

PROPOSED AMENDMENT
SENATE AMENDMENTS TO S.B. 1137
(Reference to printed 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; filing; definitions

5 A. Any person desiring to become a candidate at a primary election for
6 a political party and to have the person's name printed on the official
7 ballot shall be a qualified elector of such party and, not less than ninety
8 nor more than one hundred twenty days before the primary election, shall sign
9 and cause to be filed a nomination paper giving the person's actual residence
10 address or description of place of residence and post office address, naming
11 the party of which the person desires to become a candidate, stating the
12 office and district or precinct, if any, for which the person offers the
13 person's candidacy, stating the exact manner in which the person desires to
14 have the person's name printed on the official ballot pursuant to subsection
15 G OF THIS SECTION, and giving the date of the primary election and, if
16 nominated, the date of the general election at which the person desires to
17 become a candidate. A candidate for public office shall be a qualified
18 elector at the time of filing and shall reside in the county, district or
19 precinct ~~which~~ THAT the person proposes to represent.

20 B. Any person desiring to become a candidate at any nonpartisan
21 election and to have the person's name printed on the official ballot shall
22 be at the time of filing a qualified elector of such county, city, town or
23 district and, not less than ninety nor more than one hundred twenty days
24 before the election, shall sign and cause to be filed a nomination paper
25 giving the person's actual residence address or description of place of
26 residence and post office address, stating the office and county, city, town
27 or district and ward or precinct, if any, for which the person offers the
28 person's candidacy, stating the exact manner in which the person desires to
29 have the person's name printed on the official ballot pursuant to subsection

1 G OF THIS SECTION and giving the date of the election. A candidate for
2 office shall reside at the time of filing in the county, city, town,
3 district, ward or precinct ~~which~~ THAT the person proposes to represent.

4 C. Notwithstanding subsection B ~~to the contrary~~ OF THIS SECTION, any
5 city or town may adopt by ordinance for its elections the time frame provided
6 in subsection A OF THIS SECTION for filing nomination petitions. Such
7 ordinance shall be adopted not less than one hundred twenty days before the
8 first election to which it applies.

9 D. All persons desiring to become a candidate shall file with the
10 nomination paper provided for in subsection A OF THIS SECTION an affidavit,
11 which shall be printed in a form prescribed by the secretary of state. The
12 affidavit shall include facts sufficient to show that, other than the
13 residency requirement provided in subsection A OF THIS SECTION AND THE
14 SATISFACTION OF ANY MONETARY PENALTIES, FINES OR JUDGMENTS AS PRESCRIBED IN
15 SUBSECTION I OF THIS SECTION, the candidate will be qualified at the time of
16 election to hold the office the person seeks, AND THAT FOR ANY MONETARY
17 PENALTIES, FINES OR JUDGMENTS AS PRESCRIBED IN SUBSECTION I OF THIS SECTION,
18 THE CANDIDATE HAS MADE COMPLETE PAYMENT BEFORE THE TIME OF FILING.

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

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

1 district office shall be filed with the county school superintendent no later
2 than 5:00 p.m. on the last date for filing.

3 G. The nomination paper shall include the exact manner in which the
4 candidate desires to have the person's name printed on the official ballot
5 and shall be limited to the candidate's surname and given name or names, an
6 abbreviated version of such names or appropriate initials such as "Bob" for
7 "Robert", "Jim" for "James", "Wm." for "William" or "S." for "Samuel".
8 Nicknames are permissible, but in no event shall nicknames, abbreviated
9 versions or initials of given names suggest reference to professional,
10 fraternal, religious or military titles. No other descriptive name or names
11 shall be printed on the official ballot, except as provided in this section.
12 Candidates' abbreviated names or nicknames may be printed within quotation
13 marks. The candidate's surname shall be printed first, followed by the given
14 name or names.

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

- 20 1. The nomination petition required by this title.
- 21 2. A political committee statement of organization or the five hundred
22 dollar threshold exemption statement for that office.
- 23 3. The financial disclosure statement as prescribed for candidates for
24 that office.

25 4. THE AFFIDAVIT OF QUALIFICATION AND ELIGIBILITY AS PRESCRIBED IN
26 SUBSECTION D OF THIS SECTION.

27 I. THE FILING OFFICER SHALL NOT ACCEPT THE NOMINATION PAPER OF A
28 CANDIDATE FOR STATE OR LOCAL OFFICE IF THE PERSON IS LIABLE FOR AN
29 AGGREGATION OF TEN THOUSAND DOLLARS OR MORE IN FINES, PENALTIES, LATE FEES
30 AND ADMINISTRATIVE OR CIVIL JUDGMENTS, INCLUDING ANY INTEREST AND COSTS, IN
31 ANY COMBINATION, THAT HAVE NOT BEEN FULLY SATISFIED AT THE TIME OF ATTEMPTED

1 FILING OF THE NOMINATION PAPER AND THE LIABILITY AROSE FROM FAILURE TO COMPLY
2 WITH OR ENFORCEMENT OF CHAPTER 6 OF THIS TITLE.

3 ~~I.~~ J. For the purposes of this title:

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

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

12 Sec. 2. Section 16-351, Arizona Revised Statutes, is amended to read:

13 16-351. Limitations on appeals of validity of nomination
14 petitions; disqualification of candidate

15 A. Any elector filing any court action challenging the nomination of a
16 candidate as provided for in this chapter shall do so no later than 5:00 p.m.
17 of the tenth day, excluding Saturday, Sunday and other legal holidays, after
18 the last day for filing nomination papers and petitions. The elector shall
19 specify in the action the petition number, line number and basis for the
20 challenge for each signature being challenged. Failure to specify this
21 information shall result in the dismissal of the court action. Within ten
22 days after the filing of the action, the superior court shall hear and render
23 a decision on the matter. Such decision shall be appealable only to the
24 supreme court, and notice of appeal shall be filed within five days after the
25 decision of the superior court in the action. The supreme court shall hear
26 and render a decision on the appeal promptly.

27 B. Any elector may challenge a candidate for any reason relating to
28 qualifications for the office sought as prescribed by law, including age,
29 residency, ~~or~~ professional requirements OR FAILURE TO FULLY PAY FINES,
30 PENALTIES OR JUDGMENTS AS PRESCRIBED IN SECTION 16-311, SUBSECTION I, if
31 applicable.

1 C. In any action challenging a nomination petition, the following
2 persons are indispensable parties to the action and shall be named and served
3 as defendants:

4 1. The candidate whose petition is the subject of the challenge.

5 2. The officer with whom the petitions are required to be filed.

6 3. The board of supervisors and the recorder of each county or the
7 clerk of each city or town who is responsible for preparing the ballots that
8 contain the challenged candidate's name.

9 D. For the purposes of an action challenging nomination petitions, the
10 board of supervisors and the recorder of each county or the clerk of each
11 city or town responsible for preparing the ballots that contain the
12 challenged candidate's name and each person filing a nomination petition
13 under this chapter appoints the officer with whom the candidate files the
14 nomination paper and petitions as the person's agent to receive service of
15 process. Process in an action challenging a nomination petition shall be
16 served immediately after the action is filed and in no event more than
17 twenty-four hours after filing the action, excluding Saturdays, Sundays and
18 other legal holidays. Immediately on receipt of process served on the
19 officer as agent for a person filing a nomination petition, the officer shall
20 mail the process to the person and shall notify the person by telephone of
21 the filing of the action.

22 E. Notwithstanding the system used pursuant to section 16-163,
23 subsection D, the most current version of the general county register at the
24 time of filing of a court action challenging a nomination petition shall
25 constitute the official record to be used to determine on a prima facie basis
26 by the challenger that the signer of a petition was not registered to vote at
27 the residence address given, or at the address on the general county register
28 if a mailing address was given, on the date of signing of the petition. This
29 subsection does not preclude the challenged candidate from introducing into
30 evidence a certified copy of the registration form of any signer of a
31 petition dated on or before the date of the signing of the petition if the

1 registration form is in the possession of the county recorder but has not yet
2 been filed in the general county register.

3 F. In addition to the procedures set forth in this section, all
4 petitions that have been submitted by a candidate who is found guilty of
5 petition forgery shall be disqualified and that candidate shall not be
6 eligible to seek election to a public office for a period of not less than
7 five years."

8 Amend title to conform

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