

REFERENCE TITLE: presidential candidates; qualification; no exclusion

State of Arizona
Senate
Fifty-sixth Legislature
Second Regular Session
2024

SB 1158

Introduced by
Senators Shamp: Borrelli, Carroll, Gowan; Representatives Montenegro,
Smith

AN ACT

AMENDING SECTION 16-212, ARIZONA REVISED STATUTES; RELATING TO CANDIDATES
FOR PRESIDENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 16-212, Arizona Revised Statutes, is amended to
3 read:

4 16-212. Election of presidential electors; electoral college
5 votes; vacancy; replacement

6 A. On the first Tuesday after the first Monday in November, 1956,
7 and quadrennially thereafter, there shall be elected a number of
8 presidential electors equal to the number of United States senators and
9 representatives in Congress from this state.

10 B. After the secretary of state issues the statewide canvass
11 containing the results of a presidential election, the presidential
12 electors of this state shall cast their electoral college votes for the
13 candidate for president and the candidate for vice president who jointly
14 received the highest number of votes in this state as prescribed in the
15 canvass.

16 C. A presidential elector who knowingly refuses to cast that
17 elector's electoral college vote as prescribed in subsection B of this
18 section is no longer eligible to hold the office of presidential elector
19 and that office is deemed and declared vacant by operation of law. The
20 chairperson of the state committee of the political party represented by
21 that elector shall appoint a person who is otherwise qualified to be a
22 presidential elector. The replacement presidential elector shall cast the
23 elector's electoral college vote as prescribed by this section.
24 Notwithstanding section 16-344 and any other statute, the nomination paper
25 and affidavit of qualification of the replacement presidential elector may
26 be completed and filed with the secretary of state as soon as is
27 practicable after the presidential elector's appointment.

28 D. NOTWITHSTANDING ANY OTHER LAW, A CANDIDATE FOR PRESIDENT MAY NOT
29 BE EXCLUDED OR REMOVED FROM THE GENERAL ELECTION BALLOT ON THE BASIS OF A
30 CLAIMED VIOLATION OF THE FOURTEENTH AMENDMENT OF THE UNITED STATES
31 CONSTITUTION IF THE CANDIDATE IS ONE OF THE FOLLOWING:

32 1. THE OFFICIAL NOMINEE OF THE NATIONAL CONVENTION OF DELEGATES OF
33 A POLITICAL PARTY THAT IS ENTITLED TO CONTINUED REPRESENTATION ON THE
34 BALLOT AS PRESCRIBED BY SECTION 16-804.

35 2. A QUALIFIED INDEPENDENT CANDIDATE FOR PRESIDENT AS PRESCRIBED BY
36 SECTION 16-341.

37 3. A QUALIFIED WRITE-IN CANDIDATE FOR PRESIDENT AS PRESCRIBED BY
38 SECTION 16-312.