

Senate Engrossed House Bill  
write-ins; residency; filing deadline

State of Arizona  
House of Representatives  
Fifty-fifth Legislature  
First Regular Session  
2021

**CHAPTER 318**  
**HOUSE BILL 2181**

AN ACT

AMENDING SECTIONS 16-312 AND 16-550, ARIZONA REVISED STATUTES; RELATING TO  
ELECTION PROCEDURES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 16-312, Arizona Revised Statutes, is amended to  
3 read:

4 16-312. Filing of nomination papers for write-in candidates

5 A. Any person desiring to become a write-in candidate for an  
6 elective office in any election shall **BE AT THE TIME OF FILING A QUALIFIED**  
7 **ELECTOR OF THE COUNTY OR DISTRICT THE PERSON PROPOSES TO REPRESENT AND**  
8 **SHALL HAVE BEEN A RESIDENT OF THAT COUNTY OR DISTRICT FOR ONE HUNDRED**  
9 **TWENTY DAYS BEFORE THE DATE OF THE ELECTION, EXCEPT THAT FOR A CITY OR**  
10 **TOWN OFFICE, SECTION 9-232 APPLIES WITH RESPECT TO RESIDENCY FOR THE**  
11 **CANDIDATE. THE PERSON SHALL** file a nomination paper, signed by the  
12 candidate, giving the person's actual residence address or description of  
13 place of residence and post office address, age, length of residence in  
14 the state and date of birth.

15 B. A write-in candidate shall file the nomination paper not later  
16 than 5:00 p.m. on the fortieth day before the election, except that:

17 1. A candidate running as a write-in candidate as provided in  
18 section 16-343, subsection D shall file the nomination paper not later  
19 than 5:00 p.m. on the fifth day before the election.

20 2. A candidate running as a write-in candidate for an election that  
21 may be canceled pursuant to section 16-410 shall file the nomination paper  
22 not later than 5:00 p.m. on the seventy-sixth day before the election.

23 C. The write-in filing procedure shall be in the same manner as  
24 prescribed in section 16-311. Any person who does not file a timely  
25 nomination paper shall not be counted in the tally of ballots. The filing  
26 officer shall not accept the nomination paper of a candidate for state or  
27 local office unless the candidate provides or has provided the financial  
28 disclosure statement as prescribed for candidates for that office.

29 D. Except in cases where the liability is being appealed, the  
30 filing officer shall not accept the nomination paper of a write-in  
31 candidate for state or local office if the person is liable for an  
32 aggregation of ~~one thousand dollars~~ **\$1,000** or more in fines, penalties,  
33 late fees or administrative or civil judgments, including any interest or  
34 costs, in any combination, that have not been fully satisfied at the time  
35 of the attempted filing of the nomination paper and the liability arose  
36 from failure to comply with or enforcement of chapter 6 of this title.

37 E. The secretary of state shall notify the various boards of  
38 supervisors as to write-in candidates filing with the secretary of state's  
39 office. The county school superintendent shall notify the appropriate  
40 board of supervisors as to write-in candidates filing with the  
41 superintendent's office. The board of supervisors shall notify the  
42 appropriate election board inspector of all candidates who have properly  
43 filed such statements. In the case of a city or town election, the city  
44 or town clerk shall notify the appropriate election board inspector of  
45 candidates properly filed. No other write-ins shall be counted. The

1 election board inspector shall post the notice of official write-in  
2 candidates in a conspicuous location within the polling place.

3 F. Except as provided in section 16-343, subsection E, a candidate  
4 may not file pursuant to this section if any of the following applies:

5 1. For a candidate in the general election, the candidate ran in  
6 the immediately preceding primary election and failed to be nominated to  
7 the office sought in the current election.

8 2. For a candidate in the general election, the candidate filed a  
9 nomination petition for the immediately preceding primary election for the  
10 office sought and failed to provide a sufficient number of valid petition  
11 signatures as prescribed by section 16-322.

12 3. For a candidate in the primary election, the candidate filed a  
13 nomination petition for the current primary election for the office sought  
14 and failed to provide a sufficient number of valid petition signatures as  
15 prescribed by section 16-322, withdrew from the primary election after a  
16 challenge was filed or was removed from or otherwise determined by court  
17 order to be ineligible for the primary election ballot.

18 4. For a candidate in the general election, the candidate filed a  
19 nomination petition for nomination other than by primary for the office  
20 sought and failed to provide a sufficient number of valid petition  
21 signatures as prescribed by section 16-341.

22 G. A person who files a nomination paper pursuant to this section  
23 for the office of president of the United States shall designate in  
24 writing to the secretary of state at the time of filing the name of the  
25 candidate's vice-presidential running mate, the names of presidential  
26 electors who will represent that candidate and a statement signed by the  
27 vice-presidential running mate and designated presidential electors that  
28 indicates their consent to be designated. A nomination paper for each  
29 presidential elector designated shall be filed with the candidate's  
30 nomination paper. The number of presidential electors shall equal the  
31 number of United States senators and representatives in Congress from this  
32 state.

33 Sec. 2. Section 16-550, Arizona Revised Statutes, is amended to  
34 read:

35 16-550. Receipt of voter's ballot; cure period

36 A. On receipt of the envelope containing the early ballot and the  
37 ballot affidavit, the county recorder or other officer in charge of  
38 elections shall compare the signatures thereon with the signature of the  
39 elector on the elector's registration record. If the signature is  
40 inconsistent with the elector's signature on the elector's registration  
41 record, the county recorder or other officer in charge of elections shall  
42 make reasonable efforts to contact the voter, advise the voter of the  
43 inconsistent signature and allow the voter to correct or the county to  
44 confirm the inconsistent signature. The county recorder or other officer  
45 in charge of elections shall allow signatures to be corrected not later

1 than the fifth business day after a primary, general or special election  
2 that includes a federal office or the third business day after any other  
3 election. If satisfied that the signatures correspond, the recorder or  
4 other officer in charge of elections shall hold the envelope containing  
5 the early ballot and the completed affidavit unopened in accordance with  
6 the rules of the secretary of state.

7 B. The recorder or other officer in charge of elections shall  
8 thereafter safely keep the affidavits and early ballots in the recorder's  
9 or other officer's office ~~until delivered~~ AND MAY DELIVER THEM FOR  
10 TALLYING pursuant to section 16-551. ~~and~~ Tallying of ballots ~~shall not~~ MAY  
11 begin ~~any earlier than fourteen days before election day~~ IMMEDIATELY AFTER  
12 THE ENVELOPE AND COMPLETED AFFIDAVIT ARE PROCESSED PURSUANT TO THIS  
13 SECTION AND DELIVERED TO THE EARLY ELECTION BOARD.

14 C. The county recorder shall send a list of all voters who were  
15 issued early ballots to the election board of the precinct in which the  
16 voter is registered.

17 D. This section does not apply to:

18 1. A special taxing district that is authorized pursuant to section  
19 16-191 to conduct its own elections.

20 2. A special district mail ballot election that is conducted  
21 pursuant to article 8.1 of this chapter.

APPROVED BY THE GOVERNOR MAY 5, 2021.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 5, 2021.