

REFERENCE TITLE: write-in candidates; filing date

State of Arizona
House of Representatives
Fifty-fifth Legislature
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HB 2801

Introduced by
Representatives Diaz: Blackman, Bolick, Carroll, Fillmore, Finchem,
Martinez, Parker, Wilmeth

AN ACT

AMENDING SECTION 16-312, 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 16-312, 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, if the person
13 does not have an actual residence address, a description of place of
14 residence and post office address, or, if the person's actual residence
15 address is protected pursuant to section 16-153, a post office box or
16 private mailbox address in the candidate's district, precinct or
17 municipality, as applicable for the district, precinct or municipal office
18 that the person proposes to represent, and the person's age, length of
19 residence in the state and date of birth.

20 B. A write-in candidate shall file the nomination paper not earlier
21 than one hundred fifty days before the election and not later than
22 5:00 p.m. on the ~~fortieth~~ SEVENTY-SIXTH day before the election, except
23 that:

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

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

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

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

1 E. The secretary of state shall notify the various boards of
2 supervisors as to write-in candidates filing with the secretary of state's
3 office. The county school superintendent shall notify the appropriate
4 board of supervisors as to write-in candidates filing with the
5 superintendent's office. The board of supervisors shall notify the
6 appropriate election board inspector of all candidates who have properly
7 filed such statements. In the case of a city or town election, the city
8 or town clerk shall notify the appropriate election board inspector of
9 candidates properly filed. No other write-ins shall be counted. The
10 election board inspector shall post the notice of official write-in
11 candidates in a conspicuous location within the polling place.

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

14 1. For a candidate in the general election, the candidate ran in
15 the immediately preceding primary election and failed to be nominated to
16 the office sought in the current election.

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

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

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

31 G. A person who files a nomination paper pursuant to this section
32 for the office of president of the United States shall designate in
33 writing to the secretary of state at the time of filing the name of the
34 candidate's vice-presidential running mate, the names of presidential
35 electors who will represent that candidate and a statement signed by the
36 vice-presidential running mate and designated presidential electors that
37 indicates their consent to be designated. A nomination paper for each
38 presidential elector designated shall be filed with the candidate's
39 nomination paper. The number of presidential electors shall equal the
40 number of United States senators and representatives in Congress from this
41 state.