

State of Arizona
House of Representatives
Fiftieth Legislature
Second Regular Session
2012

HOUSE BILL 2826

AN ACT

AMENDING SECTION 16-204, ARIZONA REVISED STATUTES; RELATING TO ELECTION DATES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 16-204, Arizona Revised Statutes, is amended to
3 read:

4 16-204. Declaration of statewide concern; consolidated election
5 dates; definition

6 A. ~~While the legislature recognizes that the method of conducting~~
7 ~~elections by political subdivisions, including charter counties and cities,~~
8 ~~may be a matter of local concern,~~ The legislature finds and determines that
9 for the purposes of increasing voter participation and for decreasing the
10 costs to the taxpayers it is a matter of statewide concern that all elections
11 in this state be conducted on a limited number of days and, therefore, the
12 legislature finds and declares that the holding of all elections on certain
13 specific consolidated days is a matter of statewide concern. **THIS SECTION**
14 **PREEMPTS ALL LOCAL LAWS, ORDINANCES AND CHARTER PROVISIONS TO THE CONTRARY.**

15 B. **FOR ELECTIONS HELD BEFORE 2014 AND** notwithstanding any other law or
16 any charter or ordinance of any county, city or town to the contrary, an
17 election held for or on behalf of a county, city or town, a school district,
18 a community college district or special districts organized pursuant to title
19 48, chapters 5, 6, 8, 10, 13 through 16 and 33 may only be held on the
20 following dates:

21 1. Except for regular elections for candidates in a city or town with
22 a population of one hundred seventy-five thousand or more persons, all
23 elections, including recall elections and special elections to fill
24 vacancies, shall be held on:

25 (a) The second Tuesday in March.

26 (b) The third Tuesday in May.

27 (c) The tenth Tuesday before the first Tuesday after the first Monday
28 in November.

29 (d) The first Tuesday after the first Monday in November.
30 Notwithstanding any other law, an election must be held on this date for the
31 approval of an obligation or other authorization requiring or authorizing the
32 assessment of secondary property taxes by a county, city, town, school
33 district, community college district or special taxing district, except as
34 provided by title 48.

35 2. For regular elections that are only for candidates in a city or
36 town with a population of one hundred seventy-five thousand or more persons
37 and not including recall elections and special elections to fill vacancies in
38 those cities or towns, elections shall be held on:

39 (a) The tenth Tuesday before the first Tuesday after the first Monday
40 in November.

41 (b) The first Tuesday after the first Monday in November.

42 C. **FOR ELECTIONS HELD BEFORE 2014,** for any city or town, including a
43 charter city, that holds its regularly scheduled candidate elections in
44 even-numbered years pursuant to subsection B, paragraph 2, the term of office

1 for a member of the city council or for the office of mayor begins on or
2 after the second Tuesday in January in the year following the election.

3 D. ~~This section does~~ SUBSECTIONS B AND C OF THIS SECTION DO not apply
4 to an election regarding a county or city charter committee or county or city
5 charter proposal that is conducted pursuant to article XIII, section 2 or 3
6 or article XII, section 5, Constitution of Arizona.

7 E. BEGINNING WITH ELECTIONS HELD IN 2014 AND LATER AND NOTWITHSTANDING
8 ANY OTHER LAW OR ANY CHARTER OR ORDINANCE TO THE CONTRARY, AN ELECTION HELD
9 FOR OR ON BEHALF OF ANY POLITICAL SUBDIVISION OF THIS STATE OTHER THAN A
10 SPECIAL ELECTION MAY ONLY BE HELD ON THE FOLLOWING DATES AND ONLY IN
11 EVEN-NUMBERED YEARS:

12 1. THE TENTH TUESDAY BEFORE THE FIRST TUESDAY AFTER THE FIRST MONDAY
13 IN NOVEMBER. IF THE POLITICAL SUBDIVISION HOLDS A PRIMARY OR FIRST ELECTION
14 AND A GENERAL OR RUNOFF ELECTION IS EITHER REQUIRED OR OPTIONAL FOR THAT
15 POLITICAL SUBDIVISION, THE FIRST ELECTION SHALL BE HELD ON THIS DATE, WITHOUT
16 REGARD TO WHETHER THE POLITICAL SUBDIVISION DESIGNATES THE ELECTION A PRIMARY
17 ELECTION, A FIRST ELECTION, A PRELIMINARY ELECTION OR ANY OTHER DESCRIPTIVE
18 TERM.

19 2. THE FIRST TUESDAY AFTER THE FIRST MONDAY IN NOVEMBER. IF THE
20 POLITICAL SUBDIVISION HOLDS A GENERAL ELECTION OR A RUNOFF ELECTION, THE
21 SECOND ELECTION HELD SHALL BE HELD ON THIS DATE. IF THE POLITICAL
22 SUBDIVISION HOLDS ONLY A SINGLE ELECTION AND NO PRELIMINARY OR PRIMARY OR
23 OTHER ELECTION IS EVER HELD FOR THE PURPOSE OF REDUCING THE NUMBER OF
24 CANDIDATES, OR RECEIVING A PARTISAN NOMINATION OR DESIGNATION OR FOR ANY
25 OTHER PURPOSE FOR THAT POLITICAL SUBDIVISION, THE SINGLE ELECTION SHALL BE
26 HELD ON THIS DATE. ANY BALLOT MEASURE, BALLOT QUESTION, BOND ELECTION OR ANY
27 OTHER ISSUE TO BE VOTED ON BY THE ELECTORATE OF A POLITICAL SUBDIVISION AND
28 THAT IS NOT AN ELECTION ON A CANDIDATE SHALL ALSO BE HELD ON THIS DATE.

29 F. FOR THE PURPOSES OF THIS SECTION, "POLITICAL SUBDIVISION" MEANS ANY
30 GOVERNMENTAL ENTITY OPERATING UNDER THE AUTHORITY OF THIS STATE AND GOVERNED
31 BY AN ELECTED BODY, INCLUDING A CITY, TOWN, COUNTY, SCHOOL DISTRICT,
32 COMMUNITY COLLEGE DISTRICT OR ANY OTHER DISTRICT ORGANIZED UNDER STATE LAW
33 BUT NOT INCLUDING A SPECIAL TAXING DISTRICT.

34 Sec. 2. Conforming legislation

35 The legislative council staff shall prepare proposed legislation
36 conforming the Arizona Revised Statutes to the provisions of this act for
37 consideration in the fifty-first legislature, first regular session.

38 Sec. 3. Severability

39 If a provision of this act or its application to any person or
40 circumstance is held invalid, the invalidity does not affect other provisions
41 or applications of the act that can be given effect without the invalid
42 provision or application, and to this end the provisions of this act are
43 severable.