

State of Arizona  
Senate  
Fifty-second Legislature  
First Regular Session  
2015

# SENATE BILL 1158

AN ACT

AMENDING SECTIONS 16-322, 16-542 AND 16-558.01, 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 16-322, Arizona Revised Statutes, is amended to  
3 read:

4 16-322. Number of signatures required on nomination petitions

5 A. Nomination petitions shall be signed:

6 1. If for a candidate for the office of United States senator or for a  
7 state office, excepting members of the legislature and superior court judges,  
8 by a number of qualified electors who are qualified to vote for the candidate  
9 whose nomination petition they are signing equal to at least one-half of one  
10 ~~per-cent~~ PERCENT of the voter registration of the party of the candidate in  
11 at least three counties in the state, but not less than one-half of one ~~per~~  
12 ~~cent~~ PERCENT nor more than ten ~~per-cent~~ PERCENT of the total voter  
13 registration of the candidate's party in the state.

14 2. If for a candidate for the office of representative in Congress, by  
15 a number of qualified electors who are qualified to vote for the candidate  
16 whose nomination petition they are signing equal to at least one ~~per-cent~~  
17 PERCENT but not more than ten ~~per-cent~~ PERCENT of the total voter  
18 registration of the party designated in the district from which such  
19 representative shall be elected except that if for a candidate for a special  
20 election to fill a vacancy in the office of representative in congress, by a  
21 number of qualified electors who are qualified to vote for the candidate  
22 whose nomination petition they are signing equal to at least one-half of one  
23 ~~per-cent~~ PERCENT but not more than ten ~~per-cent~~ PERCENT of the total voter  
24 registration of the party designated in the district from which such  
25 representative shall be elected.

26 3. If for a candidate for the office of member of the legislature, by  
27 a number of qualified electors who are qualified to vote for the candidate  
28 whose nomination petition they are signing equal to at least one ~~per-cent~~  
29 PERCENT but not more than three ~~per-cent~~ PERCENT of the total voter  
30 registration of the party designated in the district from which the member of  
31 the legislature may be elected.

32 4. If for a candidate for a county office or superior court judge, by  
33 a number of qualified electors who are qualified to vote for the candidate  
34 whose nomination petition they are signing equal to at least two ~~per-cent~~  
35 PERCENT but not more than ten ~~per-cent~~ PERCENT of the total voter  
36 registration of the party designated in the county or district, provided that  
37 in counties with a population of two hundred thousand persons or more, a  
38 candidate for a county office shall have nomination petitions signed by a  
39 number of qualified electors who are qualified to vote for the candidate  
40 whose nomination petition they are signing equal to at least one-half of one  
41 ~~per-cent~~ PERCENT but not more than ten ~~per-cent~~ PERCENT of the total voter  
42 registration of the party designated in the county or district.

43 5. If for a candidate for a community college district, by a number of  
44 qualified electors who are qualified to vote for the candidate whose  
45 nomination petition they are signing equal to at least:

1 (a) Through June 30, 2012, one-half of one ~~per-cent~~ PERCENT but not  
2 more than ten ~~per-cent~~ PERCENT of the total voter registration in the  
3 precinct as established pursuant to section 15-1441.

4 (b) Beginning July 1, 2012, one-quarter of one ~~per-cent~~ PERCENT but  
5 not more than ten ~~per-cent~~ PERCENT of the total voter registration in the  
6 precinct as established pursuant to section 15-1441. Notwithstanding the  
7 total voter registration in the community college district, the maximum  
8 number of signatures required by this subdivision is one thousand.

9 6. If for a candidate for county precinct committeeman, by a number of  
10 qualified electors who are qualified to vote for the candidate whose  
11 nomination petition they are signing equal to at least two ~~per-cent~~ PERCENT  
12 but not more than ten ~~per-cent~~ PERCENT of the party voter registration in the  
13 precinct or ten signatures, whichever is less.

14 7. If for a candidate for justice of the peace or constable, by a  
15 number of qualified electors who are qualified to vote for the candidate  
16 whose nomination petition they are signing equal to at least two ~~per-cent~~  
17 PERCENT but not more than ten ~~per-cent~~ PERCENT of the party voter  
18 registration in the precinct.

19 8. If for a candidate for mayor or other office nominated by a city at  
20 large, by a number of qualified electors who are qualified to vote for the  
21 candidate whose nomination petition they are signing equal to at least five  
22 ~~per-cent~~ PERCENT and not more than ten ~~per-cent~~ PERCENT of the designated  
23 party vote in the city, except that a city that chooses to hold nonpartisan  
24 elections may by ordinance provide that the minimum number of signatures  
25 required for the candidate be one thousand signatures or five ~~per-cent~~  
26 PERCENT of the vote in the city, whichever is less, but not more than ten ~~per~~  
27 ~~cent~~ PERCENT of the vote in the city.

28 9. If for an office nominated by ward, precinct or other district of a  
29 city, by a number of qualified electors who are qualified to vote for the  
30 candidate whose nomination petition they are signing equal to at least five  
31 ~~per-cent~~ PERCENT and not more than ten ~~per-cent~~ PERCENT of the designated  
32 party vote in the ward, precinct or other district, except that a city that  
33 chooses to hold nonpartisan elections may provide by ordinance that the  
34 minimum number of signatures required for the candidate be two hundred fifty  
35 signatures or five ~~per-cent~~ PERCENT of the vote in the district, whichever is  
36 less, but not more than ten ~~per-cent~~ PERCENT of the vote in the district.

37 10. If for a candidate for an office nominated by a town at large, by a  
38 number of qualified electors who are qualified to vote for the candidate  
39 whose nomination petition they are signing equal to at least five ~~per-cent~~  
40 PERCENT and not more than ten ~~per-cent~~ PERCENT of the vote in the town,  
41 except that a town that chooses to hold nonpartisan elections may provide by  
42 ordinance that the minimum number of signatures required for the candidate be  
43 one thousand signatures or five ~~per-cent~~ PERCENT of the vote in the town,  
44 whichever is less but not more than ten ~~per-cent~~ PERCENT of the vote in the  
45 town.

1           11. If for a candidate for a governing board of a school district OR A  
2 JOINT TECHNICAL EDUCATION DISTRICT, by a number of qualified electors who are  
3 qualified to vote for the candidate whose nomination petition they are  
4 signing equal to at least one-half of one ~~per-cent~~ PERCENT of the total voter  
5 registration in the school district OR JOINT TECHNICAL EDUCATION DISTRICT if  
6 the ~~governing~~ board members are elected at large or one ~~per-cent~~ PERCENT of  
7 the total voter registration in the single member district if governing board  
8 members ~~or joint technical education district board members~~ are elected from  
9 single member districts OR ONE-HALF OF ONE PERCENT OF THE TOTAL VOTER  
10 REGISTRATION IN THE SINGLE MEMBER DISTRICT IF JOINT TECHNICAL EDUCATION  
11 DISTRICT BOARD MEMBERS ARE ELECTED FROM SINGLE MEMBER DISTRICTS.  
12 Notwithstanding the total voter registration in the school district, JOINT  
13 TECHNICAL EDUCATION DISTRICT or single member district OF THE SCHOOL DISTRICT  
14 OR JOINT TECHNICAL EDUCATION DISTRICT, the maximum number of signatures  
15 required by this paragraph is four hundred.

16           12. If for a candidate for a governing body of a special district as  
17 described in title 48, by a number of qualified electors who are qualified to  
18 vote for the candidate whose nomination petition they are signing equal to at  
19 least one-half of one ~~per-cent~~ PERCENT of the vote in the special district  
20 but not more than two hundred fifty and not fewer than five signatures.

21           B. The basis of percentage in each instance referred to in subsection  
22 A of this section, except in cities, towns and school districts, shall be the  
23 number of voters registered in the designated party of the candidate as  
24 reported pursuant to section 16-168, subsection G on March 1 of the year in  
25 which the general election is held. In cities, the basis of percentage shall  
26 be the vote of the party for mayor at the last preceding election at which a  
27 mayor was elected. In towns, the basis of percentage shall be the highest  
28 vote cast for an elected official of the town at the last preceding election  
29 at which an official of the town was elected. In school districts OR JOINT  
30 TECHNICAL EDUCATION DISTRICTS, the basis of percentage shall be the total  
31 number of voters registered in the school district OR JOINT TECHNICAL  
32 EDUCATION DISTRICT or single member district, whichever applies. The total  
33 number of voters registered for school districts OR JOINT TECHNICAL EDUCATION  
34 DISTRICTS shall be calculated using the periodic reports prepared by the  
35 county recorder pursuant to section 16-168, subsection G. The count that is  
36 reported on March 1 of the year in which the general election is held shall  
37 be the basis for the calculation of total voter registration for school  
38 districts OR JOINT TECHNICAL EDUCATION DISTRICTS.

39           C. In primary elections the signature requirement for party nominees,  
40 other than nominees of the parties entitled to continued representation  
41 pursuant to section 16-804, is at least one-tenth of one ~~per-cent~~ PERCENT of  
42 the total vote for the winning candidate or candidates for governor or  
43 presidential electors at the last general election within the district.  
44 Signatures must be obtained from qualified electors who are qualified to vote  
45 for the candidate whose nomination petition they are signing.

1 D. If new boundaries for congressional districts, legislative  
2 districts, supervisorial districts, justice precincts or election precincts  
3 are established and effective subsequent to March 1 of the year of a general  
4 election and prior to the date for filing of nomination petitions, the basis  
5 for determining the required number of nomination petition signatures is the  
6 number of registered voters in the designated party of the candidate in the  
7 elective office, district or precinct on the day the new districts or  
8 precincts are effective.

9 Sec. 2. Section 16-542, Arizona Revised Statutes, is amended to read:

10 16-542. Request for ballot; civil penalties; violation;  
11 classification

12 A. Within ninety-three days before any election called pursuant to the  
13 laws of this state, an elector may make a verbal or signed request to the  
14 county recorder, or other officer in charge of elections for the applicable  
15 political subdivision of this state in whose jurisdiction the elector is  
16 registered to vote, for an official early ballot. In addition to name and  
17 address, the requesting elector shall provide the date of birth and state or  
18 country of birth or other information that if compared to the voter  
19 registration information on file would confirm the identity of the elector.  
20 If the request indicates that the elector needs a primary election ballot and  
21 a general election ballot, the county recorder or other officer in charge of  
22 elections shall honor the request. For any partisan primary election, if the  
23 elector is not registered as a member of a political party that is entitled  
24 to continued representation on the ballot pursuant to section 16-804, the  
25 elector shall designate the ballot of only one of the political parties that  
26 is entitled to continued representation on the ballot and the elector may  
27 receive and vote the ballot of only that one political party. The county  
28 recorder may establish on-site early voting locations at the recorder's  
29 office, which shall be open and available for use beginning the same day that  
30 a county begins to send out the early ballots. The county recorder may also  
31 establish any other early voting locations in the county the recorder deems  
32 necessary.

33 B. Notwithstanding subsection A of this section, a request for an  
34 official early ballot from an absent uniformed services voter or overseas  
35 voter as defined in the uniformed and overseas citizens absentee voting act  
36 of 1986 (P.L. 99-410; ~~42~~ 52 United States Code section ~~1973ff-6~~ 20310) or a  
37 voter whose information is protected pursuant to section 16-153 that is  
38 received by the county recorder or other officer in charge of elections more  
39 than ninety-three days before the election is valid. If requested by the  
40 absent uniformed services or overseas voter, or a voter whose information is  
41 protected pursuant to section 16-153, the county recorder or other officer in  
42 charge of elections shall provide to the requesting voter early ballot  
43 materials through the next regularly scheduled general election for federal  
44 office immediately following receipt of the request unless a different period

1 of time, which does not exceed the next two regularly scheduled general  
2 elections for federal office, is designated by the voter.

3 C. The county recorder or other officer in charge of elections shall  
4 mail the early ballot and the envelope for its return postage prepaid to the  
5 address provided by the requesting elector within five days after receipt of  
6 the official early ballots from the officer charged by law with the duty of  
7 preparing ballots pursuant to section 16-545, except that early ballot  
8 distribution shall not begin more than ~~twenty-six~~ TWENTY-SEVEN days before  
9 the election. If an early ballot request is received on or before the  
10 ~~thirtieth~~ THIRTY-FIRST day before the election, the early ballot shall be  
11 distributed ~~on~~ NO EARLIER THAN the ~~twenty-sixth~~ TWENTY-SEVENTH day before the  
12 election AND NO LATER THAN THE TWENTY-FOURTH DAY BEFORE THE ELECTION.

13 D. Only the elector may be in possession of that elector's unvoted  
14 early ballot. If a complete and correct request is made by the elector  
15 within ~~twenty-six~~ TWENTY-SEVEN days before the election, the mailing must be  
16 made within forty-eight hours after receipt of the request. Saturdays,  
17 Sundays and other legal holidays are excluded from the computation of the  
18 forty-eight hour period prescribed by this subsection. If a complete and  
19 correct request is made by an absent uniformed services voter or an overseas  
20 voter before the election, the regular early ballot shall be transmitted by  
21 mail, by fax or by other electronic format approved by the secretary of state  
22 within twenty-four hours after the early ballots are delivered pursuant to  
23 section 16-545, subsection B, excluding Sundays.

24 E. In order to be complete and correct and to receive an early ballot  
25 by mail, an elector's request that an early ballot be mailed to the elector's  
26 residence or temporary address must include all of the information prescribed  
27 by subsection A of this section and must be received by the county recorder  
28 or other officer in charge of elections no later than 5:00 p.m. on the  
29 eleventh day preceding the election. An elector who appears personally no  
30 later than 5:00 p.m. on the Friday preceding the election at an on-site early  
31 voting location that is established by the county recorder or other officer  
32 in charge of elections shall be given a ballot and permitted to vote at the  
33 on-site location. If an elector's request to receive an early ballot is not  
34 complete and correct but complies with all other requirements of this  
35 section, the county recorder or other officer in charge of elections shall  
36 attempt to notify the elector of the deficiency of the request.

37 F. Unless an elector specifies that the address to which an early  
38 ballot is to be sent is a temporary address, the recorder may use the  
39 information from an early ballot request form to update voter registration  
40 records.

41 G. The county recorder or other officer in charge of early balloting  
42 shall provide an alphabetized list of all voters in the precinct who have  
43 requested and have been sent an early ballot to the election board of the  
44 precinct in which the voter is registered not later than the day ~~prior to~~  
45 BEFORE the election.

1 H. As a result of an emergency occurring between 5:00 p.m. on the  
2 second Friday preceding the election and 5:00 p.m. on the Monday preceding  
3 the election, qualified electors may request to vote early in the manner  
4 prescribed by the county recorder of their respective county. For the  
5 purposes of this subsection, "emergency" means any unforeseen circumstances  
6 that would prevent the elector from voting at the polls.

7 I. A candidate, political committee or other organization may  
8 distribute early ballot request forms to voters. If the early ballot request  
9 forms include a printed address for return, the addressee shall be the  
10 political subdivision that will conduct the election. Failure to use the  
11 political subdivision as the return addressee is punishable by a civil  
12 penalty of up to three times the cost of the production and distribution of  
13 the request.

14 J. All original and completed early ballot request forms that are  
15 received by a candidate, ~~or~~ political committee OR OTHER ORGANIZATION shall  
16 be submitted within six business days after receipt by a candidate, ~~or~~  
17 political committee OR OTHER ORGANIZATION or eleven days before the election  
18 day, whichever is earlier, to the political subdivision that will conduct the  
19 election. Any person, political committee or other organization that fails  
20 to submit a completed early ballot request form within the prescribed time is  
21 subject to a civil penalty of up to twenty-five dollars per day for each  
22 completed form withheld from submittal. Any person who knowingly fails to  
23 submit a completed early ballot request form before the submission deadline  
24 for the election immediately following the completion of the form is guilty  
25 of a class 6 felony.

26 Sec. 3. Section 16-558.01, Arizona Revised Statutes, is amended to  
27 read:

28 16-558.01. Mailing of ballots

29 Not more than ~~twenty-six~~ TWENTY-SEVEN days before the election and not  
30 fewer than fifteen days before the election, the county recorder or other  
31 officer in charge of elections for the special district shall send by  
32 nonforwardable mail all official ballots with printed instructions and a  
33 return envelope bearing a printed ballot affidavit as described in section  
34 16-547 to each qualified elector entitled to vote in the election. The  
35 envelope in which the ballot is mailed shall be clearly marked with the  
36 statement required by the postmaster to receive an address correction and  
37 notification. The district governing board shall determine whether the voter  
38 or the district governing board will pay for the postage for the return of  
39 electors' marked ballots. An elector who votes in a special district mail  
40 ballot election shall return the elector's marked ballot to the recorder or  
41 other officer in charge of the election or to a designated depository site as  
42 provided in section 16-411 no later than 7:00 p.m. on the day of the  
43 election.