

REFERENCE TITLE: primary election date; May

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

SB 1452

Introduced by
Senator Shope

AN ACT

AMENDING SECTIONS 16-201, 16-204 AND 16-206, ARIZONA REVISED STATUTES;
RELATING TO ELECTION DATES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 16-201, Arizona Revised Statutes, is amended to
3 read:

4 16-201. Primary elections

5 A primary election shall be held on the ~~first~~ LAST Tuesday ~~in August~~
6 BEFORE THE LAST MONDAY IN MAY in any year in which a general election or
7 special election is held and at which candidates for public office are to
8 be elected.

9 Sec. 2. Section 16-204, Arizona Revised Statutes, is amended to
10 read:

11 16-204. Declaration of statewide concern; consolidated
12 election dates; definition

13 A. The legislature finds and determines that for the purposes of
14 increasing voter participation and for decreasing the costs to the
15 taxpayers it is a matter of statewide concern that all elections in this
16 state be conducted on a limited number of days and, therefore, the
17 legislature finds and declares that the holding of all elections on
18 certain specific consolidated days is a matter of statewide concern. This
19 section preempts all local laws, ordinances and charter provisions to the
20 contrary.

21 B. For elections held before 2014 and notwithstanding any other law
22 or any charter or ordinance of any county, city or town to the contrary,
23 an election held for or on behalf of a county, city or town, a school
24 district, a community college district or special districts organized
25 pursuant to title 48, chapters 5, 6, 8, 10, 13 through 16 and 33 may only
26 be held on the following dates:

27 1. Except for regular elections for candidates in a city or town
28 with a population of one hundred seventy-five thousand or more persons,
29 all elections, including recall elections and special elections to fill
30 vacancies, shall be held on:

31 (a) The second Tuesday in March.

32 (b) The third Tuesday in May.

33 (c) The tenth Tuesday before the first Tuesday after the first
34 Monday in November.

35 (d) The first Tuesday after the first Monday in November.
36 Notwithstanding any other law, an election must be held on this date for
37 the approval of an obligation or other authorization requiring or
38 authorizing the assessment of secondary property taxes by a county, city,
39 town, school district, community college district or special taxing
40 district, except as provided by title 48.

41 2. For regular elections that are only for candidates in a city or
42 town with a population of one hundred seventy-five thousand or more
43 persons and not including recall elections and special elections to fill
44 vacancies in those cities or towns, elections shall be held on:

1 (a) The tenth Tuesday before the first Tuesday after the first
2 Monday in November.

3 (b) The first Tuesday after the first Monday in November.

4 C. For elections held before 2014, for any city or town, including
5 a charter city, that holds its regularly scheduled candidate elections in
6 even-numbered years pursuant to subsection B, paragraph 2 of this section,
7 the term of office for a member of the city council or for the office of
8 mayor begins on or after the second Tuesday in January in the year
9 following the election.

10 D. Subsections B and C of this section do not apply to an election
11 regarding a county or city charter committee or county or city charter
12 proposal that is conducted pursuant to article XIII, section 2 or 3 or
13 article XII, section 5, Constitution of Arizona.

14 E. Beginning with elections held in 2014 and later and
15 notwithstanding any other law or any charter or ordinance to the contrary,
16 a candidate election held for or on behalf of any political subdivision of
17 this state other than a special election to fill a vacancy or a recall
18 election may only be held on the following dates and only in even-numbered
19 years:

20 1. ~~Through 2019, the tenth Tuesday before the first Tuesday after~~
21 ~~the first Monday in November.~~ Beginning in 2020 and later THROUGH 2023,
22 the election shall be held on the first Tuesday in August. If the
23 political subdivision holds a primary or first election and a general or
24 runoff election is either required or optional for that political
25 subdivision, the first election shall be held on this date, without regard
26 to whether the political subdivision designates the election a primary
27 election, a first election, a preliminary election or any other
28 descriptive term.

29 2. BEGINNING IN 2024 AND LATER, THE ELECTION SHALL BE HELD ON THE
30 LAST TUESDAY BEFORE THE LAST MONDAY IN MAY. IF THE POLITICAL SUBDIVISION
31 HOLDS A PRIMARY OR FIRST ELECTION AND A GENERAL OR RUNOFF ELECTION IS
32 EITHER REQUIRED OR OPTIONAL FOR THAT POLITICAL SUBDIVISION, THE FIRST
33 ELECTION SHALL BE HELD ON THIS DATE, WITHOUT REGARD TO WHETHER THE
34 POLITICAL SUBDIVISION DESIGNATES THE ELECTION A PRIMARY ELECTION, A FIRST
35 ELECTION, A PRELIMINARY ELECTION OR ANY OTHER DESCRIPTIVE TERM.

36 ~~2.~~ 3. The first Tuesday after the first Monday in November. If
37 the political subdivision holds a general election or a runoff election,
38 the second election held shall be held on this date. If the political
39 subdivision holds only a single election and no preliminary or primary or
40 other election is ever held for the purpose of reducing the number of
41 candidates, or receiving a partisan nomination or designation or for any
42 other purpose for that political subdivision, the single election shall be
43 held on this date.

1 F. Beginning with elections held in 2014 and later that are not
2 candidate elections, an election held for or on behalf of any political
3 subdivision of this state, and including a special election to fill a
4 vacancy or a recall election, may only be held on the following dates:

5 1. The second Tuesday in March.

6 2. The third Tuesday in May.

7 3. Through 2019 ~~TO 2023~~, the tenth Tuesday before the first Tuesday
8 after the first Monday in November. Beginning in ~~2020~~ 2024 and later, the
9 election shall be held on the ~~first Tuesday in August~~ LAST TUESDAY BEFORE
10 THE LAST MONDAY IN MAY.

11 4. The first Tuesday after the first Monday in November.
12 Notwithstanding any other law, an election must be held on this date for
13 the approval of an obligation or other authorization requiring or
14 authorizing the assessment of secondary property taxes by a county, city,
15 town, school district, community college district or special taxing
16 district, except as provided by title 48. Notwithstanding any other law,
17 an election must be held on the date specified in this paragraph and only
18 in even-numbered years for the approval of or authorizing the assessment
19 of transaction privilege taxes by a county, city or town.

20 G. Notwithstanding any other law, for an election administered by a
21 county recorder or other officer in charge of elections on behalf of a
22 city, town or school district and that is an all mail ballot election for
23 that city, town or school district, the county recorder or other officer
24 in charge of elections may use a unified ballot format that combines all
25 of the issues applicable to the voters in the city, town or school
26 district requesting the all mail ballot election.

27 H. For the purposes of this section, "political subdivision" means
28 any governmental entity operating under the authority of this state and
29 governed by an elected body, including a city, town, county, school
30 district or community college district or any other district organized
31 under state law but not including a special taxing district.

32 Sec. 3. Section 16-206, Arizona Revised Statutes, is amended to
33 read:

34 16-206. Election day

35 A. The biennial primary election day on the ~~first~~ LAST Tuesday ~~in~~
36 ~~August~~ BEFORE THE LAST MONDAY IN MAY in the year the general election is
37 held and the biennial general election day on the first Tuesday after the
38 first Monday in November of every even-numbered year are not legal
39 holidays.

40 B. Every public officer or employee is entitled to absence from
41 service or employment for the purpose of voting pursuant to section 16-402
42 on the biennial primary and general election days.