

REFERENCE TITLE: candidate nomination signature requirements

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

## **HB 2640**

Introduced by  
Representatives Carter: Bolick, Burges, Cook, Diaz, Fernandez B, Parker

AN ACT

AMENDING SECTIONS 16-322 AND 16-341, 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 16-322, 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, excepting members of the legislature and superior  
9 court judges, at least ~~one-fourth~~ ONE-EIGHTH of one percent but not more  
10 than ten percent of the total number of qualified signers in the state.

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

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

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

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

36 6. If for a candidate for county precinct committeeman, at least  
37 ~~two~~ ONE percent but not more than ten percent of the party voter  
38 registration 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-HALF OF one percent but not more than ten percent of the number  
41 of qualified 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~~ TWO AND ONE-HALF percent and not more than ten  
44 percent of the designated party vote in the city, except that a city that  
45 chooses to hold nonpartisan elections may provide by ordinance that the

1 minimum number of signatures required for the candidate be ~~one thousand~~  
 2 FIVE HUNDRED signatures or ~~five~~ TWO AND ONE-HALF percent of the vote in  
 3 the city, whichever is less, but not more than ten percent of the vote in  
 4 the city.

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

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

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

35 12. If for a candidate for a governing body of a special district  
 36 as described in title 48, at least ~~one-half~~ ONE-FOURTH of one percent of  
 37 the vote in the special district but not more than ~~two hundred fifty~~ ONE  
 38 HUNDRED TWENTY-FIVE and not fewer than five signatures.

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

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

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

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

30 Sec. 2. Section 16-341, Arizona Revised Statutes, is amended to  
31 read:

32 16-341. Nomination petition; method and time of filing; form;  
33 qualifications and number of petitioners required;  
34 statement of interest

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

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

1 C. A nomination petition stating the name of the office to be  
2 filled, the name and residence of the candidate, or, if the candidate does  
3 not have an actual residence address, a description of place of residence  
4 and post office address, or, if the person's actual residence address is  
5 protected pursuant to section 16-153, a post office box or private mailbox  
6 address in the candidate's district, precinct or municipality, as  
7 applicable for a district, precinct or municipal office, and other  
8 information required by this section shall be filed with the same officer  
9 with whom primary nomination papers and petitions are required to be filed  
10 as prescribed in section 16-311. Except for candidates for the office of  
11 presidential elector filed pursuant to this section, the petition shall be  
12 filed not less than one hundred twenty days nor more than one hundred  
13 fifty days before the primary election. The petition shall be signed only  
14 by voters who have not signed the nomination petitions of a candidate for  
15 the office to be voted for at that primary election.

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

23 The undersigned, qualified electors of \_\_\_\_\_  
24 county, state of Arizona, do hereby nominate \_\_\_\_\_, who  
25 resides at \_\_\_\_\_ in the county of \_\_\_\_\_, as a  
26 candidate for the office of \_\_\_\_\_ at the general (or  
27 special, as the case may be) election to be held on the  
28 \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

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

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

1 F. The percentage of persons who are registered to vote necessary  
 2 to sign the nomination petition shall be determined by the total number of  
 3 registered voters from other than political parties that are qualified to  
 4 be represented by an official party ballot at the next ensuing primary  
 5 election and accorded representation on the general election ballot in the  
 6 state, county, subdivision or district on January 2 of the year in which  
 7 the general election is held. Notwithstanding the method prescribed by  
 8 subsection E of this section and this subsection for calculating the  
 9 minimum number of signatures necessary, any person who is registered to  
 10 vote in the state, county, subdivision or district for which the candidate  
 11 is nominated is eligible to sign the nomination petition without regard to  
 12 the signer's party affiliation.

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

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

41 I. Not later than the date of the first petition signature on a  
 42 nomination petition, a person who may be a candidate for office pursuant  
 43 to this section shall file a statement of interest with the appropriate  
 44 filing officer for that office. The statement of interest shall contain  
 45 the name of the person, the political party, if any, and the name of the

1 office that may be sought. Any nomination petition signatures collected  
2 before the date the statement of interest is filed are invalid and subject  
3 to challenge. This subsection does not apply to:

4 1. Candidates for elected office for special taxing districts that  
5 are established pursuant to title 48.

6 2. Candidates for precinct committeeman.

7 3. Candidates for president or vice president of the United States.

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

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

24 1. The financial disclosure statement as prescribed for candidates  
25 for that office.

26 2. The declaration of qualification and eligibility as prescribed  
27 in section 16-311.

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

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