

REFERENCE TITLE: nominating petitions; multiple petition signatures

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

HB 2567

Introduced by
Representative Carter

AN ACT

AMENDING SECTIONS 16-314, 16-321, 16-341 AND 19-212, ARIZONA REVISED
STATUTES; RELATING TO NOMINATING PROCEDURES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 16-314, Arizona Revised Statutes, is amended to
3 read:

4 16-314. Filing and form of nomination petitions; definition

5 A. Any person desiring to become a candidate at any election and to
6 have the person's name printed on the official ballot shall file, not less
7 than one hundred twenty nor more than one hundred fifty days before the
8 primary election and with the same officer as provided by section 16-311,
9 a nomination petition in addition to the nomination paper required.

10 B. For the purposes of this title, "nomination petition" means the
11 form or forms used for obtaining the required number of signatures of
12 qualified electors, which is circulated by or on behalf of the person
13 wishing to become a candidate for a political office.

14 C. Nomination petitions shall be captioned "partisan nomination
15 petition" or "nonpartisan nomination petition", followed by the language
16 of the petition in substantially the following form, except that if the
17 candidate does not have an actual residence address, the candidate may use
18 a description of place of residence and post office address, or, if the
19 candidate's actual residence address is protected pursuant to section
20 16-153, a post office box or private mailbox address in the candidate's
21 political division or district from which the nomination is sought is
22 sufficient:

23 Partisan Nomination Petition

24 I, the undersigned, a qualified elector of the county of
25 _____, state of Arizona, and of (here name political
26 division or district from which the nomination is sought) and
27 a member of the _____ party or a person who is
28 registered as no party preference or independent as the party
29 preference or who is registered with a political party that is
30 not qualified for representation on the ballot, hereby
31 nominate _____ who resides at _____ in the
32 county of _____ for the party nomination for the office
33 of _____ to be voted at the primary election to be
34 held _____ as representing the principles of such
35 party, and I hereby declare that I am qualified to vote for
36 this office ~~and that I have not signed, and will not sign, any~~
37 ~~nomination petition for more persons than the number of~~
38 ~~candidates necessary to fill such office at the next ensuing~~
39 ~~election.~~ I further declare that if I choose to use a post
40 office box address on this petition, my residence address has
41 not changed since I last reported it to the county recorder
42 for purposes of updating my voter registration file.

43 Nonpartisan Nomination Petition

44 I, the undersigned, a qualified elector of the county of
45 _____, state of Arizona, and of (here name political

1 division or district from which the nomination is sought)
 2 hereby nominate _____ who resides at _____
 3 in the county of _____ for the office of
 4 _____ to be voted at the _____ election to
 5 be held _____, and hereby declare that I am
 6 qualified to vote for this office ~~and that I have not signed~~
 7 ~~and will not sign any nomination petitions for more persons~~
 8 ~~than the number of candidates necessary to fill such office at~~
 9 ~~the next ensuing election.~~ I further declare that if I choose
 10 to use a post office box address on this petition, my
 11 residence address has not changed since I last reported it to
 12 the county recorder for purposes of updating my voter
 13 registration file.

14 D. The nomination petition of a person seeking to fill an unexpired
 15 vacant term for any public office shall designate the expiration date of
 16 the term following the name of the office being sought.

17 Sec. 2. Section 16-321, Arizona Revised Statutes, is amended to
 18 read:

19 16-321. Signing and certification of nomination petition;
 20 definition

21 A. Each signer of a nomination petition ~~shall~~ MAY sign ~~only one~~
 22 ~~petition~~ AN UNLIMITED NUMBER OF CANDIDATE PETITIONS for the same office
 23 ~~unless more than one candidate is to be elected to such office, and in~~
 24 ~~that case not more than the number of nomination petitions equal to the~~
 25 ~~number of candidates to be elected to the office.~~ A signature shall not
 26 be counted on a nomination petition unless the signature is on a sheet
 27 bearing the form prescribed by section 16-314.

28 B. For the purposes of petitions filed pursuant to sections 16-312,
 29 16-313, 16-314 and 16-341, each signer of a nomination petition shall be a
 30 voter who at the time of signing is a registered voter in the electoral
 31 district of the office the candidate is seeking.

32 ~~C. If an elector signs more nomination petitions than permitted by~~
 33 ~~subsection A of this section, the earlier signatures of the elector are~~
 34 ~~deemed valid, as determined by the date of the signature as shown on the~~
 35 ~~petitions. If the signatures by the elector are dated on the same day,~~
 36 ~~all signatures by that elector on that day are deemed invalid. Any~~
 37 ~~signature by that elector on a nomination petition on or after the date of~~
 38 ~~the last otherwise valid signature is deemed invalid and shall not be~~
 39 ~~counted.~~

40 ~~D.~~ C. The person before whom the signatures were written on the
 41 signature sheet is not required to be a resident of this state but
 42 otherwise shall be qualified to register to vote in this state pursuant to
 43 section 16-101 and, if not a resident of this state, shall register as a
 44 circulator with the secretary of state. A circulator shall verify that
 45 each of the names on the petition was signed in his presence on the date

1 indicated, and that in his belief each signer was a qualified elector who
2 resides at the address given as the signer's residence on the date
3 indicated and, if for a partisan election, that each signer is a qualified
4 signer. The way the name appears on the petition shall be the name used
5 in determining the validity of the name for any legal purpose pursuant to
6 the election laws of this state. Signature and handwriting comparisons
7 may be made.

8 ~~F.~~ D. A person who signs a nominating petition must use that
9 person's actual residence address unless there is no actual residence
10 address assigned by an official governmental entity or the person's actual
11 residence is protected pursuant to section 16-153. The signature of a
12 person who signs a nominating petition and who uses only a description of
13 the place of residence or an Arizona post office box address is valid if
14 the person is otherwise properly registered to vote, has not moved since
15 registering to vote and is eligible to sign the nominating petition.

16 ~~F.~~ E. For the purposes of this article, "qualified signer" means
17 any of the following:

18 1. A qualified elector who is a registered member of the party from
19 which the candidate is seeking nomination.

20 2. A qualified elector who is a registered member of a political
21 party that is not entitled to continued representation on the ballot
22 pursuant to section 16-804.

23 3. A qualified elector who is registered as independent or no party
24 preferred.

25 Sec. 3. Section 16-341, Arizona Revised Statutes, is amended to
26 read:

27 16-341. Nomination petition; method and time of filing; form;
28 qualifications and number of petitioners required;
29 statement of interest

30 A. Any qualified elector who is not a registered member of a
31 political party that is recognized pursuant to this title may be nominated
32 as a candidate for public office otherwise than by primary election or by
33 party committee pursuant to this section.

34 B. This article shall not be used to place on the general election
35 ballot the name of a political party that fails to meet the qualifications
36 specified in section 16-802 or 16-804, or the name of any candidate
37 representing such party or the name of a candidate who has filed a
38 nomination petition in the immediately preceding primary election and has
39 failed to qualify as the result of an insufficient number of valid
40 signatures.

41 C. A nomination petition stating the name of the office to be
42 filled, the name and residence of the candidate, or, if the candidate does
43 not have an actual residence address, a description of place of residence
44 and post office address, or, if the person's actual residence address is
45 protected pursuant to section 16-153, a post office box or private mailbox

1 address in the candidate's district, precinct or municipality, as
2 applicable for a district, precinct or municipal office, and other
3 information required by this section shall be filed with the same officer
4 with whom primary nomination papers and petitions are required to be filed
5 as prescribed in section 16-311. Except for candidates for the office of
6 presidential elector filed pursuant to this section, the petition shall be
7 filed not less than one hundred twenty days nor more than one hundred
8 fifty days before the primary election. ~~The petition shall be signed only
9 by voters who have not signed the nomination petitions of a candidate for
10 the office to be voted for at that primary election.~~

11 D. The nomination petition shall be in substantially the following
12 form, except that if the candidate does not have an actual residence
13 address, the candidate may use a description of place of residence and
14 post office address, or, if the candidate's actual residence address is
15 protected pursuant to section 16-153, a post office box or private mailbox
16 address in the candidate's district, precinct or municipality, as
17 applicable for a district, precinct or municipal office, is sufficient:

18 The undersigned, qualified electors of _____
19 county, state of Arizona, do hereby nominate _____, who
20 resides at _____ in the county of _____, as a
21 candidate for the office of _____ at the general (or
22 special, as the case may be) election to be held on the
23 _____ day of _____, ____.

24 I hereby ~~declare that I have not signed the nomination
25 petitions of any candidate for the office to be voted for at
26 this primary election, and I do hereby~~ select the following
27 designation under which name the said candidate shall be
28 placed on the official ballot (here insert such designation
29 not exceeding three words in length as the signers may
30 select).

31 E. The nomination petition shall conform as nearly as possible to
32 the provisions relating to nomination petitions of candidates to be voted
33 for at primary elections and shall be signed by at least the number of
34 persons who are registered to vote determined by calculating three percent
35 of the persons who are registered to vote of the state, county,
36 subdivision or district for which the candidate is nominated who are not
37 members of a political party that is qualified to be represented by an
38 official party ballot at the next ensuing primary election and accorded
39 representation on the general election ballot.

40 F. The percentage of persons who are registered to vote necessary
41 to sign the nomination petition shall be determined by the total number of
42 registered voters from other than political parties that are qualified to
43 be represented by an official party ballot at the next ensuing primary
44 election and accorded representation on the general election ballot in the
45 state, county, subdivision or district on January 2 of the year in which

1 the general election is held. Notwithstanding the method prescribed by
2 subsection E of this section and this subsection for calculating the
3 minimum number of signatures necessary, any person who is registered to
4 vote in the state, county, subdivision or district for which the candidate
5 is nominated is eligible to sign the nomination petition without regard to
6 the signer's party affiliation.

7 G. A nomination petition for any candidate may be circulated by a
8 person who is not a resident of this state but who is otherwise eligible
9 to register to vote in this state if that person registers as a circulator
10 with the secretary of state before circulating petitions. The nomination
11 petition for the office of presidential elector shall include a group of
12 names of candidates equal to the number of United States senators and
13 representatives in Congress from this state instead of separate nomination
14 petitions for each candidate for the office of presidential elector. A
15 valid signature on a petition containing a group of presidential electors
16 candidates is counted as a signature for the nomination of each of the
17 candidates. The presidential candidate whom the candidates for
18 presidential elector will represent shall designate in writing to the
19 secretary of state the names of the candidates who will represent the
20 presidential candidate before any signatures for the candidate can be
21 accepted for filing. A nomination petition for the office of presidential
22 elector shall be filed not less than eighty nor more than one hundred days
23 before the general election. ~~The petition shall be signed only by~~
24 ~~qualified electors who have not signed the nomination petitions of a~~
25 ~~candidate for the office of presidential elector to be voted for at that~~
26 ~~election.~~

27 H. The secretary of state shall require in the instructions and
28 procedures manual issued pursuant to section 16-452 that persons who
29 circulate nomination petitions pursuant to this section and who are not
30 residents of this state but who are otherwise eligible to register to vote
31 in this state shall register as circulators with the office of the
32 secretary of state before circulating petitions. The secretary of state
33 shall provide for a method of receiving service of process for those
34 petition circulators who are registered.

35 I. Not later than the date of the first petition signature on a
36 nomination petition, a person who may be a candidate for office pursuant
37 to this section shall file a statement of interest with the appropriate
38 filing officer for that office. The statement of interest shall contain
39 the name of the person, the political party, if any, and the name of the
40 office that may be sought. Any nomination petition signatures collected
41 before the date the statement of interest is filed are invalid and subject
42 to challenge. This subsection does not apply to:

- 43 1. Candidates for elected office for special taxing districts that
44 are established pursuant to title 48.
- 45 2. Candidates for precinct committeeman.

1 3. Candidates for president or vice president of the United States.
2 J. A person who files a nomination paper pursuant to this section
3 for the office of president of the United States shall designate in
4 writing to the secretary of state at the time of filing the name of the
5 candidate's vice presidential running mate, the names of the presidential
6 electors who will represent that candidate and a statement that is signed
7 by the vice presidential running mate and the designated presidential
8 electors and that indicates their consent to be designated. A nomination
9 paper for each presidential elector designated shall be filed with the
10 candidate's nomination paper. The number of presidential electors shall
11 equal the number of United States senators and representatives in Congress
12 from this state.

13 K. A candidate who does not file a timely nomination petition that
14 complies with this section is not eligible to have the candidate's name
15 printed on the official ballot for that office. The filing officer shall
16 not accept the nomination paper of a candidate for state or local office
17 unless the candidate provides or has provided all of the following:

18 1. The financial disclosure statement as prescribed for candidates
19 for that office.

20 2. The declaration of qualification and eligibility as prescribed
21 in section 16-311.

22 L. Except in cases where the liability is being appealed, the
23 filing officer shall not accept the nomination paper of a candidate for
24 state or local office if the person is liable for an aggregation of \$1,000
25 or more in fines, penalties, late fees or administrative or civil
26 judgments, including any interest or costs, in any combination, that have
27 not been fully satisfied at the time of the attempted filing of the
28 nomination paper and the liability arose from failure to comply with or
29 enforcement of chapter 6 of this title.

30 M. The secretary of state may authorize for statewide and
31 legislative offices the creation, use and submission of petitions
32 prescribed by this section in electronic form if those petitions provide
33 for an appropriate method to verify signatures of petition circulators and
34 signers. The secretary of state may require use of a unique marking system
35 for petition pages, including a bar code, a quick response code or another
36 similar marking system.

37 Sec. 4. Section 19-212, Arizona Revised Statutes, is amended to
38 read:

39 19-212. Nomination petition; form; filing

40 A. Unless the officer otherwise requests in writing, the name of
41 the officer against whom a recall petition is filed shall be placed as a
42 candidate on the official ballot without nomination. Other candidates for
43 the office may be nominated to be voted **꠆꠆꠆ ON** at the election and shall
44 be placed **꠆꠆꠆ ON** the official recall ballot after filing a nomination
45 petition that is signed by a number of qualified electors that is equal to

1 at least two ~~per cent~~ PERCENT of the total votes cast for all candidates
2 for that office at the last election for that office. Nomination petition
3 signers shall be qualified electors of the electoral district of the
4 officer against whom the recall petition is filed.

5 B. If the officer against whom a recall petition is filed was
6 appointed to the office or was deemed elected after an election was
7 canceled due to the absence of opposing candidates as provided in section
8 15-424, 16-822, 48-802, 48-1012, 48-1208, 48-1404, 48-1908, 48-2010,
9 48-2107 or 48-2208, other candidates for the office to be voted on in the
10 recall election shall be placed on the official recall ballot after filing
11 a nomination petition that is signed by the number of qualified electors
12 that is equal to at least one-half of one ~~per cent~~ PERCENT of the number
13 of active registered voters in the jurisdiction or district represented by
14 that elective officer as determined on the date of the last general
15 election with ~~no~~ NOT less than five signatures. Nomination petition
16 signers shall be qualified electors of the electoral district of the
17 officer against whom the recall petition is filed.

18 C. The title and body of the nomination petition shall be
19 substantially in the following form:

20 Nomination Petition--Recall Election

21 We, the undersigned electors, qualified to vote in the
22 recall election mentioned herein, residents of the precinct
23 indicated by the residence addresses given, and residents of
24 the county of _____, state of Arizona, hereby nominate
25 _____, who resides at _____, in the county of _____ to be a
26 candidate in the recall election for the office of _____ to
27 be held on _____, ~~and we further declare that~~

28 (date)

29 ~~we have not signed and will not sign any nomination paper for~~
30 ~~any other person for such office.~~

31 The remainder of the petition shall be substantially in the form
32 prescribed in section 16-315.

33 D. If recall petitions have been filed against more than one member
34 of a multimember public body whose members serve at large, the nomination
35 petition and paper of the other candidates shall state which member they
36 oppose.

37 E. To each nomination petition shall be appended a certificate by a
38 person who is qualified to register to vote pursuant to section 16-101
39 stating that to the best of his knowledge and belief all the signers of
40 the nomination petition are qualified electors of the precinct which they
41 give as their residence.

42 F. ~~Such~~ THE nomination petition shall be filed not more than ninety
43 days nor less than sixty days ~~prior to~~ BEFORE the date of the recall
44 election.