PROPOSITION __
[I - 14 - 2024]

Make Elections Fair Arizona Act

ANALYSIS BY LEGISLATIVE COUNCIL

1   The Arizona Constitution currently requires the Legislature to enact a direct primary
2   election law for the nomination of candidates for all elective state, county and city offices,
3   including federal congressional offices. The candidates from each political party who advance
4   from the primary election then face each other in the general election, where the candidate
5   receiving the highest number of legal votes is declared elected.
6   Proposition ___ would amend the Arizona Constitution to:
7   1. Allow for the use of voter rankings at all elections held in this state to determine which
8   candidate received the highest number of legal votes (see also paragraph 4 below).
9   2. Revise the primary election procedures as follows:
10   (a) All candidates who qualify for election to an office would be placed on the same
11 primary election ballot regardless of each candidate's political party affiliation or nonaffiliation.
12 Each of the candidates would have the same signature requirement to qualify for the primary
13 election ballot. A qualified elector would be allowed to sign a candidate nomination petition
14 without regard to the political party affiliation or nonaffiliation of the qualified elector or the
15 candidate.
16   (b) All qualified electors eligible to vote for an office would be allowed to vote in the
17 primary election, regardless of the political party affiliation or nonaffiliation of the qualified
18 elector or the candidate.
19   (c) A political party may endorse or otherwise support a candidate as provided by law. If
20 an applicable law allows a candidate's political party affiliation to be listed on the ballot next to
21 the candidate's name, the ballot must include a statement that the listed affiliation is not an
22 indication that the candidate has been nominated or endorsed by the listed political party.
23   (d) A candidate for an office that has a primary election may only appear on the general
24 election ballot if the candidate qualifies through the primary election or fills a vacancy caused by
25 the death or withdrawal of a candidate who was nominated at the primary election. (A candidate
26 for an office that has a primary election would no longer be able to appear as a "write-in" candidate
27 for the general election).
28   3. Provide a range of the number of candidates that may advance from the primary election
29 to the general election, subject to a determination or amendment by the Legislature, the Secretary
30 of State or the qualified electors, as follows:
31   (a) If one candidate for an office is to be elected in the general election, two to five
32 candidates may advance from the primary election. If two candidates for an office are to be elected
33 in the general election, four to seven candidates may advance from the primary election. If three
34 candidates for an office are to be elected in the general election, six to eight candidates may
35 advance from the primary election. A candidate's political party affiliation or nonaffiliation cannot
36 be considered in determining which or how many candidates advance from the primary election.

1   (b) Within those ranges, the Legislature may enact a law to determine the actual number
2 of candidates that would advance. The number of candidates advancing may differ for each
3 specific office. If the Legislature does not enact a law that is operative on or before November 1,
4 2025, the Secretary of State shall determine the actual number of candidates that would advance.
5 After the initial determination is made by the Legislature or the Secretary of State, the Legislature
6 may enact a law to amend the actual numbers not more than once every six years. The qualified
7 electors, however, may amend the actual numbers through the existing initiative or referendum
8 process at each general election.
9   4. Revise the general election procedures as follows:
10   (a) If two candidates advance to the general election for an office to which one will be
11 elected, the candidate who receives the majority of votes cast is elected.
12   (b) If three or more candidates advance to the general election for an office to which one
13 will be elected, voter rankings shall be used to determine which candidate is elected.
14   (c) The Legislature may enact a law to determine the process to be used for voter rankings.
15 If the Legislature does not enact a law on voter rankings, the Secretary of State shall determine the
16 process to be used for voter rankings. At a minimum, the voter rankings process must allow a
17 voter to rank all candidates for an office in order of the voter's preference.
18   5. Prohibit the use of any public monies to administer political party elections (including
19 precinct committee officer elections and partisan primary elections), except that public monies
20 may be used to administer a presidential preference election if all persons who are registered as
21 "no party preference" or independent, or who are registered with a political party that is not
22 qualified for representation on the ballot, may vote in the presidential preference election of any
23 one of the parties that is qualified for representation on the ballot.
24   6. Provide that the right of a United States citizen to vote and hold office in this state shall
25 not be denied or diminished because of political party affiliation or nonaffiliation.
26   7. Provide that a person shall not be denied a ballot or be restricted from selecting a
27 candidate based on the person's political party affiliation or nonaffiliation.
28   If approved by the voters, Proposition ___would apply to elections occurring after July 1,
29 2026.