



HOUSE OF REPRESENTATIVES

SB 1449

recall; primary; general election

Sponsors: Senators Smith, Allen, Burges, et al.

DP Committee on Judiciary

DP Caucus and COW

X House Engrossed

OVERVIEW

SB 1449 divides recall elections into a primary and general election.

HISTORY

Arizona Revised Statutes (A.R.S.) § 19-201 subjects every public officer holding an elective office, either by election, appointment or retention, to recall by electors of the district from which they were elected. A recall petition cannot be circulated against any office until the officer has held that office for six months. However, it may be filed against a member of the legislature at which any time after five days from the beginning of the first session after his election (A.R.S. § 19-202).

The following persons are authorized to call for a recall election: if for a state office, including a member of the legislature, by the governor; if for a county officer, or judge or other officer of the superior court in a county, by the board of supervisors of that county; if for a city or town officer, by the legislative body of the city or town; if for a member of a school district governing board, by the county school superintendent of the county in which the school district is located (A.R.S. § 19-209). If a recall petition is against an officer who is directed to call the election it may be called by the following: if for a state office, by the secretary of state; if for a county office; by the clerk of the superior court; if for a city or town office, by the city or town clerk (A.R.S. § 19-209).

A.R.S. § 19-213 requires the ballots for the election to contain the reasons set forth in the petition demanding the officer's recall, and, in no more than two hundred words, the officer's justification of his conduct in office. There must be no party designation upon the recall ballot. Other candidates for the office may be nominated to be voted upon at the election and must be placed upon the official recall ballot after filing a nomination petition signed by a number of qualified electors that is equal to at least two per cent of the total votes cast for all candidates for that office at the last election for that office (A.R.S. 19-212). Furthermore, statute provides the exact template that the title and body of the nomination petition must be substantially in.

PROVISIONS

- Requires the officer calling a recall election to call for a recall primary election and, if necessary, a recall general election for the office that is subject to the recall.
- Requires that if the office is regularly subject to a partisan primary election, the recall primary election must also be held as a partisan primary election.
- States that if there is only one candidate remaining for the office that is subject to the recall after the recall primary election, the recall general election must not be held and the winner of the recall primary election must be declared elected.

SB 1449

- Establishes the recall election into a primary and a general election.
- Specifies that a nomination petition must be signed by the number of qualified electors that was required for nomination for the office at the last election for that office.
- Specifies that the title and body of the nomination petition must be substantially in the form otherwise used for nomination petitions for that office.
- Removes the provision that prohibits party designation on the recall ballot.
- Makes technical and conforming changes.
- Contains a conforming legislation clause.
- Contains a retroactivity clause.
- Contains a conditional clause.