

REFERENCE TITLE: municipalities; partisan elections

State of Arizona
Senate
Fifty-sixth Legislature
First Regular Session
2023

SB 1011

Introduced by
Senator Kavanagh

AN ACT

AMENDING SECTIONS 9-821.01 AND 16-502, ARIZONA REVISED STATUTES; RELATING TO MUNICIPAL ELECTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 9-821.01, Arizona Revised Statutes, is amended
3 to read:

4 9-821.01. Declaration of statewide concern; city and town
5 elections; districts; procedure

6 A. Arizona courts have recognized that the Constitution of Arizona
7 requires the legislature's involvement in issues relating to elections
8 conducted by charter cities, including initiative and referendum
9 elections, the method of elections other than by ballot, laws relating to
10 primary elections, voter registration laws to prevent abuse and fraud and
11 campaign finance laws. The legislature finds that the conduct of
12 elections described in this section is a matter of statewide concern.

13 B. Notwithstanding any other law, a city or town ~~shall not~~ MAY hold
14 ~~any A CANDIDATE~~ election ~~on candidates for which there is any indication~~
15 ~~on the ballot of the source of the candidacy or of the support of the~~
16 ~~candidate.~~ AS FOLLOWS:

17 1. WITH THE CANDIDATE'S POLITICAL PARTY REGISTRATION INDICATED ON
18 THE BALLOT.

19 2. WITHOUT THE CANDIDATE'S POLITICAL PARTY REGISTRATION INDICATED
20 ON THE BALLOT.

21 C. Notwithstanding any other law, for any city or town that
22 provides for election of city or town council members by district, ward,
23 precinct or other geographical designation, only those voters who are
24 qualified electors of the district, ward, precinct or other geographic
25 designation are eligible to vote for that council member candidate in the
26 city or town's primary, general, runoff or other election.

27 D. Notwithstanding any other law or any charter provision, a city
28 or town may by ordinance provide that at the primary election any
29 candidate for the office of mayor or city council who receives a majority
30 of all votes cast at that election for that office ~~is~~ SHALL BE declared
31 elected to the office for which the person is a candidate, effective as of
32 the date of the general election, and a further election may not be held
33 as to such candidate. For the purposes of this subsection, the majority
34 of votes cast is determined by:

35 1. Calculating the total number of actual votes cast for all
36 candidates for an office whose names were lawfully on the ballot for that
37 office.

38 2. Dividing the sum reached pursuant to paragraph 1 of this
39 subsection by the number of seats to be filled for the office.

40 3. Dividing the number reached pursuant to paragraph 2 of this
41 subsection by two and rounding that number to the highest whole number.

42 E. If more candidates receive a majority of votes cast than there
43 are seats to be filled for the office pursuant to subsection D of this
44 section, from among those candidates who receive a majority of votes cast,
45 the candidates who receive the highest number of votes equal to the number

1 of seats to be filled for the office ~~is~~ SHALL BE declared elected to that
2 office.

3 F. If at the primary election no candidate receives the majority of
4 the votes cast or the number of seats to be filled for the office is more
5 than the number of candidates who receive a majority of votes cast, of the
6 candidates who did not receive a majority of votes cast, the number of
7 candidates who advance to the general or runoff election ~~is~~ SHALL BE equal
8 in number to twice the number of seats to be filled for the office and the
9 candidates who received the highest number of votes for the office ~~are~~
10 SHALL BE the only candidates at the general or runoff election. If more
11 than one candidate received an equal number of votes and that number was
12 the highest number of votes for the office, then all candidates receiving
13 the equal number of votes ~~are~~ SHALL BE candidates at the general or runoff
14 election. The candidates equal in number to the seats to be filled for
15 the office who receive the highest number of votes at the general or
16 runoff election ~~is~~ SHALL BE declared elected to that office. If two or
17 more candidates receive an equal number of votes cast for the same office,
18 and a higher number than any other candidate, the candidate who shall be
19 declared elected ~~is~~ SHALL BE determined by lot in the presence of the
20 candidates. A write-in candidate may not advance to the general or runoff
21 election if the write-in candidate did not receive a number of votes
22 equivalent to at least the same number of signatures required by section
23 16-322 for nominating petitions for the same office.

24 G. In addition to subsection D of this section, any town with a
25 population of five thousand persons or less may by majority vote of the
26 qualified electors of the town voting on the question provide that at the
27 primary election those candidates receiving the highest number of votes
28 for the offices to be filled ~~are~~ SHALL BE declared elected to the office,
29 and a further election may not be held if at least three-fifths of the
30 seats are filled by persons receiving a majority of the votes cast as
31 provided in subsection D of this section.

32 Sec. 2. Section 16-502, Arizona Revised Statutes, is amended to
33 read:

34 16-502. Form and contents of ballot

35 A. Ballots shall be printed with black ink on white paper of
36 sufficient thickness to prevent the printing thereon from being
37 discernible from the back, and the same type shall be used for the names
38 of all candidates. The ballots shall be headed "official ballot" in
39 bold-faced plain letters, with a heavy rule above and below the heading.
40 Immediately below shall be placed the words "type of election, (date of
41 election)" and the name of the county and state in which the election is
42 held. The name or number of the precinct in which the election is held
43 shall be placed on the ballot in a uniform location for all ballots. No
44 other matter shall be placed or printed at the head of any ballot.

1 Instructions to the voter on marking the ballot may be printed below the
2 heading as follows:

3 1. Put a mark according to the instructions next to the
4 name of each candidate for each office for whom you wish to
5 vote.

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

10 3. Put a mark according to the instructions next to the
11 word "yes" or "for" for each proposition or question you wish
12 to be adopted. Put a mark according to the instructions next
13 to the word "no" or "against" for each proposition or question
14 you wish not to be adopted.

15 B. Immediately below the ballot instructions shall be placed the
16 following:

17 Section One
18 Partisan Ballot

19 C. Immediately below the heading for section one there shall be
20 placed in columns the names of the candidates of the several political
21 parties. Next to each candidate's name there shall be printed in
22 bold-faced letters the name of the political party. At the head of each
23 column shall be printed the names of the offices to be filled with the
24 name of each office being of uniform type size. At the head of each
25 column shall be printed in the following order the names of candidates
26 for:

27 1. Presidential electors, which shall be in a list and next to the
28 list shall be printed in bold type the surname of the presidential
29 candidate, and the surname of the vice presidential candidate who is
30 seeking election jointly with the presidential candidate shall be listed
31 directly below the name of the presidential candidate. The indicator for
32 the selection of the presidential and vice presidential candidates shall
33 be directly next to the surname of the presidential candidate, and one
34 mark directly next to a presidential candidate's surname shall be counted
35 as a vote for each elector in the list next to the presidential and vice
36 presidential candidates.

37 2. United States senator.

38 3. Representatives in Congress.

39 4. The several state offices.

40 5. The several county and precinct offices.

41 6. FOR MUNICIPALITIES HOLDING PARTISAN ELECTIONS, THE SEVERAL
42 MUNICIPAL OFFICES.

43 D. The names of candidates for the offices of state senator and
44 state representative along with the district number shall be placed within
45 the heading of each column to the right of the office name for state

1 offices and immediately below the candidates for the office of governor.
2 The number of the supervisorial district of which a candidate is a nominee
3 shall be printed within the heading of each column to the right of the
4 name of the office.

5 E. The lists of the candidates of the several parties shall be
6 arranged with the names of the parties in descending order according to
7 the votes cast for governor for that county in the most recent general
8 election for the office of governor, commencing with the left-hand column.
9 In the case of political parties that did not have candidates on the
10 ballot in the last general election, such parties shall be listed in
11 alphabetical order below the parties that did have candidates on the
12 ballot in the last general election. The names of all candidates
13 nominated under section 16-341 shall be placed in a single column below
14 that of the recognized parties. Next to the name of each candidate, in
15 parentheses, shall be printed a three-letter abbreviation that is taken
16 from the three words prescribed in the candidate's certificate of
17 nomination.

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

21 G. In each column at the right or left of the name of each
22 candidate and on the same line there shall be a place for the voter to put
23 a mark. Below the name of the last named candidate for each office there
24 shall be as many blank lines as there are offices of the same title to be
25 filled, with a place for the voter to put a mark. On the blank line the
26 voter may write the name of any person for whom the voter desires to vote
27 whose name is not printed, and next to the name so written the voter shall
28 designate his choice by a mark as in the case of printed names.

29 H. When there are two or more candidates of the same political
30 party for the same office, or more than one candidate for a judicial
31 office, the names of all such candidates shall be so alternated on the
32 ballots used in each election district that the name of each candidate
33 shall appear substantially an equal number of times in each possible
34 location. If there are fewer or the same number of candidates seeking
35 office than the number to be elected, the rotation of names is not
36 required and the names shall be placed in alphabetical order.

37 I. Immediately below section one of the ballot shall be placed the
38 following:

39 Section Two
40 Nonpartisan Ballot

41 J. Immediately below the heading for section two shall be placed
42 the names of the candidates for justices of the supreme court, judges of
43 the court of appeals, judges of the superior court standing for retention
44 or rejection pursuant to article VI, section 38, Constitution of Arizona,
45 judges of the superior court standing for election pursuant to article VI,

1 section 12, Constitution of Arizona, school district officials and other
2 nonpartisan officials in a column or in columns without partisan or other
3 designation except the title of office in an order determined by the
4 officer in charge of the election.

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

9 L. All proposed constitutional amendments and other propositions or
10 questions to be submitted to the voters shall be printed immediately below
11 the names of candidates for nonpartisan positions in such order as the
12 secretary of state, or if a city or town election, the city or town clerk,
13 designates. Placement of county and local charter amendments,
14 propositions or questions shall be determined by the officer in charge of
15 the election. Except as provided by section 19-125, each proposition or
16 question shall be followed by the words "yes" and "no" or "for _____" and
17 "against _____" as the nature of the proposition or question requires,
18 and at the right or left of and next to each of such words shall be a
19 place for the voter to put a mark according to the instructions that is
20 similar in size to those places appearing opposite the names of the
21 candidates, in which the voter may indicate his vote for or against such
22 proposition or question by a mark as defined in section 16-400.

23 M. Instead of printing the official and descriptive titles or the
24 full text of each measure or question on the official ballot, the officer
25 in charge of elections may print phrases on the official ballot that
26 contain all of the following:

27 1. The number of the measure in reverse type and at least ~~twelve~~
28 ~~point~~ TWELVE-POINT type.

29 2. The designation of the measure as prescribed by section 19-125,
30 subsection C or as a question, proposition or charter amendment, followed
31 by the words "relating to..." and inserting the subject.

32 3. Either the statement prescribed by section 19-125, subsection D
33 that describes the effects of a "yes" vote and a "no" vote or, for other
34 measures, the text of the question or proposition.

35 4. The words "yes" and "no" or "for" and "against", as may be
36 appropriate and a place for the voter to put a mark.

37 N. For any ballot printed pursuant to subsection M of this section,
38 the instructions on the official ballot shall direct the voter to the full
39 text of the official and descriptive titles and the questions and
40 propositions as printed on the sample ballot and posted in the polling
41 place.

42 Sec. 3. Applicability

43 This act applies to municipal elections held on or after January 1,
44 2024.