

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1237

(Reference to Senate engrossed bill)

1 Strike everything after the enacting clause and insert:

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 official
8 ballot shall be a qualified elector of the party and, not less than one
9 hundred twenty nor more than one hundred fifty days before the primary
10 election, shall sign and cause to be filed a nomination paper giving the
11 person's actual residence address or, if the person does not have an actual
12 residence address, a description of place of residence and post office
13 address, or, if the person's actual residence address is protected pursuant
14 to section 16-153, a post office box or private mailbox address in the
15 candidate's district or precinct, as applicable for a district or precinct
16 office, naming the party of which the person desires to become a candidate,
17 stating the office and district or precinct, if any, for which the person
18 offers the person's candidacy, stating the exact manner in which the person
19 desires to have the person's name printed on the official ballot pursuant
20 to subsection G of this section, and giving the date of the primary
21 election and, if nominated, the date of the general election at which the
22 person desires to become a candidate. Except for a candidate for United
23 States senator or representative in Congress, a candidate for public office

1 shall be a qualified elector at the time of filing and shall reside in the
2 county, district or precinct that the person proposes to represent. A
3 candidate for partisan public office shall be continuously registered with
4 the political party of which the person desires to be a candidate beginning
5 ~~πσ~~ NOT later than the date of the first petition signature on the
6 candidate's petition through the date of the general election at which the
7 person is a candidate.

8 B. Any person desiring to become a candidate at any nonpartisan
9 election and to have the person's name printed on the official ballot shall
10 be at the time of filing a qualified elector of the county, city, town or
11 district and, not less than one hundred twenty nor more than one hundred
12 fifty days before the election, shall sign and cause to be filed a
13 nomination paper giving the person's actual residence address or, if the
14 person does not have an actual residence address, a description of place of
15 residence and post office address, or, if the person's actual residence
16 address is protected pursuant to section 16-153, a post office box or
17 private mailbox address in the candidate's county, city, town or district
18 and ward or precinct, as applicable for a county, city, town or district
19 and ward or precinct office, stating the office and county, city, town or
20 district and ward or precinct, if any, for which the person offers the
21 person's candidacy, stating the exact manner in which the person desires to
22 have the person's name printed on the official ballot pursuant to
23 subsection G of this section and giving the date of the election. A
24 candidate for office shall reside at the time of filing in the county,
25 city, town, district, ward or precinct that the person proposes to
26 represent.

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

1 D. All persons desiring to become a candidate shall file with the
2 nomination paper provided for in subsection A of this section a
3 declaration, which shall be printed in a form prescribed by the secretary
4 of state. The declaration shall include facts sufficient to show that,
5 other than the residency requirement provided in subsection A of this
6 section and the satisfaction of any monetary penalties, fines or judgments
7 as prescribed in subsection J of this section, the candidate will be
8 qualified at the time of election to hold the office the person seeks, and
9 that for any monetary penalties, fines or judgments as prescribed in
10 subsection J of this section, the candidate has made complete payment
11 before the time of filing.

12 E. The nomination paper of a candidate for the office of United
13 States senator or representative in Congress, for the office of
14 presidential elector or for a state office, including a member of the
15 legislature, or for any other office for which the electors of the entire
16 state or a subdivision of the state greater than a county are entitled to
17 vote, shall be filed with the secretary of state no later than 5:00 p.m. on
18 the last date for filing.

19 F. The nomination paper of a candidate for superior court judge or
20 for a county, district and precinct office for which the electors of a
21 county or a subdivision of a county other than an incorporated city or town
22 are entitled to vote shall be filed with the county elections officer no
23 later than 5:00 p.m. on the last date for filing as prescribed by
24 subsection A of this section. The nomination paper of a candidate for a
25 city or town office shall be filed with the city or town clerk no later
26 than 5:00 p.m. on the last date for filing. The nomination paper of a
27 candidate for school district office shall be filed with the county school
28 superintendent no later than 5:00 p.m. on the last date for filing.

29 G. The nomination paper shall include the exact manner in which the
30 candidate desires to have the person's name printed on the official ballot
31 and shall be limited to the candidate's surname and given name or names, an
32 abbreviated version of such names or appropriate initials such as "Bob" for

1 "Robert", "Jim" for "James", "Wm." for "William" or "S." for "Samuel".
2 Nicknames are permissible, but nicknames, abbreviated versions or initials
3 of given names may not suggest reference to professional, fraternal,
4 religious or military titles and may not include a slogan, a promotional
5 word or phrase or any word that does not actually constitute a
6 nickname. No other descriptive name or names shall be printed on the
7 official ballot, except as provided in this section. Candidates'
8 abbreviated names or nicknames may be printed within quotation marks. The
9 candidate's surname shall be printed first, followed by the given name or
10 names.

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

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

21 2. Candidates for precinct committeeman.

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

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

28 1. The financial disclosure statement as prescribed for candidates
29 for that office.

30 2. The declaration of qualification and eligibility as prescribed in
31 subsection D of this section.

32 J. Except in cases where the liability is being appealed: ~~---~~

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

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

19 K. For the purposes of this title:

20 1. "Election district" means this state, any county, city, town,
21 precinct or other political subdivision or a special district that is not a
22 political subdivision, that is authorized by statute to conduct an election
23 and that is authorized or required to conduct its election in accordance
24 with this title.

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

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

30 16-312. Filing of nomination papers for write-in candidates

31 A. Any person desiring to become a write-in candidate for an
32 elective office in any election shall be at the time of filing a qualified

1 elector of the county or district the person proposes to represent and
2 shall have been a resident of that county or district for one hundred
3 twenty days before the date of the election, except that for a city or town
4 office, section 9-232 applies with respect to residency for the
5 candidate. The person shall file a nomination paper, signed by the
6 candidate, giving the person's actual residence address or, if the person
7 does not have an actual residence address, a description of place of
8 residence and post office address, or, if the person's actual residence
9 address is protected pursuant to section 16-153, a post office box or
10 private mailbox address in the candidate's district, precinct or
11 municipality, as applicable for the district, precinct or municipal office
12 that the person proposes to represent, and the person's age, length of
13 residence in the state and date of birth.

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

17 1. A candidate running as a write-in candidate as provided in
18 section 16-343, subsection D shall file the nomination paper not later than
19 5:00 p.m. on the fifth day before the election.

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

23 C. The write-in filing procedure shall be in the same manner as
24 prescribed in section 16-311. Any person who does not file a timely
25 nomination paper shall not be counted in the tally of ballots. The filing
26 officer shall not accept the nomination paper of a candidate for state or
27 local office unless the candidate provides or has provided the financial
28 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 an
4 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, INCLUDING
15 ANY INTEREST OR COSTS, IN ANY COMBINATION, THAT HAVE NOT BEEN FULLY
16 SATISFIED AND THAT AROSE OUT OF FAILURE TO COMPLY WITH OR ENFORCEMENT OF
17 CHAPTER 6 OF THIS TITLE FOR ANY ONE OR MORE PUBLIC OFFICES IS INELIGIBLE TO
18 BE A CANDIDATE FOR NOMINATION OR ELECTION TO ANY ELECTED OFFICE IN THIS
19 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 or
27 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:

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

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

8 3. For a candidate in the primary election, the candidate filed a
9 nomination petition for the current primary election for the office sought
10 and failed to provide a sufficient number of valid petition signatures as
11 prescribed by section 16-322, withdrew from the primary election after a
12 challenge was filed or was removed from or otherwise determined by court
13 order to be ineligible for the primary election ballot.

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

18 G. A person who files a nomination paper pursuant to this section
19 for the office of president of the United States shall designate in writing
20 to the secretary of state at the time of filing the name of the candidate's
21 vice-presidential running mate, the names of presidential electors who will
22 represent that candidate and a statement signed by the vice-presidential
23 running mate and designated presidential electors that indicates their
24 consent to be designated. A nomination paper for each presidential elector
25 designated shall be filed with the candidate's nomination paper. The
26 number of presidential electors shall equal the number of United States
27 senators and representatives in Congress from this state.

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

30 16-341. Nomination petition; method and time of filing; form;
31 qualifications and number of petitioners required;
32 statement of interest

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

5 B. This article shall not be used to place on the general election
6 ballot the name of a political party that fails to meet the qualifications
7 specified in section 16-802 or 16-804, or the name of any candidate
8 representing such party or the name of a candidate who has filed a
9 nomination petition in the immediately preceding primary election and has
10 failed to qualify as the result of an insufficient number of valid
11 signatures.

12 C. A nomination petition stating the name of the office to be
13 filled, the name and residence of the candidate, or, if the candidate does
14 not have an actual residence address, a description of place of residence
15 and post office address, or, if the person's actual residence address is
16 protected pursuant to section 16-153, a post office box or private mailbox
17 address in the candidate's district, precinct or municipality, as
18 applicable for a district, precinct or municipal office, and other
19 information required by this section shall be filed with the same officer
20 with whom primary nomination papers and petitions are required to be filed
21 as prescribed in section 16-311. Except for candidates for the office of
22 presidential elector filed pursuant to this section, the petition shall be
23 filed not less than one hundred twenty days nor more than one hundred fifty
24 days before the primary election. The petition shall be signed only by
25 voters who have not signed the nomination petitions of a candidate for the
26 office to be voted for at that primary election.

27 D. The nomination petition shall be in substantially the following
28 form, except that if the candidate does not have an actual residence
29 address, the candidate may use a description of place of residence and post
30 office address, or, if the candidate's actual residence address is
31 protected pursuant to section 16-153, a post office box or private mailbox

1 address in the candidate's district, precinct or municipality, as
2 applicable for a district, precinct or municipal office, is sufficient:

3 The undersigned, qualified electors of _____ county,
4 state of Arizona, do hereby nominate _____, who resides at
5 _____ in the county of _____, as a candidate for the
6 office of _____ at the general (or special, as the case may
7 be) election to be held on the _____ day of _____,
8 _____.

9 I hereby declare that I have not signed the nomination
10 petitions of any candidate for the office to be voted for at
11 this primary election, and I do hereby select the following
12 designation under which name the said candidate shall be placed
13 on the official ballot (here insert such designation not
14 exceeding three words in length as the signers may select).

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

24 F. The percentage of persons who are registered to vote necessary to
25 sign the nomination petition shall be determined by the total number of
26 registered voters from other than political parties that are qualified to
27 be represented by an official party ballot at the next ensuing primary
28 election and accorded representation on the general election ballot in the
29 state, county, subdivision or district on January 2 of the year in which
30 the general election is held. Notwithstanding the method prescribed by
31 subsection E of this section and this subsection for calculating the
32 minimum number of signatures necessary, any person who is registered to

1 vote in the state, county, subdivision or district for which the candidate
2 is nominated is eligible to sign the nomination petition without regard to
3 the signer's party affiliation.

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

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

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

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

11 2. Candidates for precinct committeeman.

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

13 J. A person who files a nomination paper pursuant to this section
14 for the office of president of the United States shall designate in writing
15 to the secretary of state at the time of filing the name of the candidate's
16 vice presidential running mate, the names of the presidential electors who
17 will represent that candidate and a statement that is signed by the vice
18 presidential running mate and the designated presidential electors and that
19 indicates their consent to be designated. A nomination paper for each
20 presidential elector designated shall be filed with the candidate's
21 nomination paper. The number of presidential electors shall equal the
22 number of United States senators and representatives in Congress from this
23 state.

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

29 1. The financial disclosure statement as prescribed for candidates
30 for that office.

31 2. The declaration of qualification and eligibility as prescribed in
32 section 16-311.

1 L. Not later than sixty days before the date of the general
2 election, a candidate for governor who files a nomination petition pursuant
3 to this section shall submit to the secretary of state the name of the
4 person who will be the joint candidate for lieutenant governor with that
5 gubernatorial candidate and whose name will appear on the general election
6 ballot jointly with the candidate for governor.

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

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

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

26 N. The secretary of state may authorize for statewide and
27 legislative offices the creation, use and submission of petitions
28 prescribed by this section in electronic form if those petitions provide
29 for an appropriate method to verify signatures of petition circulators and
30 signers. The secretary of state may require use of a unique marking system
31 for petition pages, including a bar code, a quick response code or another
32 similar marking system.

