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PINAL COUNTY RECORDER
Virginia Ross

DATE/TIME: 06/28/2022 0833
FEE: \$0.00
PAGES: 12
FEE NUMBER: 2022-073462

RESOLUTION NO. 062722-ED

**A RESOLUTION OF THE PINAL COUNTY BOARD OF SUPERVISORS
ORDERING AND CALLING AN ELECTION TO BE HELD IN AND FOR
PINAL COUNTY, ARIZONA ON NOVEMBER 8, 2022 ON A
TRANSPORTATION EXCISE TAX TO FUND THE REGIONAL
TRANSPORTATION PLAN PREVIOUSLY APPROVED BY THE
VOTERS ON NOVEMBER 7, 2017.**

The Board of Supervisors of Pinal County, Arizona (the "Board"), finds that:

WHEREAS, by resolution, a certified copy of which is attached to and incorporated herein, adopted on April 18, 2022, the Board of Directors of the Pinal Regional Transportation Authority (the "Pinal-RTA") has requested that the Board conduct an election pursuant to Sections 16-204(B), 48-5304(2)(a) and 48-5314, Arizona Revised Statutes, to occur concurrently with the General Election on November 8, 2022, on the question of approval of the levy of a Transportation Excise Tax pursuant to Section 42-6106, Arizona Revised Statutes, to fund the Regional Transportation Plan approved by the voters on November 7, 2017;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF PINAL COUNTY, ARIZONA, that:

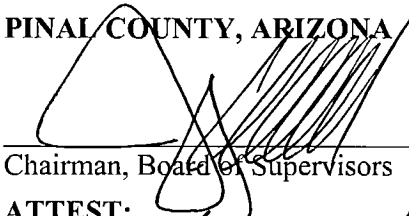
1. An election will be held on November 8, 2022, to submit to the qualified electors of the County the Proposition set forth in the form of Notice of Election (the "Notice"), which shall be in substantially the form attached to this Resolution as Exhibit A and incorporated herein by reference (the "Proposition").
2. The County Manager and the County Elections Director, or their designees will cause the following to take place:
 - a. Publish the Notice, in substantially the form attached to this Resolution as Exhibit A, in a newspaper published and circulated generally within the County.
 - b. Mail to the residence of each household containing a registered voter in the County, an informational pamphlet containing the information required by law.
 - c. Designate polling places for approval by the Board. The polls will be open during the periods of time stated in the Notice.
 - d. Prepare and deliver to the election boards, to be furnished to the qualified electors wishing to vote at the election, ballots and related materials in the form and containing the information required by law.
 - e. Direct early voting, in the manner provided by law, with the assistance of the County Recorder.

RESOLUTION NO. 062722-ED

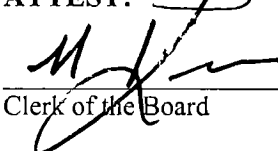
- f. Arrange for all voting to take place on voting equipment authorized by the Arizona Secretary of State.
 - g. Conduct the election and keep the poll lists in the manner provided by law.
 - h. In order to comply with the Voting Rights Act of 1965, as amended, include, in each of the following, as it is posted, published, and recorded, a Spanish translation: the Notice, the informational (publicity) pamphlet, the ballot, all early voting materials, and all instructions at the polls.
 - i. Return the results of the election to the Board after such election.
3. The Board will hold a meeting after the election to canvass the votes cast and certify the results of the election, as provided by law. The Board will be governed by the vote of the majority as to the Proposition.
 4. Written arguments of no more than 300 words in length for and against the Proposition, for inclusion in the informational pamphlet to be distributed to registered voters in connection with the election as required by law, must be submitted as provided in the Notice and must be received no earlier than 8:00 a.m. on July 13, 2022 and no later than 5:00 p.m. on August 10, 2022. The publication fee established for the submission of the pro and con arguments shall be \$50.00.
 5. If any provision of this resolution, or its application to any person or circumstance, is determined to be invalid, that will not affect other provisions or applications of this resolution that can be given effect without the invalid provisions or applications.

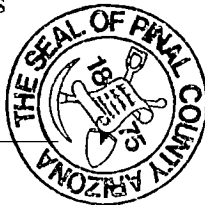
PASSED, ADOPTED AND APPROVED by the Board of Supervisors of Pinal County, Arizona, on June 27th, 2022.

PINAL COUNTY, ARIZONA


Chairman, Board of Supervisors

ATTEST:


Clerk of the Board



APPROVED AS TO FORM:



Kevin Costello - Deputy County Attorney

EXHIBIT A

**NOTICE OF ELECTION TO BE HELD IN AND FOR
PINAL COUNTY, ARIZONA ON NOVEMBER 8, 2022**

**AND
SOLICITATION OF ARGUMENTS FOR AND AGAINST THE PROPOSITION**

TO THE QUALIFIED ELECTORS OF PINAL COUNTY, ARIZONA:

An election will be held on November 8, 2022 (the "Election") concurrently with the General Election.

The purpose of the Election is to submit a proposition to the qualified electors of the County regarding the approval of the levy of a transaction privilege (sales) tax in Pinal County for twenty (20) years to provide funding for the transportation elements contained in the Regional Transportation Plan previously approved by the voters on November 7, 2017.

The propositions to be submitted are as follows:

PROPOSITION ^{46A} (Relating to County Transportation Excise (Sales) Taxes)

Do you favor the levy of a one-half of one percent (1/2 of 1%) transaction privilege (sales) tax for regional transportation purposes in Pinal County?

(A "YES" vote has the effect of imposing a transportation privilege (sales) tax in Pinal County for twenty (20) years to provide funding for the transportation projects contained in the regional transportation plan.)

(A "NO" vote has the effect of rejecting the transaction privilege (sales) tax for transportation purposes in Pinal County.)

MESSAGE TO PINAL COUNTY VOTERS

The purpose of this publicity pamphlet is to provide you with information regarding the Pinal County Regional Transportation Authority ballot measures that will appear on the November 8, 2022 General Election ballot. This publicity pamphlet also provides general information regarding voting in Pinal County. In compliance with the Federal Voting Rights Act, this publicity pamphlet has been prepared in both English and Spanish.

The information within this pamphlet describes the effects of a "YES" and "NO" vote for the ballot measures. This pamphlet is provided to assist you in being prepared to exercise your right to vote in the November 8, 2022 General Election. I urge you to carefully read and consider the information provided.

Sincerely,
David Frisk
Pinal County Elections Director
P.O. Box 460
Coolidge, AZ 85128

(520) 866-7550

<http://www.pinalcountyz.gov/elections/Pages/home.aspx>

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Notice to Voters

1. The polls will be open on Election Day from 6:00 a.m. to 7:00 p.m.
2. Anyone who is either physically or visually impaired or WHO IS UNABLE TO READ, or understand the contents of the ballot may be accompanied into the voting booth by a person of his or her choice or a representative of each major political party for the purpose of assisting with casting his or her ballot.
3. Sample ballots may be brought to the polling place and may be taken into the voting booth on the day of the election.
4. Any qualified voter who at 7:00 p.m. is in the line of waiting voters shall be allowed to prepare and cast his or her ballot.

Where to Vote

Refer to your polling place listed on the mailing label of this informational pamphlet or at: <http://www.pinalcountyz.gov/elections/Pages/home.aspx>.

Early Voting

An Early Ballot may be requested up to 90 days before the election by calling the Pinal County Recorder's Office at (520) 866-7564. The last day to request an Early Ballot is October 28, 2022. Any qualified elector may vote an Early Ballot in-person until 5:00 p.m. on November 4, 2022 at one of the following locations:

Early Voting Sites

Apache Junction Recorder's office – 575 N Idaho Rd., Ste. 800
Casa Grande Recorder's office – 820 E Cottonwood Ln., Ste. A-2
Florence Voter Registration office – 31 N Pinal St, Bldg. E

The Recorder has added additional early voting sites see <https://www.pinalcountyz.gov/Vote/Pages/EarlyVoterInformation.aspx>

IN ORDER TO BE VALID AND COUNTED, THE BALLOT AND AFFIDAVIT MUST BE DELIVERED TO THE OFFICE OF THE COUNTY RECORDER, OR OTHER OFFICER IN CHARGE OF ELECTIONS OR MAY BE DEPOSITED AT ANY POLLING PLACE IN THE COUNTY NO LATER THAN 7:00 P.M. ON ELECTION DAY, November 8, 2022.

Emergency Voting

Any elector prevented from voting at the polls as a result of an emergency occurring between 5:00

p.m. on November 4, 2022 and 5:00 p.m. on November 7, 2022 should contact the County Recorder at (520) 866-6311 for directions as to voting.

Johnson's

Qualifications to Vote

In order to vote in this election, you must have been registered to vote and reside within the boundaries of the county on or before midnight, Monday, October 10, 2022. If you do not know if you are qualified to vote, you should contact the County Recorder at (520) 866-6311.

Voter Identification at the Polls

ELECTORS WHO VOTE AT THE POLLING PLACE ARE REQUIRED TO PRESENT IDENTIFICATION BEFORE RECEIVING A BALLOT

LIST 1 – Acceptable forms of ID with voter's photograph, name, and address. The address must reasonably match the precinct register (one item required):

- Valid Arizona driver license
- Valid Arizona non-operating identification license
- Tribal enrollment card or other form of tribal identification
- Valid United States federal, state, or local government-issued identification

An identification is "valid" unless it can be determined on its face that it has expired.

LIST 2 – Acceptable forms of ID (no photo) with voter's name and address. The address must reasonably match the precinct register (two items required):

- Utility bill of the elector dated within 90 days of the date of the election (may be electric, gas, water, solid-waste, sewer, telephone, cellular phone or cable TV)
- Bank or credit union statement dated within 90 days of the date of the election
- Valid Arizona Vehicle Registration
- Indian census card
- Property tax statement of the elector's residence
- Tribal enrollment card or other form of tribal identification
- Valid Arizona vehicle insurance card
- Recorder's Certificate
- Valid United States federal, state, or local government issued identification, including a voter registration card issued by the county recorder
- Any mailing to the elector marked "Official Election Material"

LIST 3 – Acceptable forms of ID – one with photo and one without (two items required):

- Any valid photo identification from List 1 in which the address does not match the precinct register accompanied by one valid item from List 2
- U.S. Passport without address and one valid item from List 2
- U.S. Military identification without address and one valid item from List 2

Other forms of identification not on this list must be deemed acceptable by the county election official in charge of elections and must establish the identity of the elector. If the elector does not provide identification as described, the elector shall be issued a provisional ballot. The elector must provide identification to the county recorder or to an official deemed

acceptable by the county recorder per the instructions provided at the polling place in order for the provisional ballot to be processed and counted as follows:

Last day to provide Identification: **November 16, 2022 at 5:00 p.m.**

Voting Instructions

Please read these instructions and review your ballot completely **BEFORE** you begin to vote.

Any unnecessary marks or erasures may cause your ballot to be misread or rejected. If you spoil or deface your ballot, or it was damaged in any way, you may contact the County Recorder's office at (520) 866-7564 and receive instructions on how to obtain a replacement early ballot. If you spoil your ballot at a polling place on Election Day, you may obtain a replacement from a poll worker.

1. Choose your candidate(s) or ballot issue(s).
2. Mark the oval in front of the candidate or issue by completely filling in the oval with a **BLACK, OR BLUE PEN** on the ballot.

EXAMPLES FOR MARKING THE BALLOT

CORRECT



WRONG



WRONG



3. Should you spoil your ballot, you may:
 - a. Request a new ballot from the Election Official at your polling place on election day, or
 - b. Contact the Pinal County Recorder's Office at (520) 866-7564 if you are voting an Early Ballot.
4. When you have completed voting your ballot, you may:
 - a. At the Polling Place: Insert the ballot into a secrecy folder and then insert your ballot into the blue ballot box, return the secrecy folder to the Election Official and receive your "I Voted" Sticker; or
 - b. Early Voting: Insert the ballot into the Ballot Affidavit envelope and sign your name in the space provided on the Ballot Affidavit Envelope. Your ballot will not be counted unless you provide your signature, or, if you cannot sign, have the person assisting you fill in their name (see requirements on affidavit envelope). Fold & seal the Ballot Affidavit envelope according to the instructions on the envelope.

The County hereby solicits the submission of written arguments of no more than 300 words in length for and against the proposition for inclusion in the informational pamphlet to be distributed to registered voters in connection with the election, as required by law. Each argument shall contain the name of each person sponsoring it. Payment of the below- described fee, or reimbursement of the payor of the fee, constitutes sponsorship of the argument. If the argument is sponsored by one or more individuals, the argument shall be signed by each sponsoring individual. If the argument is sponsored by one or more organizations, the argument shall be signed by two executive officers of each organization. If the argument is sponsored by one or more political committees, the argument shall be signed by each committee's chairperson or treasurer. The names of persons who have signed arguments and the names of sponsoring organizations shall appear with the argument in the pamphlet. The person or persons submitting the argument(s) shall identify themselves by giving their residence or mailing address and phone number, which information will not be printed in the informational pamphlet.

Such arguments, identifying the proposition to which it relates, must be submitted to the Pinal County Public Works Department (ATTN: Andy Smith) on behalf of the Pinal County Election Department, P. O. Box 727, 85 N. Florence Street, Florence, AZ 85132 and must be received no earlier than 8:00 a.m. on July 13, 2022 and no later than 5:00 p.m. on August 10, 2022. A \$50.00 fee payment in the form of cash, check or money order payable to the Pinal County Elections Department, must accompany each argument submitted to offset a portion of the printing and mailing costs associated with the informational pamphlet.

If you have any questions about the foregoing, please contact Andy Smith, Public Works Director, Pinal County Public Works Department, at (520) 866-6407 or Andrew.Smith@pinal.gov.

DATED _____, 2022.

PINAL COUNTY, ARIZONA
By: /s/ Natasha Kennedy
Clerk, Board of Supervisors



A RESOLUTION OF THE BOARD OF DIRECTORS OF THE PINAL COUNTY REGIONAL TRANSPORTATION AUTHORITY REQUESTING THAT WITHIN SIX MONTHS THE PINAL COUNTY BOARD OF SUPERVISORS CALL AN ELECTION OF THE QUALIFIED ELECTORS OF PINAL COUNTY AT A COUNTYWIDE ELECTION ON THE ISSUE OF LEVYING A TRANSPORTATION EXCISE TAX PURSUANT TO A.R.S. § 42-6106 TO FUND THE MULTIMODAL REGIONAL TRANSPORTATION PLAN APPROVED BY THE VOTERS OF PINAL COUNTY AT A SPECIAL ELECTION ON NOVEMBER 7, 2017.

WHEREAS, the Pinal Regional Transportation Authority (the "Pinal RTA") is an Arizona special taxing district, duly formed and existing, pursuant to A.R.S. § 48-5302, *et seq.*, for the purposes of coordinating multi-jurisdictional cooperation in transportation planning, improvements and fund-raising as a municipal corporation through taxation and bonding, with the public's input and voter approval; and

WHEREAS, the membership of the Pinal RTA involved with the twenty-year, comprehensive, multimodal regional transportation plan ("Regional Plan") approved by the Pinal County voters at a special election on November 7, 2017 ("2017 Election"), consists of the municipalities of Apache Junction, Casa Grande, Coolidge, Eloy, Florence, Kearny, Mammoth, Maricopa, Superior and Queen Creek and Pinal County; and

WHEREAS, the governance of the Pinal RTA is vested in its Board of Directors (the "Board") which is composed of the membership of Apache Junction, Casa Grande, Coolidge, Eloy, Florence, Kearny, Mammoth, Maricopa, Superior, Queen Creek, Pinal County, the Ak-Chin Indian Community and the Gila River Indian Community; and

WHEREAS, Pinal County is a body politic and corporate of the State of Arizona, and has a comprehensive voting system, equipment and certified elections officials; and

WHEREAS, pursuant to A.R.S. § 48-5309 (A), the Pinal RTA prepared the Regional Plan and proposed an excise tax pursuant to A.R.S. § 42-6106 (the "2018 Tax") to fund the Regional Plan;

WHEREAS, the voters approved the Regional Plan and the 2018 Tax at the 2018 Election, but the Arizona Supreme Court held on March 8, 2022 in *Vangilder et al. v Pinal County, et al.* No CV-20-0040-PR that although the Regional Plan and Special Election were valid, the 2017 Tax was invalid; and

WHEREAS, A.R.S. §48-5314.F provides that if the Regional Plan is approved but the 2017 Tax is not approved, no later than five years after voter approval of the Regional Plan the Board may resubmit the question of an excise tax (the "2023 Tax") to the voters of Pinal County to fund the Regional Plan.

NOW, THEREFORE, BE IT RESOLVED that the Pinal RTA requests that Pinal County schedule and conduct a countywide election, to be held on November 8, 2022 (the "2022 Election"), pursuant to A.R.S. §§ 16-204 (B) (2), 48-5304 (2) (a) and 48-5314(F), on the issue of levying a transportation excise tax at the rates described below.



1. At a rate of ten percent of the transaction privilege tax rate prescribed by A.R.S. § 42-5010(A), to each person engaging or continuing in the County in a business taxed under A.R.S. Title 42, Chapter 5, Article 1. Such rate would be applied generally as follows:
 - a. 1/2 of 1% for the following business classifications identified in A.R.S. Title 42, Chapter 5, Article 2:
 - Transporting classification;
 - Utilities classification;
 - Telecommunications classification;
 - Pipeline classification;
 - Private car line classification;
 - Publication classification;
 - Job printing classification;
 - Prime contracting classification;
 - Amusement classification;
 - Restaurant classification;
 - Personal property rental classification;
 - Retail classification and amounts equal to retail transaction privilege tax due pursuant to A.R.S. § 42-5008.01; and
 - b. 11/20 of 1% for the following business classifications identified in A.R.S. Title 42, Chapter 5, Article 2:
 - Transient lodging classification;
 - Online lodging marketplace classification; and
 - c. 5/16 of 1% for the mining classification (A.R.S. § 42-5072); and
2. At a rate of ten percent of the rate prescribed by A.R.S. § 42-5352(A), relating to the jet fuel excise tax; and
3. On the use or consumption of electricity or natural gas by retail electric or natural gas customers in the County who are subject to the use tax under A.R.S. § 42-5155 at a rate equal to the transaction privilege tax rate described above applying to persons engaging or continuing in Pinal County in the utilities transaction privilege tax classification

BE IT FURTHER RESOLVED that the Pinal RTA will provide to the Pinal County Board of Supervisors all information necessary for the election ballot and related materials, including without limitation; a separate percentage share and dollar share of the 2023 Tax revenues allocated to each element of the Regional Plan.

BE IT FURTHER RESOLVED that the Executive Director of the Pinal RTA will promptly provide a certified copy of this Resolution to the Pinal County Board of Supervisors.

BE IT FURTHER RESOLVED that the Executive Director of the Pinal RTA is hereby authorized and directed to take all steps necessary and proper to cooperate with Pinal County to facilitate the 2022 Election, including the

negotiation, for subsequent Board action, of appropriate agreements with Pinal County and the Pinal County Recorder, for the conduct of the 2022 Election.



PASSED AND ADOPTED by the Board of the Pinal Regional Transportation Authority this 18th day of **April 2022**.

Mayor Craig McFarland
Pinal Regional Transportation Authority Board Chair

CERTIFICATION:

Andrea Robles, the Executive Director of the Pinal RTA, hereby certifies and attests that she has access to the official records of the Board of the Pinal RTA, and that the foregoing Resolution was duly adopted by the Board of the Pinal RTA on April __, 2022 at a duly noticed and public meeting, and that this Resolution has not been altered or amended and remains in full force and effect on the date stated below.

Andrea Robles
Pinal Regional Transportation Authority Executive Director

APPROVED AS TO FORM:

William J. Sims, III
Pinal Regional Transportation Authority General Counsel