

REFERENCE TITLE: **secretary of state; nonpartisan office**

State of Arizona
House of Representatives
Fifty-fifth Legislature
Second Regular Session
2022

HB 2430

Introduced by
Representative Shah

AN ACT

**AMENDING SECTIONS 16-322 AND 16-502, ARIZONA REVISED STATUTES; RELATING TO
CANDIDATE NOMINATIONS.**

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 16-322, Arizona Revised Statutes, is amended to
3 read:

4 16-322. Number of signatures required on nomination petitions

5 A. Nomination petitions shall be signed by a number of qualified
6 signers equal to:

7 1. If for a candidate for the office of United States senator or
8 for a state office, **INCLUDING THE SECRETARY OF STATE AND** excepting members
9 of the legislature and superior court judges, at least one-fourth of one
10 percent but not more than ten percent of the total number of qualified
11 signers in the state.

12 2. If for a candidate for the office of representative in Congress,
13 at least one-half of one percent but not more than ten percent of the
14 total number of qualified signers in the district from which the
15 representative shall be elected except that if for a candidate for a
16 special election to fill a vacancy in the office of representative in
17 Congress, at least one-fourth of one percent but not more than ten percent
18 of the total number of qualified signers in the district from which the
19 representative shall be elected.

20 3. If for a candidate for the office of member of the legislature,
21 at least one-half of one percent but not more than three percent of the
22 total number of qualified signers in the district from which the member of
23 the legislature may be elected.

24 4. If for a candidate for a county office or superior court judge,
25 at least one percent but not more than ten percent of the total number of
26 qualified signers in the county or district, except that if for a
27 candidate from a county with a population of two hundred thousand persons
28 or more, at least one-fourth of one percent but not more than ten percent
29 of the total number of qualified signers in the county or district.

30 5. If for a candidate for a community college district, at least
31 one-quarter of one percent but not more than ten percent of the total
32 voter registration in the precinct as established pursuant to section
33 15-1441. Notwithstanding the total voter registration in the community
34 college district, the maximum number of signatures required by this
35 paragraph is one thousand.

36 6. If for a candidate for county precinct committeeman, at least
37 two percent but not more than ten percent of the party voter registration
38 in the precinct or ten signatures, whichever is less.

39 7. If for a candidate for justice of the peace or constable, at
40 least one percent but not more than ten percent of the number of qualified
41 signers in the precinct.

42 8. If for a candidate for mayor or other office nominated by a city
43 at large, at least five percent and not more than ten percent of the
44 designated party vote in the city, except that a city that chooses to hold
45 nonpartisan elections may provide by ordinance that the minimum number of

1 signatures required for the candidate be one thousand signatures or five
2 percent of the vote in the city, whichever is less, but not more than ten
3 percent of the vote in the city.

4 9. If for an office nominated by ward, precinct or other district
5 of a city, at least five percent and not more than ten percent of the
6 designated party vote in the ward, precinct or other district, except that
7 a city that chooses to hold nonpartisan elections may provide by ordinance
8 that the minimum number of signatures required for the candidate be two
9 hundred fifty signatures or five percent of the vote in the district,
10 whichever is less, but not more than ten percent of the vote in the
11 district.

12 10. If for a candidate for an office nominated by a town at large,
13 by a number of qualified electors who are qualified to vote for the
14 candidate whose nomination petition they are signing equal to at least
15 five percent and not more than ten percent of the vote in the town, except
16 that a town that chooses to hold nonpartisan elections may provide by
17 ordinance that the minimum number of signatures required for the candidate
18 be one thousand signatures or five percent of the vote in the town,
19 whichever is less, but not more than ten percent of the vote in the town.

20 11. If for a candidate for a governing board of a school district
21 or a career technical education district, at least one-half of one percent
22 of the total voter registration in the school district or career technical
23 education district if the board members are elected at large or one
24 percent of the total voter registration in the single member district if
25 governing board members are elected from single member districts or
26 one-half of one percent of the total voter registration in the single
27 member district if career technical education district board members are
28 elected from single member districts. Notwithstanding the total voter
29 registration in the school district, career technical education district
30 or single member district of the school district or career technical
31 education district, the maximum number of signatures required by this
32 paragraph is four hundred.

33 12. If for a candidate for a governing body of a special district
34 as described in title 48, at least one-half of one percent of the vote in
35 the special district but not more than two hundred fifty and not fewer
36 than five signatures.

37 B. The basis of percentage in each instance referred to in
38 subsection A of this section, except FOR SECRETARY OF STATE AND EXCEPT in
39 cities, towns and school districts, shall be the number of qualified
40 signers as determined from the voter registration totals as reported
41 pursuant to section 16-168, subsection G on January 2 of the year in which
42 the general election is held. In cities, the basis of percentage shall be
43 the vote of the party for mayor at the last preceding election at which a
44 mayor was elected. In towns, the basis of percentage shall be the highest
45 vote cast for an elected official of the town at the last preceding

1 election at which an official of the town was elected. **FOR THE SECRETARY**
2 **OF STATE AND** in school districts or career technical education districts,
3 the basis of percentage shall be the total number of active registered
4 voters in the **STATE OR THE** school district or career technical education
5 district or single member district, whichever applies. The total number
6 of active registered voters for **THE STATE OR FOR** school districts or
7 career technical education districts shall be calculated using the
8 periodic reports prepared by the county recorder pursuant to section
9 16-168, subsection G. The count that is reported on January 2 of the year
10 in which the general election is held shall be the basis for the
11 calculation of total voter registration for **THE STATE OR FOR** school
12 districts or career technical education districts.

13 C. In primary elections the signature requirement for party
14 nominees, other than nominees of the parties entitled to continued
15 representation pursuant to section 16-804, is at least one-tenth of one
16 percent of the total vote for the winning candidate or candidates for
17 governor or presidential electors at the last general election within the
18 district. Signatures must be obtained from qualified electors who are
19 qualified to vote for the candidate whose nomination petition they are
20 signing.

21 D. If new boundaries for congressional districts, legislative
22 districts, supervisorial districts, justice precincts or election
23 precincts are established and effective subsequent to January 2 of the
24 year of a general election and before the date for filing of nomination
25 petitions, the basis for determining the required number of nomination
26 petition signatures is the number of qualified signers in the elective
27 office, district or precinct that was effective on January 2 of the year
28 of a general election.

29 Sec. 2. Section 16-502, Arizona Revised Statutes, is amended to
30 read:

31 **16-502. Form and contents of ballot**

32 A. Ballots shall be printed with black ink on white paper of
33 sufficient thickness to prevent the printing thereon from being
34 discernible from the back, and the same type shall be used for the names
35 of all candidates. The ballots shall be headed "official ballot" in
36 bold-faced plain letters, with a heavy rule above and below the heading.
37 Immediately below shall be placed the words "type of election, (date of
38 election)" and the name of the county and state in which the election is
39 held. The name or number of the precinct in which the election is held
40 shall be placed on the ballot in a uniform location for all ballots. No
41 other matter shall be placed or printed at the head of any ballot.
42 Instructions to the voter on marking the ballot may be printed below the
43 heading as follows:

1 1. Put a mark according to the instructions next to the
2 name of each candidate for each office for whom you wish to
3 vote.

4 2. If you wish to vote for a person whose name is not
5 printed on the ballot, write such name in the blank space
6 provided on the ballot and put a mark according to the
7 instructions next to the name so written.

8 3. Put a mark according to the instructions next to the
9 word "yes" or "for" for each proposition or question you wish
10 to be adopted. Put a mark according to the instructions next
11 to the word "no" or "against" for each proposition or question
12 you wish not to be adopted.

13 B. Immediately below the ballot instructions shall be placed the
14 following:

15 Section One
16 Partisan Ballot

17 C. Immediately below the heading for section one there shall be
18 placed in columns the names of the candidates of the several political
19 parties. Next to each candidate's name there shall be printed in
20 bold-faced letters the name of the political party. At the head of each
21 column shall be printed the names of the offices to be filled with the
22 name of each office being of uniform type size. At the head of each
23 column shall be printed in the following order the names of candidates
24 for:

25 1. Presidential electors, which shall be in a list and next to the
26 list shall be printed in bold type the surname of the presidential
27 candidate, and the surname of the vice presidential candidate who is
28 seeking election jointly with the presidential candidate shall be listed
29 directly below the name of the presidential candidate. The indicator for
30 the selection of the presidential and vice presidential candidates shall
31 be directly next to the surname of the presidential candidate, and one
32 mark directly next to a presidential candidate's surname shall be counted
33 as a vote for each elector in the list next to the presidential and vice
34 presidential candidates.

35 2. United States senator.

36 3. Representatives in Congress.

37 4. The several state offices EXCEPT FOR THE SECRETARY OF STATE.

38 5. The several county and precinct offices.

39 D. The names of candidates for the offices of state senator and
40 state representative along with the district number shall be placed within
41 the heading of each column to the right of the office name for state
42 offices and immediately below the candidates for the office of governor.
43 The number of the supervisorial district of which a candidate is a nominee
44 shall be printed within the heading of each column to the right of the
45 name of the office.

1 E. The lists of the candidates of the several parties shall be
2 arranged with the names of the parties in descending order according to
3 the votes cast for governor for that county in the most recent general
4 election for the office of governor, commencing with the left-hand column.
5 In the case of political parties that did not have candidates on the
6 ballot in the last general election, such parties shall be listed in
7 alphabetical order below the parties that did have candidates on the
8 ballot in the last general election. The names of all candidates
9 nominated under section 16-341 shall be placed in a single column below
10 that of the recognized parties. Next to the name of each candidate, in
11 parentheses, shall be printed a three-letter abbreviation that is taken
12 from the three words prescribed in the candidate's certificate of
13 nomination.

14 F. Immediately below the designation of the office to be voted for
15 shall appear the words: "Vote for not more than _____" (insert the
16 number to be elected).

17 G. In each column at the right or left of the name of each
18 candidate and on the same line there shall be a place for the voter to put
19 a mark. Below the name of the last named candidate for each office there
20 shall be as many blank lines as there are offices of the same title to be
21 filled, with a place for the voter to put a mark. On the blank line the
22 voter may write the name of any person for whom the voter desires to vote
23 whose name is not printed, and next to the name so written the voter shall
24 designate his choice by a mark as in the case of printed names.

25 H. When there are two or more candidates of the same political
26 party for the same office, or more than one candidate for a judicial
27 office, the names of all such candidates shall be so alternated on the
28 ballots used in each election district that the name of each candidate
29 shall appear substantially an equal number of times in each possible
30 location. If there are fewer or the same number of candidates seeking
31 office than the number to be elected, the rotation of names is not
32 required and the names shall be placed in alphabetical order.

33 I. Immediately below section one of the ballot shall be placed the
34 following:

35 Section Two
36 Nonpartisan Ballot

37 J. Immediately below the heading for section two shall be placed
38 the names of the candidates for **SECRETARY OF STATE**, justices of the
39 supreme court, judges of the court of appeals, judges of the superior
40 court standing for retention or rejection pursuant to article VI, section
41 38, Constitution of Arizona, judges of the superior court standing for
42 election pursuant to article VI, section 12, Constitution of Arizona,
43 school district officials and other nonpartisan officials in a column or
44 in columns without partisan or other designation except the title of
45 office in an order determined by the officer in charge of the election.

1 K. Immediately below the offices listed in subsection J of this
2 section, the ballot shall contain a separate heading of any nonpartisan
3 office for a vacant unexpired term and shall include the expiration date
4 of the term of the vacated office.

5 L. All proposed constitutional amendments and other propositions or
6 questions to be submitted to the voters shall be printed immediately below
7 the names of candidates for nonpartisan positions in such order as the
8 secretary of state, or if a city or town election, the city or town clerk,
9 designates. Placement of county and local charter amendments,
10 propositions or questions shall be determined by the officer in charge of
11 the election. Except as provided by section 19-125, each proposition or
12 question shall be followed by the words "yes" and "no" or "for _____" and
13 "against _____" as the nature of the proposition or question requires,
14 and at the right or left of and next to each of such words shall be a
15 place for the voter to put a mark according to the instructions that is
16 similar in size to those places appearing opposite the names of the
17 candidates, in which the voter may indicate his vote for or against such
18 proposition or question by a mark as defined in section 16-400.

19 M. Instead of printing the official and descriptive titles or the
20 full text of each measure or question on the official ballot, the officer
21 in charge of elections may print phrases on the official ballot that
22 contain all of the following:

23 1. The number of the measure in reverse type and at least ~~twelve~~
24 ~~point~~ TWELVE-POINT type.

25 2. The designation of the measure as prescribed by section 19-125,
26 subsection C or as a question, proposition or charter amendment, followed
27 by the words "relating to..." and inserting the subject.

28 3. Either the statement prescribed by section 19-125, subsection D
29 that describes the effects of a "yes" vote and a "no" vote or, for other
30 measures, the text of the question or proposition.

31 4. The words "yes" and "no" or "for" and "against", as may be
32 appropriate and a place for the voter to put a mark.

33 N. For any ballot printed pursuant to subsection M of this section,
34 the instructions on the official ballot shall direct the voter to the full
35 text of the official and descriptive titles and the questions and
36 propositions as printed on the sample ballot and posted in the polling
37 place.

38 Sec. 3. Effective date

39 This act is effective from and after December 31, 2022.