

State of Arizona  
Senate  
Fiftieth Legislature  
Second Regular Session  
2012

# SENATE BILL 1449

AN ACT

AMENDING SECTIONS 19-209, 19-212 AND 19-213, ARIZONA REVISED STATUTES;  
RELATING TO RECALL; PROVIDING FOR CONDITIONAL ENACTMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 19-209, Arizona Revised Statutes, is amended to  
3 read:

4 19-209. Order for special recall election

5 A. If the officer against whom a petition is filed does not resign  
6 within five days, excluding Saturdays, Sundays and other legal holidays,  
7 after the filing as determined pursuant to section 19-208.03, the order  
8 calling a special recall election shall be issued within fifteen days and  
9 shall be ordered to be held on the next following consolidated election date  
10 pursuant to section 16-204 that is ninety days or more after the order  
11 calling the election.

12 B. A recall election shall be called:

13 1. If for a state office, including a member of the legislature, by  
14 the governor.

15 2. If for a county officer, or judge or other officer of the superior  
16 court in a county, by the board of supervisors of that county.

17 3. If for a city or town officer, by the legislative body of the city  
18 or town.

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

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

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

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

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

26 D. ON CALLING A RECALL ELECTION, THE OFFICER CALLING THE ELECTION  
27 SHALL CALL FOR A RECALL PRIMARY ELECTION AND, IF NECESSARY, A RECALL GENERAL  
28 ELECTION FOR THE OFFICE THAT IS SUBJECT TO THE RECALL, AND IF THE OFFICE IS  
29 REGULARLY SUBJECT TO A PARTISAN PRIMARY ELECTION, THE RECALL PRIMARY ELECTION  
30 SHALL ALSO BE HELD AS A PARTISAN PRIMARY ELECTION. IF THERE IS ONLY ONE  
31 CANDIDATE REMAINING FOR THE OFFICE THAT IS SUBJECT TO THE RECALL AFTER THE  
32 RECALL PRIMARY ELECTION, THE RECALL GENERAL ELECTION SHALL NOT BE HELD AND  
33 THE WINNER OF THE RECALL PRIMARY ELECTION SHALL BE DECLARED ELECTED.

34 Sec. 2. Section 19-212, Arizona Revised Statutes, is amended to read:

35 19-212. Nomination petition

36 A. Unless the officer otherwise requests in writing, the name of the  
37 officer against whom a recall petition is filed shall be placed as a  
38 candidate on the official ballot without nomination. Other candidates for  
39 the office may be nominated to be voted upon at the RECALL PRIMARY election  
40 AND RECALL GENERAL ELECTION and shall be placed upon the official recall  
41 ballot after filing a nomination petition that is signed by a number of  
42 qualified electors that is equal to ~~at least two per cent of the total votes~~  
43 ~~cast for all candidates~~ THE NUMBER OF SIGNATURES REQUIRED FOR NOMINATION  
44 PETITIONS for that office at the last election for that office. Nomination

petition signers shall be qualified electors of the electoral district of the officer against whom the recall petition is filed.

B. If the officer against whom a recall petition is filed was appointed to the office or was deemed elected after an election was canceled due to the absence of opposing candidates as provided in section 15-424, 48-802, 48-1012, 48-1208, 48-1404, 48-1908, 48-2010, 48-2107 or 48-2208, other candidates for the office to be voted on in the recall election shall be placed on the official recall ballot after filing a nomination petition that is signed by the number of qualified electors that is equal to at least one-half of one per cent of the number of active registered voters in the jurisdiction or district represented by that elective officer as determined on the date of the last general election with no less than five signatures. Nomination petition signers shall be qualified electors of the electoral district of the officer against whom the recall petition is filed.

C. The title and body of the nomination petition shall be substantially in the following form: ~~OTHERWISE USED FOR NOMINATION PETITIONS FOR THAT OFFICE.~~

~~Nomination Petition--Recall Election~~

~~We, the undersigned electors, qualified to vote in the recall election mentioned herein, residents of the precinct indicated by the residence addresses given, and residents of the county of \_\_\_\_\_, state of Arizona, hereby nominate \_\_\_\_\_, who resides at \_\_\_\_\_, in the county of \_\_\_\_\_ to be a candidate in the recall election for the office of \_\_\_\_\_ to be held on \_\_\_\_\_, and we further declare that~~

~~(date)~~

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

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

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

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

~~F. Such nomination petition shall be filed not more than ninety days nor less than sixty days prior to the date of the recall election.~~

Sec. 3. Section 19-213, Arizona Revised Statutes, is amended to read: 19-213. Form and contents of ballot

On the ballots for the election shall be printed the reasons as set forth in the petition for demanding the officer's recall, and, in not more

1 than two hundred words, the officer's justification of his conduct in office.  
2 ~~There shall be no party designation upon the recall ballot.~~ The form of the  
3 ballot shall conform as nearly as practicable to the ballot prescribed for  
4 PRIMARY AND general elections.

5 Sec. 4. Conforming legislation

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

9 Sec. 5. Retroactivity

10 This act applies retroactively to from and after December 31, 2011.

11 Sec. 6. Conditional enactment

12 This act does not become effective unless the Constitution of Arizona  
13 is amended by vote of the people at the next regular general election to  
14 permit primary recall elections.