

REFERENCE TITLE: school districts; protesting; partisan elections

State of Arizona
Senate
Fifty-fifth Legislature
Second Regular Session
2022

SB 1010

Introduced by
Senator Ugenti-Rita

AN ACT

AMENDING TITLE 15, CHAPTER 3, ARTICLE 3, ARIZONA REVISED STATUTES, BY
ADDING SECTION 15-341.02; AMENDING SECTIONS 15-422 AND 16-502, ARIZONA
REVISED STATUTES; RELATING TO SCHOOL DISTRICTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 15, chapter 3, article 3, Arizona Revised
3 Statutes, is amended by adding section 15-341.02, to read:

4 15-341.02. Peaceful protesting; school property; governing
5 board and school-related meetings; definition

6 A. NOTWITHSTANDING ANY OTHER LAW, A SCHOOL DISTRICT MAY NOT EJECT
7 FROM SCHOOL PROPERTY OR FROM THE VICINITY OF ANY OTHER LOCATION WHERE A
8 SCHOOL DISTRICT GOVERNING BOARD MEETING OR ANY OTHER SCHOOL-RELATED
9 MEETING IS TAKING PLACE OR TAKE ANY OTHER ADVERSE ACTION AGAINST A PERSON
10 OR A GROUP OF PEOPLE ENGAGING IN PEACEFUL PROTESTING AFTER SCHOOL HOURS.

11 B. THE ACT OF PEACEFUL PROTESTING ON SCHOOL PROPERTY AFTER SCHOOL
12 HOURS OR IN THE VICINITY OF ANY OTHER LOCATION WHERE A SCHOOL DISTRICT
13 GOVERNING BOARD MEETING OR ANY OTHER SCHOOL-RELATED MEETING IS TAKING
14 PLACE AFTER SCHOOL HOURS DOES NOT VIOLATE SECTION 13-2911.

15 C. A SCHOOL DISTRICT MAY NOT REQUIRE A PERSON OR A GROUP OF PEOPLE
16 TO APPLY, REQUEST A PERMIT OR SECURE ANY OTHER FORM OF AUTHORIZATION TO
17 ENGAGE IN PEACEFUL PROTESTING ON SCHOOL PROPERTY AFTER SCHOOL HOURS OR IN
18 THE VICINITY OF ANY OTHER LOCATION WHERE A SCHOOL DISTRICT GOVERNING BOARD
19 MEETING OR ANY OTHER SCHOOL-RELATED MEETING IS TAKING PLACE AFTER SCHOOL
20 HOURS.

21 D. FOR THE PURPOSES OF THIS SECTION, "PEACEFUL PROTESTING" MEANS
22 PROTESTING THAT IS CHARACTERIZED BY ALL OF THE FOLLOWING:

23 1. DOES NOT POSE AN OBVIOUS THREAT TO PERSONS.

24 2. DOES NOT DAMAGE PROPERTY.

25 3. DOES NOT INTERFERE WITH OR DISRUPT ACTIVITIES OCCURRING ON
26 SCHOOL PROPERTY OR IN THE VICINITY OF ANY OTHER LOCATION WHERE A SCHOOL
27 DISTRICT GOVERNING BOARD MEETING OR ANY OTHER SCHOOL-RELATED MEETING IS
28 TAKING PLACE.

29 Sec. 2. Section 15-422, Arizona Revised Statutes, is amended to
30 read:

31 15-422. Partisan nomination petitions; partisan elections;
32 ballots

33 A. ~~Nominating~~ PARTISAN NOMINATION petitions shall be filed with the
34 county school superintendent as prescribed by title 16, chapter 3.
35 ~~Nominating~~ PARTISAN NOMINATION petitions shall be signed by a number of
36 qualified electors of the SCHOOL district as provided in section 16-322.
37 ~~Nominating~~ PARTISAN NOMINATION petitions for persons seeking to fill a
38 vacancy on a SCHOOL DISTRICT governing board shall be designated as
39 provided in section 16-314.

40 B. NOTWITHSTANDING ANY OTHER LAW, ALL ELECTIONS FOR SCHOOL DISTRICT
41 GOVERNING BOARD MEMBERS IN THIS STATE SHALL BE CONDUCTED USING A PARTISAN
42 PRIMARY ELECTION FOLLOWED BY A GENERAL ELECTION AS OTHERWISE PRESCRIBED BY
43 LAW AND IN THE FORM SUBSTANTIALLY SIMILAR TO THAT USED FOR COUNTYWIDE OR
44 STATEWIDE ELECTIONS.

1 ~~B.~~ C. The county school superintendent may cause separate ballots
2 to be prepared, or ~~such~~ THE NAMES OF CANDIDATES FOR school district
3 ~~candidates' names~~ GOVERNING BOARD may be included as a part of the regular
4 ballot. ~~in any event~~ The names of all persons whose petitions have been
5 filed shall appear on a ballot, ~~without~~ WITH EACH CANDIDATE'S partisan ~~or~~
6 ~~other~~ designation ~~except the~~ AND title of the office BEING SOUGHT.

7 Sec. 3. Section 16-502, Arizona Revised Statutes, is amended to
8 read:

9 16-502. Form and contents of ballot

10 A. Ballots shall be printed with black ink on white paper of
11 sufficient thickness to prevent the printing thereon from being
12 discernible from the back, and the same type shall be used for the names
13 of all candidates. The ballots shall be headed "official ballot" in
14 bold-faced plain letters, with a heavy rule above and below the heading.
15 Immediately below shall be placed the words "type of election, (date of
16 election)" and the name of the county and state in which the election is
17 held. The name or number of the precinct in which the election is held
18 shall be placed on the ballot in a uniform location for all ballots. No
19 other matter shall be placed or printed at the head of any ballot.
20 Instructions to the voter on marking the ballot may be printed below the
21 heading as follows:

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

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

29 3. Put a mark according to the instructions next to the
30 word "yes" or "for" for each proposition or question you wish
31 to be adopted. Put a mark according to the instructions next
32 to the word "no" or "against" for each proposition or question
33 you wish not to be adopted.

34 B. Immediately below the ballot instructions shall be placed the
35 following:

36 Section One
37 Partisan Ballot

38 C. Immediately below the heading for section one there shall be
39 placed in columns the names of the candidates of the several political
40 parties. Next to each candidate's name there shall be printed in
41 bold-faced letters the name of the political party. At the head of each
42 column shall be printed the names of the offices to be filled with the
43 name of each office being of uniform type size. At the head of each
44 column shall be printed in the following order the names of candidates
45 for:

1 1. Presidential electors, which shall be in a list and next to the
2 list shall be printed in bold type the surname of the presidential
3 candidate, and the surname of the vice presidential candidate who is
4 seeking election jointly with the presidential candidate shall be listed
5 directly below the name of the presidential candidate. The indicator for
6 the selection of the presidential and vice presidential candidates shall
7 be directly next to the surname of the presidential candidate, and one
8 mark directly next to a presidential candidate's surname shall be counted
9 as a vote for each elector in the list next to the presidential and vice
10 presidential candidates.

11 2. United States senator.

12 3. Representatives in Congress.

13 4. The several state offices.

14 5. The several county, SCHOOL DISTRICT GOVERNING BOARD and precinct
15 offices.

16 D. The names of candidates for the offices of state senator and
17 state representative along with the district number shall be placed within
18 the heading of each column to the right of the office name for state
19 offices and immediately below the candidates for the office of governor.
20 The number of the supervisorial district of which a candidate is a nominee
21 shall be printed within the heading of each column to the right of the
22 name of the office.

23 E. The lists of the candidates of the several parties shall be
24 arranged with the names of the parties in descending order according to
25 the votes cast for governor for that county in the most recent general
26 election for the office of governor, commencing with the left-hand column.
27 In the case of political parties that did not have candidates on the
28 ballot in the last general election, such parties shall be listed in
29 alphabetical order below the parties that did have candidates on the
30 ballot in the last general election. The names of all candidates
31 nominated under section 16-341 shall be placed in a single column below
32 that of the recognized parties. Next to the name of each candidate, in
33 parentheses, shall be printed a three-letter abbreviation that is taken
34 from the three words prescribed in the candidate's certificate of
35 nomination.

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

39 G. In each column at the right or left of the name of each
40 candidate and on the same line there shall be a place for the voter to put
41 a mark. Below the name of the last named candidate for each office there
42 shall be as many blank lines as there are offices of the same title to be
43 filled, with a place for the voter to put a mark. On the blank line the
44 voter may write the name of any person for whom the voter desires to vote

1 whose name is not printed, and next to the name so written the voter shall
2 designate his choice by a mark as in the case of printed names.

3 H. When there are two or more candidates of the same political
4 party for the same office, or more than one candidate for a judicial
5 office, the names of all such candidates shall be so alternated on the
6 ballots used in each election district that the name of each candidate
7 shall appear substantially an equal number of times in each possible
8 location. If there are fewer or the same number of candidates seeking
9 office than the number to be elected, the rotation of names is not
10 required and the names shall be placed in alphabetical order.

11 I. Immediately below section one of the ballot shall be placed the
12 following:

13 Section Two
14 Nonpartisan Ballot

15 J. Immediately below the heading for section two shall be placed
16 the names of the candidates for justices of the supreme court, judges of
17 the court of appeals, judges of the superior court standing for retention
18 or rejection pursuant to article VI, section 38, Constitution of Arizona,
19 judges of the superior court standing for election pursuant to article VI,
20 section 12, Constitution of Arizona, ~~school district officials~~ and other
21 nonpartisan officials in a column or in columns without partisan or other
22 designation except the title of office in an order determined by the
23 officer in charge of the election.

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

28 L. All proposed constitutional amendments and other propositions or
29 questions to be submitted to the voters shall be printed immediately below
30 the names of candidates for nonpartisan positions in such order as the
31 secretary of state, or if a city or town election, the city or town clerk,
32 designates. Placement of county and local charter amendments,
33 propositions or questions shall be determined by the officer in charge of
34 the election. Except as provided by section 19-125, each proposition or
35 question shall be followed by the words "yes" and "no" or "for _____" and
36 "against _____" as the nature of the proposition or question requires,
37 and at the right or left of and next to each of such words shall be a
38 place for the voter to put a mark according to the instructions that is
39 similar in size to those places appearing opposite the names of the
40 candidates, in which the voter may indicate his vote for or against such
41 proposition or question by a mark as defined in section 16-400.

42 M. Instead of printing the official and descriptive titles or the
43 full text of each measure or question on the official ballot, the officer
44 in charge of elections may print phrases on the official ballot that
45 contain all of the following:

- 1 1. The number of the measure in reverse type and at least ~~twelve~~
2 ~~point~~ TWELVE-POINT type.
- 3 2. The designation of the measure as prescribed by section 19-125,
4 subsection C or as a question, proposition or charter amendment, followed
5 by the words "relating to..." and inserting the subject.
- 6 3. Either the statement prescribed by section 19-125, subsection D
7 that describes the effects of a "yes" vote and a "no" vote or, for other
8 measures, the text of the question or proposition.
- 9 4. The words "yes" and "no" or "for" and "against", as may be
10 appropriate and a place for the voter to put a mark.
- 11 N. For any ballot printed pursuant to subsection M of this section,
12 the instructions on the official ballot shall direct the voter to the full
13 text of the official and descriptive titles and the questions and
14 propositions as printed on the sample ballot and posted in the polling
15 place.
- 16 Sec. 4. Applicability
- 17 Sections 15-422 and 16-502, Arizona Revised Statutes, as amended by
18 this act, apply to school district governing board elections held on or
19 after January 1, 2023.