

REFERENCE TITLE: candidate nomination petitions; signatures; county

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

HB 2641

Introduced by
Representatives Carter: Bolick, Fernandez B, Toma

AN ACT

AMENDING SECTIONS 16-314 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 16-314, 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 _____ (LEAVE BLANK FOR A STATEWIDE OR LEGISLATIVE
26 OFFICE), state of Arizona, and of (here name political
27 division or district from which the nomination is sought) and
28 a member of the _____ party or a person who is
29 registered as no party preference or independent as the party
30 preference or who is registered with a political party that is
31 not qualified for representation on the ballot, hereby
32 nominate _____ who resides at _____ in the
33 county of _____ for the party nomination for the office
34 of _____ to be voted at the primary election to be
35 held _____ as representing the principles of such
36 party, and I hereby declare that I am qualified to vote for
37 this office and that I have not signed, and will not sign, any
38 nomination petition for more persons than the number of
39 candidates necessary to fill such office at the next ensuing
40 election. I further declare that if I choose to use a post
41 office box address on this petition, my residence address has
42 not changed since I last reported it to the county recorder
43 for purposes of updating my voter registration file.

Nonpartisan Nomination Petition

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

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

21 E. A CANDIDATE FOR A STATEWIDE OR LEGISLATIVE OFFICE IS NOT
22 REQUIRED TO STATE ON THE NOMINATION PETITION THE COUNTY OF RESIDENCE OF
23 THE QUALIFIED ELECTORS WHO SIGN THE CANDIDATE'S PETITION OR SEPARATE THE
24 NOMINATION PETITIONS BY COUNTY WHEN SUBMITTING PETITIONS TO THE SECRETARY
25 OF STATE AND MAY SUBMIT SIGNATURES FROM QUALIFIED ELECTORS FROM MORE THAN
26 ONE COUNTY ON THE SAME NOMINATION PETITION WITHOUT PENALTY.

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

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

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

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

43 C. A nomination petition stating the name of the office to be
44 filled, the name and residence of the candidate, or, if the candidate does
45 not have an actual residence address, a description of place of residence

1 and post office address, or, if the person's actual residence address is
2 protected pursuant to section 16-153, a post office box or private mailbox
3 address in the candidate's district, precinct or municipality, as
4 applicable for a district, precinct or municipal office, and other
5 information required by this section shall be filed with the same officer
6 with whom primary nomination papers and petitions are required to be filed
7 as prescribed in section 16-311. Except for candidates for the office of
8 presidential elector filed pursuant to this section, the petition shall be
9 filed not less than one hundred twenty days nor more than one hundred
10 fifty days before the primary election. The petition shall be signed only
11 by voters who have not signed the nomination petitions of a candidate for
12 the office to be voted for at that primary election. **A CANDIDATE FOR A
13 STATEWIDE OR LEGISLATIVE OFFICE IS NOT REQUIRED TO STATE ON THE NOMINATION
14 PETITION THE COUNTY OF RESIDENCE OF THE QUALIFIED ELECTORS WHO SIGN THE
15 CANDIDATE'S PETITION OR SEPARATE THE NOMINATION PETITIONS BY COUNTY WHEN
16 SUBMITTING PETITIONS TO THE SECRETARY OF STATE AND MAY SUBMIT SIGNATURES
17 FROM QUALIFIED ELECTORS FROM MORE THAN ONE COUNTY ON THE SAME NOMINATION
18 PETITION WITHOUT PENALTY.**

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

26 The undersigned, qualified electors of _____ county
27 **(LEAVE BLANK FOR A STATEWIDE OR LEGISLATIVE OFFICE)**, state of
28 Arizona, do hereby nominate _____, who resides at
29 _____ in the county of _____, as a candidate for the
30 office of _____ at the general (or special, as the case may
31 be) election to be held on the _____ day of _____,
32 _____.

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

40 E. The nomination petition shall conform as nearly as possible to
41 the provisions relating to nomination petitions of candidates to be voted
42 for at primary elections and shall be signed by at least the number of
43 persons who are registered to vote determined by calculating three percent
44 of the persons who are registered to vote of the state, county,
45 subdivision or district for which the candidate is nominated who are not

1 members of a political party that is qualified to be represented by an
2 official party ballot at the next ensuing primary election and accorded
3 representation on the general election ballot.

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

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

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

44 I. Not later than the date of the first petition signature on a
45 nomination petition, a person who may be a candidate for office pursuant

1 to this section shall file a statement of interest with the appropriate
2 filing officer for that office. The statement of interest shall contain
3 the name of the person, the political party, if any, and the name of the
4 office that may be sought. Any nomination petition signatures collected
5 before the date the statement of interest is filed are invalid and subject
6 to challenge. This subsection does not apply to:

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

9 2. Candidates for precinct committeeman.

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

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

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

27 1. The financial disclosure statement as prescribed for candidates
28 for that office.

29 2. The declaration of qualification and eligibility as prescribed
30 in section 16-311.

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

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