

REFERENCE TITLE: candidates; affidavit of qualifications; challenges

State of Arizona
House of Representatives
Fiftieth Legislature
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HB 2718

Introduced by
Representatives Seel, Gowan, Smith D, Senator Burges: Representatives
Crandell, Goodale, Harper, Judd, Kavanagh, Mesnard, Proud

AN ACT

AMENDING SECTION 16-311, ARIZONA REVISED STATUTES; 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; 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, and giving the date of the primary election and, if nominated, the date of
16 the general election at which the person desires to become a candidate. A
17 candidate for public office shall be a qualified elector at the time of
18 filing and shall reside in the county, district or precinct ~~which~~ THAT the
19 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
30 G and giving the date of the election. A candidate for office shall reside
31 at the time of filing in the county, city, town, district, ward or precinct
32 ~~which~~ THAT the person proposes to represent.

33 C. Notwithstanding subsection B ~~to the contrary~~, any city or town may
34 adopt by ordinance for its elections the time frame provided in subsection A
35 for filing nomination petitions. Such ordinance shall be adopted not less
36 than one hundred twenty days before the first election to which it applies.

37 D. All persons desiring to become a candidate shall file with the
38 nomination paper provided for in subsection A an affidavit UNDER PENALTY OF
39 PERJURY, which shall be printed in a form prescribed by the secretary of
40 state. The affidavit shall include facts sufficient to show that, other than
41 the residency requirement provided in subsection A, the candidate will be
42 qualified at the time of election to hold the office the person seeks AND
43 THAT FOR THE RESIDENCY REQUIREMENT PROVIDED IN SUBSECTION A, THE CANDIDATE IS
44 A QUALIFIED RESIDENT OF THE APPROPRIATE COUNTY, CITY, TOWN, DISTRICT, WARD OR
45 PRECINCT AT THE TIME OF FILING. FOR CANDIDATES FOR PRESIDENT AND

1 VICE-PRESIDENT FROM A POLITICAL PARTY THAT IS ENTITLED TO CONTINUED
2 REPRESENTATION ON THE BALLOT, THE NATIONAL POLITICAL PARTY COMMITTEE FOR EACH
3 OF THOSE CANDIDATES SHALL SUBMIT TO THE SECRETARY OF STATE THE AFFIDAVIT
4 SIGNED UNDER PENALTY OF PERJURY BY THE PRESIDENTIAL AND VICE-PRESIDENTIAL
5 CANDIDATES.

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

12 F. The nomination paper of a candidate for superior court judge or for
13 a county, district and precinct office for which the electors of a county or
14 a subdivision of a county other than an incorporated city or town are
15 entitled to vote shall be filed with the county elections officer no later
16 than 5:00 p.m. on the last date for filing as prescribed by subsection A.
17 The nomination paper of a candidate for a city or town office shall be filed
18 with the city or town clerk no later than 5:00 p.m. on the last date for
19 filing. The nomination paper of a candidate for school district office shall
20 be filed with the county school superintendent no later than 5:00 p.m. on the
21 last date for filing.

22 G. The nomination paper shall include the exact manner in which the
23 candidate desires to have the person's name printed on the official ballot
24 and shall be limited to the candidate's surname and given name or names, an
25 abbreviated version of such names or appropriate initials such as "Bob" for
26 "Robert", "Jim" for "James", "Wm." for "William" or "S." for "Samuel".
27 Nicknames are permissible, but in no event shall nicknames, abbreviated
28 versions or initials of given names suggest reference to professional,
29 fraternal, religious or military titles. No other descriptive name or names
30 shall be printed on the official ballot, except as provided in this section.
31 Candidates' abbreviated names or nicknames may be printed within quotation
32 marks. The candidate's surname shall be printed first, followed by the given
33 name or names.

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

- 39 1. The nomination petition required by this title.
- 40 2. A political committee statement of organization or the five hundred
41 dollar threshold exemption statement for that office.
- 42 3. The financial disclosure statement as prescribed for candidates for
43 that office.

44 I. ANY QUALIFIED ELECTOR MAY CHALLENGE THE NOMINATION PAPER AND
45 AFFIDAVIT OF A CANDIDATE, INCLUDING THE FACTS OR LEGAL CONCLUSIONS CONTAINED

1 IN THE NOMINATION PAPER AND AFFIDAVIT. THE CHALLENGE SHALL BE MADE AS
2 PRESCRIBED IN AND PURSUANT TO SECTION 16-351.

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.