

REFERENCE TITLE: candidate late fees; candidate ineligibility

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

SB 1662

Introduced by
Senator Gowan

AN ACT

AMENDING SECTIONS 16-311, 16-312 AND 16-341, ARIZONA REVISED STATUTES;
AMENDING TITLE 16, CHAPTER 6, ARTICLE 1, ARIZONA REVISED STATUTES, BY
ADDING SECTION 16-902; RELATING TO NOMINATING PROCEDURES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 16-311, Arizona Revised Statutes, is amended to
3 read:

4 16-311. Nomination papers; statement of interest; filing;
5 definitions

6 A. Any person desiring to become a candidate at a primary election
7 for a political party and to have the person's name printed on the
8 official ballot shall be a qualified elector of the party and, not less
9 than one hundred twenty nor more than one hundred fifty days before the
10 primary election, shall sign and cause to be filed a nomination paper
11 giving the person's actual residence address or, if the person does not
12 have an actual residence address, a description of place of residence and
13 post office address, or, if the person's actual residence address is
14 protected pursuant to section 16-153, a post office box or private mailbox
15 address in the candidate's district or precinct, as applicable for a
16 district or precinct office, naming the party of which the person desires
17 to become a candidate, stating the office and district or precinct, if
18 any, for which the person offers the person's candidacy, stating the exact
19 manner in which the person desires to have the person's name printed on
20 the official ballot pursuant to subsection G of this section, and giving
21 the date of the primary election and, if nominated, the date of the
22 general election at which the person desires to become a candidate.
23 Except for a candidate for United States senator or representative in
24 Congress, a candidate for public office shall be a qualified elector at
25 the time of filing and shall reside in the county, district or precinct
26 that the person proposes to represent. A candidate for partisan public
27 office shall be continuously registered with the political party of which
28 the person desires to be a candidate beginning ~~no~~ NOT later than the date
29 of the first petition signature on the candidate's petition through the
30 date of the general election at which the person is a candidate.

31 B. Any person desiring to become a candidate at any nonpartisan
32 election and to have the person's name printed on the official ballot
33 shall be at the time of filing a qualified elector of the county, city,
34 town or district and, not less than one hundred twenty nor more than one
35 hundred fifty days before the election, shall sign and cause to be filed a
36 nomination paper giving the person's actual residence address or, if the
37 person does not have an actual residence address, a description of place
38 of residence and post office address, or, if the person's actual residence
39 address is protected pursuant to section 16-153, a post office box or
40 private mailbox address in the candidate's county, city, town or district
41 and ward or precinct, as applicable for a county, city, town or district
42 and ward or precinct office, stating the office and county, city, town or
43 district and ward or precinct, if any, for which the person offers the
44 person's candidacy, stating the exact manner in which the person desires
45 to have the person's name printed on the official ballot pursuant to

1 subsection G of this section and giving the date of the election. A
2 candidate for office shall reside at the time of filing in the county,
3 city, town, district, ward or precinct that the person proposes to
4 represent.

5 C. Notwithstanding subsection B of this section, any city or town
6 may adopt by ordinance for its elections the time frame provided in
7 subsection A of this section for filing nomination petitions. The
8 ordinance shall be adopted not less than one hundred fifty days before the
9 first election to which it applies.

10 D. All persons desiring to become a candidate shall file with the
11 nomination paper provided for in subsection A of this section a
12 declaration, which shall be printed in a form prescribed by the secretary
13 of state. The declaration shall include facts sufficient to show that,
14 other than the residency requirement provided in subsection A of this
15 section and the satisfaction of any monetary penalties, fines or judgments
16 as prescribed in subsection J of this section, the candidate will be
17 qualified at the time of election to hold the office the person seeks, and
18 that for any monetary penalties, fines or judgments as prescribed in
19 subsection J of this section, the candidate has made complete payment
20 before the time of filing.

21 E. The nomination paper of a candidate for the office of United
22 States senator or representative in Congress, for the office of
23 presidential elector or for a state office, including a member of the
24 legislature, or for any other office for which the electors of the entire
25 state or a subdivision of the state greater than a county are entitled to
26 vote, shall be filed with the secretary of state no later than 5:00 p.m.
27 on the last date for filing.

28 F. The nomination paper of a candidate for superior court judge or
29 for a county, district and precinct office for which the electors of a
30 county or a subdivision of a county other than an incorporated city or
31 town are entitled to vote shall be filed with the county elections officer
32 no later than 5:00 p.m. on the last date for filing as prescribed by
33 subsection A of this section. The nomination paper of a candidate for a
34 city or town office shall be filed with the city or town clerk no later
35 than 5:00 p.m. on the last date for filing. The nomination paper of a
36 candidate for school district office shall be filed with the county school
37 superintendent no later than 5:00 p.m. on the last date for filing.

38 G. The nomination paper shall include the exact manner in which the
39 candidate desires to have the person's name printed on the official ballot
40 and shall be limited to the candidate's surname and given name or names,
41 an abbreviated version of such names or appropriate initials such as "Bob"
42 for "Robert", "Jim" for "James", "Wm." for "William" or "S." for "Samuel".
43 Nicknames are permissible, but nicknames, abbreviated versions or initials
44 of given names may not suggest reference to professional, fraternal,
45 religious or military titles and may not include a slogan, a promotional

1 word or phrase or any word that does not actually constitute a
2 nickname. No other descriptive name or names shall be printed on the
3 official ballot, except as provided in this section. Candidates'
4 abbreviated names or nicknames may be printed within quotation marks. The
5 candidate's surname shall be printed first, followed by the given name or
6 names.

7 H. Not later than the date of the first petition signature on a
8 nomination petition, a person who may be a candidate for office pursuant
9 to this section shall file a statement of interest with the appropriate
10 filing officer for that office. The statement of interest shall contain
11 the name of the person, the political party, if any, and the name of the
12 office that may be sought. Any nomination petition signatures collected
13 before the date the statement of interest is filed are invalid and subject
14 to challenge. This subsection does not apply to:

15 1. Candidates for elected office for special taxing districts that
16 are established pursuant to title 48.

17 2. Candidates for precinct committeeman.

18 3. Candidates for president or vice president of the United States.

19 I. A person who does not file a timely nomination paper that
20 complies with this section is not eligible to have the person's name
21 printed on the official ballot for that office. The filing officer shall
22 not accept the nomination paper of a candidate for state or local office
23 unless the person provides or has provided all of the following:

24 1. The financial disclosure statement as prescribed for candidates
25 for that office.

26 2. The declaration of qualification and eligibility as prescribed
27 in subsection D of this section.

28 J. Except in cases where the liability is being appealed: ~~—~~

29 1. The filing officer shall not accept the nomination paper of a
30 candidate for state or local office if the person is liable for an
31 aggregation of \$1,000 or more in fines, penalties, late fees or
32 administrative or civil judgments, including any interest or costs, in any
33 combination, that have not been fully satisfied at the time of the
34 attempted filing of the nomination paper and the liability arose from
35 failure to comply with or enforcement of chapter 6 of this title WITH
36 RESPECT TO ANY ONE OR MORE PUBLIC OFFICES IN THIS STATE. A FILING OFFICER
37 SHALL NOTIFY THE SECRETARY OF STATE WHEN A CANDIDATE FOR ELECTION IN THAT
38 FILING OFFICER'S JURISDICTION IS FOUND LIABLE FOR AN AGGREGATION OF \$1,000
39 OR MORE AS PRESCRIBED IN THIS PARAGRAPH.

40 2. A PERSON WHO IS LIABLE FOR AN AGGREGATION OF \$1,000 OR MORE IN
41 FINES, PENALTIES, LATE FEES OR ADMINISTRATIVE OR CIVIL JUDGMENTS,
42 INCLUDING ANY INTEREST OR COSTS, IN ANY COMBINATION, THAT HAVE NOT BEEN
43 FULLY SATISFIED AND THAT AROSE OUT OF FAILURE TO COMPLY WITH OR
44 ENFORCEMENT OF CHAPTER 6 OF THIS TITLE FOR ANY ONE OR MORE PUBLIC OFFICES

1 IS INELIGIBLE TO BE A CANDIDATE FOR NOMINATION OR ELECTION TO ANY ELECTED
2 OFFICE IN THIS STATE.

3 K. For the purposes of this title:

4 1. "Election district" means this state, any county, city, town,
5 precinct or other political subdivision or a special district that is not
6 a political subdivision, that is authorized by statute to conduct an
7 election and that is authorized or required to conduct its election in
8 accordance with this title.

9 2. "Nomination paper" means the form filed with the appropriate
10 office by a person wishing to declare the person's intent to become a
11 candidate for a particular political office.

12 Sec. 2. Section 16-312, Arizona Revised Statutes, is amended to
13 read:

14 16-312. Filing of nomination papers for write-in candidates

15 A. Any person desiring to become a write-in candidate for an
16 elective office in any election shall be at the time of filing a qualified
17 elector of the county or district the person proposes to represent and
18 shall have been a resident of that county or district for one hundred
19 twenty days before the date of the election, except that for a city or
20 town office, section 9-232 applies with respect to residency for the
21 candidate. The person shall file a nomination paper, signed by the
22 candidate, giving the person's actual residence address or, if the person
23 does not have an actual residence address, a description of place of
24 residence and post office address, or, if the person's actual residence
25 address is protected pursuant to section 16-153, a post office box or
26 private mailbox address in the candidate's district, precinct or
27 municipality, as applicable for the district, precinct or municipal office
28 that the person proposes to represent, and the person's age, length of
29 residence in the state and date of birth.

30 B. A write-in candidate shall file the nomination paper not earlier
31 than one hundred fifty days before the election and not later than 5:00
32 p.m. on the fortieth day before the election, except that:

33 1. A candidate running as a write-in candidate as provided in
34 section 16-343, subsection D shall file the nomination paper not later
35 than 5:00 p.m. on the fifth day before the election.

36 2. A candidate running as a write-in candidate for an election that
37 may be canceled pursuant to section 16-410 shall file the nomination paper
38 not later than 5:00 p.m. on the one hundred sixth day before the election.

39 C. The write-in filing procedure shall be in the same manner as
40 prescribed in section 16-311. Any person who does not file a timely
41 nomination paper shall not be counted in the tally of ballots. The filing
42 officer shall not accept the nomination paper of a candidate for state or
43 local office unless the candidate provides or has provided the financial
44 disclosure statement as prescribed for candidates for that office.

1 D. Except in cases where the liability is being appealed: ~~—~~

2 1. The filing officer shall not accept the nomination paper of a
3 write-in candidate for state or local office if the person is liable for
4 an aggregation of \$1,000 or more in fines, penalties, late fees or
5 administrative or civil judgments, including any interest or costs, in any
6 combination, that have not been fully satisfied at the time of the
7 attempted filing of the nomination paper and the liability arose from
8 failure to comply with or enforcement of chapter 6 of this title WITH
9 RESPECT TO ANY ONE OR MORE PUBLIC OFFICES IN THIS STATE. A FILING OFFICER
10 SHALL NOTIFY THE SECRETARY OF STATE WHEN A CANDIDATE FOR ELECTION IN THAT
11 FILING OFFICER'S JURISDICTION IS FOUND LIABLE FOR AN AGGREGATION OF \$1,000
12 OR MORE AS PRESCRIBED IN THIS PARAGRAPH.

13 2. A PERSON WHO IS LIABLE FOR AN AGGREGATION OF \$1,000 OR MORE IN
14 FINES, PENALTIES, LATE FEES OR ADMINISTRATIVE OR CIVIL JUDGMENTS,
15 INCLUDING ANY INTEREST OR COSTS, IN ANY COMBINATION, THAT HAVE NOT BEEN
16 FULLY SATISFIED AND THAT AROSE OUT OF FAILURE TO COMPLY WITH OR
17 ENFORCEMENT OF CHAPTER 6 OF THIS TITLE FOR ANY ONE OR MORE PUBLIC OFFICES
18 IS INELIGIBLE TO BE A CANDIDATE FOR NOMINATION OR ELECTION TO ANY ELECTED
19 OFFICE IN THIS STATE.

20 E. The secretary of state shall notify the various boards of
21 supervisors as to write-in candidates filing with the secretary of state's
22 office. The county school superintendent shall notify the appropriate
23 board of supervisors as to write-in candidates filing with the
24 superintendent's office. The board of supervisors shall notify the
25 appropriate election board inspector of all candidates who have properly
26 filed such statements. In the case of a city or town election, the city
27 or town clerk shall notify the appropriate election board inspector of
28 candidates properly filed. No other write-ins shall be counted. The
29 election board inspector shall post the notice of official write-in
30 candidates in a conspicuous location within the polling place.

31 F. Except as provided in section 16-343, subsection E, a candidate
32 may not file pursuant to this section if any of the following applies:

33 1. For a candidate in the general election, the candidate ran in
34 the immediately preceding primary election and failed to be nominated to
35 the office sought in the current election.

36 2. For a candidate in the general election, the candidate filed a
37 nomination petition for the immediately preceding primary election for the
38 office sought and failed to provide a sufficient number of valid petition
39 signatures as prescribed by section 16-322.

40 3. For a candidate in the primary election, the candidate filed a
41 nomination petition for the current primary election for the office sought
42 and failed to provide a sufficient number of valid petition signatures as
43 prescribed by section 16-322, withdrew from the primary election after a
44 challenge was filed or was removed from or otherwise determined by court
45 order to be ineligible for the primary election ballot.

1 4. For a candidate in the general election, the candidate filed a
2 nomination petition for nomination other than by primary for the office
3 sought and failed to provide a sufficient number of valid petition
4 signatures as prescribed by section 16-341.

5 G. A person who files a nomination paper pursuant to this section
6 for the office of president of the United States shall designate in
7 writing to the secretary of state at the time of filing the name of the
8 candidate's vice-presidential running mate, the names of presidential
9 electors who will represent that candidate and a statement signed by the
10 vice-presidential running mate and designated presidential electors that
11 indicates their consent to be designated. A nomination paper for each
12 presidential elector designated shall be filed with the candidate's
13 nomination paper. The number of presidential electors shall equal the
14 number of United States senators and representatives in Congress from this
15 state.

16 Sec. 3. Section 16-341, Arizona Revised Statutes, is amended to
17 read:

18 16-341. Nomination petition; method and time of filing; form;
19 qualifications and number of petitioners required;
20 statement of interest

21 A. Any qualified elector who is not a registered member of a
22 political party that is recognized pursuant to this title may be nominated
23 as a candidate for public office otherwise than by primary election or by
24 party committee pursuant to this section.

25 B. This article shall not be used to place on the general election
26 ballot the name of a political party that fails to meet the qualifications
27 specified in section 16-802 or 16-804, or the name of any candidate
28 representing such party or the name of a candidate who has filed a
29 nomination petition in the immediately preceding primary election and has
30 failed to qualify as the result of an insufficient number of valid
31 signatures.

32 C. A nomination petition stating the name of the office to be
33 filled, the name and residence of the candidate, or, if the candidate does
34 not have an actual residence address, a description of place of residence
35 and post office address, or, if the person's actual residence address is
36 protected pursuant to section 16-153, a post office box or private mailbox
37 address in the candidate's district, precinct or municipality, as
38 applicable for a district, precinct or municipal office, and other
39 information required by this section shall be filed with the same officer
40 with whom primary nomination papers and petitions are required to be filed
41 as prescribed in section 16-311. Except for candidates for the office of
42 presidential elector filed pursuant to this section, the petition shall be
43 filed not less than one hundred twenty days nor more than one hundred
44 fifty days before the primary election. The petition shall be signed only

1 by voters who have not signed the nomination petitions of a candidate for
2 the office to be voted for at that primary election.

3 D. The nomination petition shall be in substantially the following
4 form, except that if the candidate does not have an actual residence
5 address, the candidate may use a description of place of residence and
6 post office address, or, if the candidate's actual residence address is
7 protected pursuant to section 16-153, a post office box or private mailbox
8 address in the candidate's district, precinct or municipality, as
9 applicable for a district, precinct or municipal office, is sufficient:

10 The undersigned, qualified electors of _____
11 county, state of Arizona, do hereby nominate _____, who
12 resides at _____ in the county of _____, as a
13 candidate for the office of _____ at the general (or
14 special, as the case may be) election to be held on the
15 _____ day of _____, ____.

16 I hereby declare that I have not signed the nomination
17 petitions of any candidate for the office to be voted for at
18 this primary election, and I do hereby select the following
19 designation under which name the said candidate shall be
20 placed on the official ballot (here insert such designation
21 not exceeding three words in length as the signers may
22 select).

23 E. The nomination petition shall conform as nearly as possible to
24 the provisions relating to nomination petitions of candidates to be voted
25 for at primary elections and shall be signed by at least the number of
26 persons who are registered to vote determined by calculating three percent
27 of the persons who are registered to vote of the state, county,
28 subdivision or district for which the candidate is nominated who are not
29 members of a political party that is qualified to be represented by an
30 official party ballot at the next ensuing primary election and accorded
31 representation on the general election ballot.

32 F. The percentage of persons who are registered to vote necessary
33 to sign the nomination petition shall be determined by the total number of
34 registered voters from other than political parties that are qualified to
35 be represented by an official party ballot at the next ensuing primary
36 election and accorded representation on the general election ballot in the
37 state, county, subdivision or district on January 2 of the year in which
38 the general election is held. Notwithstanding the method prescribed by
39 subsection E of this section and this subsection for calculating the
40 minimum number of signatures necessary, any person who is registered to
41 vote in the state, county, subdivision or district for which the candidate
42 is nominated is eligible to sign the nomination petition without regard to
43 the signer's party affiliation.

44 G. A nomination petition for any candidate may be circulated by a
45 person who is not a resident of this state but who is otherwise eligible

1 to register to vote in this state if that person registers as a circulator
2 with the secretary of state before circulating petitions. The nomination
3 petition for the office of presidential elector shall include a group of
4 names of candidates equal to the number of United States senators and
5 representatives in Congress from this state instead of separate nomination
6 petitions for each candidate for the office of presidential elector. A
7 valid signature on a petition containing a group of presidential electors
8 candidates is counted as a signature for the nomination of each of the
9 candidates. The presidential candidate whom the candidates for
10 presidential elector will represent shall designate in writing to the
11 secretary of state the names of the candidates who will represent the
12 presidential candidate before any signatures for the candidate can be
13 accepted for filing. A nomination petition for the office of presidential
14 elector shall be filed not less than eighty nor more than one hundred days
15 before the general election. The petition shall be signed only by
16 qualified electors who have not signed the nomination petitions of a
17 candidate for the office of presidential elector to be voted for at that
18 election.

19 H. The secretary of state shall require in the instructions and
20 procedures manual issued pursuant to section 16-452 that persons who
21 circulate nomination petitions pursuant to this section and who are not
22 residents of this state but who are otherwise eligible to register to vote
23 in this state shall register as circulators with the office of the
24 secretary of state before circulating petitions. The secretary of state
25 shall provide for a method of receiving service of process for those
26 petition circulators who are registered.

27 I. Not later than the date of the first petition signature on a
28 nomination petition, a person who may be a candidate for office pursuant
29 to this section shall file a statement of interest with the appropriate
30 filing officer for that office. The statement of interest shall contain
31 the name of the person, the political party, if any, and the name of the
32 office that may be sought. Any nomination petition signatures collected
33 before the date the statement of interest is filed are invalid and subject
34 to challenge. This subsection does not apply to:

35 1. Candidates for elected office for special taxing districts that
36 are established pursuant to title 48.

37 2. Candidates for precinct committeeman.

38 3. Candidates for president or vice president of the United States.

39 J. A person who files a nomination paper pursuant to this section
40 for the office of president of the United States shall designate in
41 writing to the secretary of state at the time of filing the name of the
42 candidate's vice presidential running mate, the names of the presidential
43 electors who will represent that candidate and a statement that is signed
44 by the vice presidential running mate and the designated presidential
45 electors and that indicates their consent to be designated. A nomination

1 paper for each presidential elector designated shall be filed with the
2 candidate's nomination paper. The number of presidential electors shall
3 equal the number of United States senators and representatives in Congress
4 from this state.

5 K. A candidate who does not file a timely nomination petition that
6 complies with this section is not eligible to have the candidate's name
7 printed on the official ballot for that office. The filing officer shall
8 not accept the nomination paper of a candidate for state or local office
9 unless the candidate provides or has provided all of the following:

10 1. The financial disclosure statement as prescribed for candidates
11 for that office.

12 2. The declaration of qualification and eligibility as prescribed
13 in section 16-311.

14 L. Not later than sixty days before the date of the general
15 election, a candidate for governor who files a nomination petition
16 pursuant to this section shall submit to the secretary of state the name
17 of the person who will be the joint candidate for lieutenant governor with
18 that gubernatorial candidate and whose name will appear on the general
19 election ballot jointly with the candidate for governor.

20 M. Except in cases where the liability is being appealed: ~~;~~

21 1. The filing officer shall not accept the nomination paper of a
22 candidate for state or local office if the person is liable for an
23 aggregation of \$1,000 or more in fines, penalties, late fees or
24 administrative or civil judgments, including any interest or costs, in any
25 combination, that have not been fully satisfied at the time of the
26 attempted filing of the nomination paper and the liability arose from
27 failure to comply with or enforcement of chapter 6 of this title WITH
28 RESPECT TO ANY ONE OR MORE PUBLIC OFFICES IN THIS STATE. A FILING OFFICER
29 SHALL NOTIFY THE SECRETARY OF STATE WHEN A CANDIDATE FOR ELECTION IN THAT
30 FILING OFFICER'S JURISDICTION IS FOUND LIABLE FOR AN AGGREGATION OF \$1,000
31 OR MORE AS PRESCRIBED IN THIS PARAGRAPH.

32 2. A PERSON WHO IS LIABLE FOR AN AGGREGATION OF \$1,000 OR MORE IN
33 FINES, PENALTIES, LATE FEES OR ADMINISTRATIVE OR CIVIL JUDGMENTS,
34 INCLUDING ANY INTEREST OR COSTS, IN ANY COMBINATION, THAT HAVE NOT BEEN
35 FULLY SATISFIED AND THAT AROSE OUT OF FAILURE TO COMPLY WITH OR
36 ENFORCEMENT OF CHAPTER 6 OF THIS TITLE FOR ANY ONE OR MORE PUBLIC OFFICES
37 IS INELIGIBLE TO BE A CANDIDATE FOR NOMINATION OR ELECTION TO ANY ELECTED
38 OFFICE IN THIS STATE.

39 N. The secretary of state may authorize for statewide and
40 legislative offices the creation, use and submission of petitions
41 prescribed by this section in electronic form if those petitions provide
42 for an appropriate method to verify signatures of petition circulators and
43 signers. The secretary of state may require use of a unique marking
44 system for petition pages, including a bar code, a quick response code or
45 another similar marking system.

1 Sec. 4. Title 16, chapter 6, article 1, Arizona Revised Statutes,
2 is amended by adding section 16-902, to read:

3 16-902. Campaign finance fines; filing officers; secretary of
4 state website

5 THE SECRETARY OF STATE SHALL PROVIDE A WEBSITE PORTAL FOR FILING
6 OFFICERS IN THIS STATE TO PROVIDE INFORMATION TO THE SECRETARY OF STATE
7 REGARDING CANDIDATES IN THAT FILING OFFICER'S JURISDICTION WHO ARE FOUND
8 LIABLE FOR AN AGGREGATION OF \$1,000 OR MORE AS PRESCRIBED IN SECTION
9 16-311, 16-314 OR 16-341. THE INFORMATION SHALL IDENTIFY THE CANDIDATE
10 AND STATE THE AMOUNT AND DATE OF THE LIABILITY, AND THE SECRETARY OF STATE
11 SHALL MAKE THAT INFORMATION PUBLICLY AVAILABLE ON THE SECRETARY OF STATE'S
12 WEBSITE.