

REFERENCE TITLE: school districts; mail elections; prohibition

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

SB 1261

Introduced by
Senators Rogers: Farnsworth, Shamp

AN ACT

AMENDING SECTIONS 16-204 AND 16-409, ARIZONA REVISED STATUTES; RELATING TO
SCHOOL DISTRICT ELECTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 16-204, Arizona Revised Statutes, is amended to
3 read:

4 16-204. Declaration of statewide concern; consolidated
5 election dates; definition

6 A. The legislature finds and determines that for the purposes of
7 increasing voter participation and for decreasing the costs to the
8 taxpayers it is a matter of statewide concern that all elections in this
9 state be conducted on a limited number of days and, therefore, the
10 legislature finds and declares that the holding of all elections on
11 certain specific consolidated days is a matter of statewide concern. This
12 section preempts all local laws, ordinances and charter provisions to the
13 contrary.

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

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

24 (a) The second Tuesday in March.

25 (b) The third Tuesday in May.

26 (c) The tenth Tuesday before the first Tuesday after the first
27 Monday in November.

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

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

38 (a) The tenth Tuesday before the first Tuesday after the first
39 Monday in November.

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

41 C. For elections held before 2014, for any city or town, including
42 a charter city, that holds its regularly scheduled candidate elections in
43 even-numbered years pursuant to subsection B, paragraph 2 of this section,
44 the term of office for a member of the city council or for the office of

1 mayor begins on or after the second Tuesday in January in the year
2 following the election.

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

7 E. Beginning with elections held in 2014 and later and
8 notwithstanding any other law or any charter or ordinance to the contrary,
9 a candidate election held for or on behalf of any political subdivision of
10 this state other than a special election to fill a vacancy or a recall
11 election may only be held on the following dates and only in even-numbered
12 years:

13 1. ~~Through 2019, the tenth Tuesday before the first Tuesday after~~
14 ~~the first Monday in November. Beginning in 2020 and later, the election~~
15 ~~shall be held on~~ The first Tuesday in August. If the political
16 subdivision holds a primary or first election and a general or runoff
17 election is either required or optional for that political subdivision,
18 the first election shall be held on this date, without regard to whether
19 the political subdivision designates the election a primary election, a
20 first election, a preliminary election or any other descriptive term.

21 2. The first Tuesday after the first Monday in November. If the
22 political subdivision holds a general election or a runoff election, the
23 second election held shall be held on this date. If the political
24 subdivision holds only a single election and no preliminary or primary or
25 other election is ever held for the purpose of reducing the number of
26 candidates, or receiving a partisan nomination or designation or for any
27 other purpose for that political subdivision, the single election shall be
28 held on this date.

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

33 1. The second Tuesday in March.

34 2. The third Tuesday in May.

35 3. ~~Through 2019, the tenth Tuesday before the first Tuesday after~~
36 ~~the first Monday in November. Beginning in 2020 and later, the election~~
37 ~~shall be held on~~ The first Tuesday in August.

38 4. The first Tuesday after the first Monday in November.
39 Notwithstanding any other law, an election must be held on this date for
40 the approval of an obligation or other authorization requiring or
41 authorizing the assessment of secondary property taxes by a county, city,
42 town, school district, community college district or special taxing
43 district, except as provided by title 48. Notwithstanding any other law,
44 an election must be held on the date specified in this paragraph and only

1 in even-numbered years for the approval of or authorizing the assessment
2 of transaction privilege taxes by a county, city or town.

3 G. Notwithstanding any other law, for an election administered by a
4 county recorder or other officer in charge of elections on behalf of a
5 city, ~~OR town or school district~~ and that is an all mail ballot election
6 for that city, ~~OR town or school district~~, the county recorder or other
7 officer in charge of elections may use a unified ballot format that
8 combines all of the issues applicable to the voters in the city, ~~OR town~~
9 ~~or school district~~ requesting the all mail ballot election.

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

15 Sec. 2. Section 16-409, Arizona Revised Statutes, is amended to
16 read:

17 16-409. Certain cities and towns; mail ballot elections;
18 report

19 A. Notwithstanding section 16-558, a city, ~~OR town or school~~
20 ~~district~~ may conduct a mail ballot election. A mail ballot election shall
21 be conducted as otherwise prescribed by article 8.1 of this chapter.

22 B. Cities, ~~OR towns or school districts~~ that conduct mail ballot
23 elections pursuant to subsection A of this section shall report to the
24 president of the senate and the speaker of the house of representatives by
25 January 1 of each year immediately following a mail ballot election. The
26 report shall include the following:

- 27 1. Changes in voter turnout.
- 28 2. Relative costs of mail ballot elections compared to traditional
29 elections.
- 30 3. Suggestions for improvements or refinements in the mail ballot
31 program.
- 32 4. Frequency and severity of mail ballot irregularities.
- 33 5. Voter satisfaction with the election process.
- 34 6. Number of nondeliverable ballots.