required information, identify any person who has contributed five hundred dollars (\$500.00) or more.

(k) *Penalty for failure to file required report.* Any person who fails to register as required, file a report as required, or provide information, as required by this article shall be subject to a civil penalty of up to three (3) times the total amount of independent expenditures not reported. In the case of a political committee, the civil penalty may be assessed against the political committee's chairperson, its treasurer, or both. All civil penalties paid under this subsection shall be appropriated to the election campaign account established under Tucson Charter Chapter XVI, Subchapter B, Section 6.

(l) *Misdemeanor.* Any person who makes a knowingly false filing relating to an independent expenditure pursuant to this section is guilty of a class 1 misdemeanor.

(m) *Determining whether expenditure is for communication that expressly advocates the election or defeat of a clearly identified candidate.* In determining whether an expenditure should have been reported pursuant to subsections (d) and (e), the city clerk shall consider whether the expenditure was for a communication that expressly advocates the election or defeat of a clearly identified candidate and was not made with prior consent, cooperation, or consultation with any candidate or committee or agent of the candidate and that is not made in concert with or at the request or suggestion of a candidate, or any committee or agent of the candidate. In determining that a communication expressly advocates the election or defeat of a candidate, rather than a communication that advocates in favor of or against an issue, the city clerk will consider the following three (3) components:

- (1) Even if it is not presented in the clearest, most explicit language, speech is express if its message is unmistakable, unambiguous, and suggestive of only one plausible meaning.
- (2) Speech may only be termed advocacy if it presents a clear plea for action, and thus speech that is merely informative is not covered by this article.
- (3) It must be clear what action is advocated. Speech cannot be considered express advocacy of the election or defeat of a clearly identified candidate when reasonable minds could differ as to whether it encourages a vote for or against a candidate or encourages the reader to take some other kind of action. If any reasonable alternative reading of speech can be suggested, it cannot be express advocacy subject to this section's disclosure requirements.

(n) *Severability.* If a provision of this section or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the section that can be given effect without the invalid provision or application, and to this end the provisions of this article are severable.
(Ord. No. 11245, § 2, 2-18-15)

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11183 (Cont.)		14 (eff. 9-21-06)	19-425
		15 (eff. 9-1-04)	19-450
		16 (eff. 10-1-07)	19-460
		17 (eff. 8-1-14)	19-700
11188	8-5-14	2 (eff. 9-5-14)	3-82
11198	9-9-14	1 (eff. 1-1-15)	19-39
		2 (eff. 1-1-15)	19-310
		3 (eff. 1-1-15)	Rpld 19-310.1
11204	10-9-14	1	4-12
11209	11-5-14	1	1-19
11219	12-9-14	1 (eff. 1-1-15)	19-300 – 19-380
		2 (eff. 1-1-15)	Rpld Reg. 19-300.1 – 19-360.2
		3 (eff. 1-1-15)	19-480
		5	Rpld 19-1200 – 19-1255
11220	12-9-14	1, 2	20-140 (note)
11221	12-9-14	1, 2	20-141 (note)
11222	12-9-14	1, 2	20-142 (note)
11223	12-9-14	1, 2	20-143 (note)
11224	12-9-14	1, 2	20-144 (note)
11225	12-9-14	1, 2	20-145 (note)
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		2	10B-3
		3	10B-4
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11228	12-9-14	1	Added 2-45 – 2-47
11232	12-16-14	1	10A-122
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11243	2-18-15	1 (eff. 7-1-15)	22-34
11245	2-18-15	1	Rpld ch. 12 (12-1 – 12-110)
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