

Senate Engrossed

recall elections; procedures; timeline

State of Arizona
Senate
Fifty-seventh Legislature
First Regular Session
2025

CHAPTER 3

SENATE BILL 1040

AN ACT

AMENDING SECTIONS 19-208.02, 19-209 AND 19-212, ARIZONA REVISED STATUTES;
RELATING TO RECALL.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 19-208.02, Arizona Revised Statutes, is amended
3 to read:

4 19-208.02. Certification by county recorder

5 A. Within ~~sixty~~ SEVENTY-FIVE days after receipt of the facsimile of
6 the front and back of the signature sheets from the filing officer, the
7 county recorder shall determine the number of signatures or affidavits of
8 individuals whose names were transmitted that must be disqualified for any
9 of the following reasons:

10 1. The signature is illegible and the signer is otherwise
11 unidentifiable.

12 2. The signature was disqualified after comparison with the
13 signature on the affidavit of registration.

14 3. A petition signer's signature is determined to be invalid after
15 a comparison is made between the signature and handwriting on the petition
16 and the petition signer's voter registration file.

17 4. If a petitioner signed more than once, all but one otherwise
18 valid signature is disqualified.

19 5. The individual was not a qualified elector of the district on
20 the date of signing the petition.

21 6. The individual was a registered voter but was not at least
22 eighteen years of age on the date of signing the petition or affidavit.

23 7. A residence address or description of residence location is not
24 provided.

25 8. The address provided is illegible or nonexistent.

26 9. A date of signing is not provided.

27 10. Any other reason a signature or entire petition sheet could be
28 removed by the filing officer pursuant to section 19-208.01.

29 B. The county recorder shall certify ~~such~~ THE number to the filing
30 officer in the form prescribed by the secretary of state.

31 C. At the time of certification, the county recorder shall:

32 1. Return the facsimile copies of the signature sheets to the
33 filing officer and obtain a dated, signed receipt for the copies.

34 2. Send notice of the certification results by mail or
35 electronically to the person or organization that submitted the recall
36 petitions and to the filing officer.

37 Sec. 2. Section 19-209, Arizona Revised Statutes, is amended to
38 read:

39 19-209. Order for special recall election; officer in charge
40 of election; definition

41 A. If the officer against whom a petition is filed does not resign
42 within five days, excluding Saturdays, Sundays and other legal holidays,
43 after the filing as determined pursuant to section 19-208.03, the order
44 calling a special recall election shall be issued within fifteen days and
45 shall be ordered to be held on the next following consolidated election

1 date pursuant to section 16-204 that is ~~ninety~~ ONE HUNDRED TWENTY days or
2 more after the order calling the election.

3 B. A recall election shall be called:

4 1. If for a state office, including a member of the legislature, by
5 the governor.

6 2. If for a county officer, special taxing district officer or
7 judge or other officer of the superior court in a county, by the board of
8 supervisors of that county.

9 3. If for a city or town officer, by the legislative body of the
10 city or town.

11 4. If for a member of a school district governing board, by the
12 county school superintendent of the county in which the school district is
13 located.

14 C. If a recall petition is against an officer who is directed by
15 this section to call the election it shall be called:

16 1. If for a state office, by the secretary of state.

17 2. If for a county office, by the clerk of the superior court.

18 3. If for a city or town office, by the city or town clerk.

19 D. The officer in charge of the election for any recall election
20 called pursuant to this chapter is as follows:

21 1. If for a state office, including a member of the legislature,
22 the secretary of state.

23 2. If for a county officer, special taxing district officer or
24 superior court judge, the county officer in charge of elections.

25 3. If for a city or town officer, the city or town clerk.

26 4. If for a member of a school district governing board, the county
27 school superintendent of the county in which the school district is
28 located.

29 E. For the purposes of this section, "special taxing district"
30 means a special taxing district that is established pursuant to title 48
31 and that is supported primarily by taxes.

32 Sec. 3. Section 19-212, Arizona Revised Statutes, is amended to
33 read:

34 19-212. Nomination petition; form; filing

35 A. Unless the officer otherwise requests in writing, the name of
36 the officer against whom a recall petition is filed shall be placed as a
37 candidate on the official ballot without nomination. Other candidates for
38 the office may be nominated to be voted ~~upon~~ ON at the election and shall
39 be placed ~~upon~~ ON the official recall ballot after filing a nomination
40 petition that is signed by a number of qualified electors that is equal to
41 at least two ~~per-cent~~ PERCENT of the total votes cast for all candidates
42 for that office at the last election for that office. Nomination petition
43 signers shall be qualified electors of the electoral district of the
44 officer against whom the recall petition is filed.

45 B. If the officer against whom a recall petition is filed was
46 appointed to the office or was deemed elected after an election was

1 canceled due to the absence of opposing candidates as provided in section
 2 15-424, ~~16-822~~, 48-802, 48-1012, 48-1208, 48-1404, 48-1908, 48-2010,
 3 48-2107 or 48-2208, other candidates for the office to be voted on in the
 4 recall election shall be placed on the official recall ballot after filing
 5 a nomination petition that is signed by the number of qualified electors
 6 that is equal to at least one-half of one ~~per cent~~ PERCENT of the number
 7 of active registered voters in the jurisdiction or district represented by
 8 that elective officer as determined on the date of the last general
 9 election with ~~no~~ NOT less than five signatures. Nomination petition
 10 signers shall be qualified electors of the electoral district of the
 11 officer against whom the recall petition is filed.

12 C. The title and body of the nomination petition shall be
 13 substantially in the following form:

14 Nomination Petition--Recall Election

15 We, the undersigned electors, qualified to vote in the
 16 recall election mentioned herein, residents of the precinct
 17 indicated by the residence addresses given, and residents of
 18 the county of _____, state of Arizona, hereby nominate
 19 _____, who resides at _____, in the county of _____ to be a
 20 candidate in the recall election for the office of _____ to
 21 be held on _____ (DATE), and we further declare that

22 ~~(date)~~

23 we have not signed and will not sign any nomination paper for
 24 any other person for such office.

25 The remainder of the petition shall be substantially in the form
 26 prescribed in section 16-315.

27 D. If recall petitions have been filed against more than one member
 28 of a multimember public body whose members serve at large, the nomination
 29 petition and paper of the other candidates shall state which member they
 30 oppose.

31 E. To each nomination petition shall be appended a certificate by a
 32 person who is qualified to register to vote pursuant to section 16-101
 33 stating that to the best of his knowledge and belief all the signers of
 34 the nomination petition are qualified electors of the precinct which they
 35 give as their residence.

36 F. ~~Such~~ THE nomination petition shall be filed not more than ~~ninety~~
 37 ONE HUNDRED TWENTY days nor less than ~~sixty~~ NINETY days ~~prior to~~ BEFORE
 38 the date of the recall election.

39 G. ANY PERSON WHO DESIRES TO BE A CANDIDATE FOR THE OFFICE AT THE
 40 RECALL ELECTION SHALL FILE A STATEMENT OF INTEREST WITH THE APPROPRIATE
 41 FILING OFFICER FOR THAT OFFICE IN THE FORM PRESCRIBED BY SECTION 16-311.
 42 ANY NOMINATION PETITION SIGNATURES THAT ARE COLLECTED BEFORE THE DATE THE
 43 STATEMENT OF INTEREST IS FILED AND BEFORE THE DATE THE RECALL APPLICATION
 44 PRESCRIBED BY SECTION 19-202.01 IS FILED ARE INVALID AND SUBJECT TO
 45 CHALLENGE.

S.B. 1040

APPROVED BY THE GOVERNOR MARCH 25, 2025.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 25, 2025.