

REFERENCE TITLE: presidential candidates; proof of citizenship

State of Arizona  
Senate  
Forty-ninth Legislature  
First Regular Session  
2009

## **SB 1158**

Introduced by  
Senator Pearce; Representative Burges; Senators Gorman, Gould, Gray C,  
Harper, Verschoor; Representative Seel

AN ACT

AMENDING SECTIONS 16-341 AND 16-507, ARIZONA REVISED STATUTES; RELATING TO  
CONDUCT OF ELECTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 16-341, Arizona Revised Statutes, is amended to  
3 read:

4 16-341. Nomination petition; method and time of filing; form;  
5 qualifications and number of petitioners required

6 A. Any qualified elector who is not a registered member of a political  
7 party that is recognized pursuant to this title may be nominated as a  
8 candidate for public office otherwise than by primary election or by party  
9 committee pursuant to this section.

10 B. This article shall not be used to place on the general election  
11 ballot the name of a political party which fails to meet the qualifications  
12 specified in section 16-802 or 16-804, or the name of any candidate  
13 representing such party or the name of a candidate who has filed a nomination  
14 petition in the immediately preceding primary election and has failed to  
15 qualify as the result of an insufficient number of valid signatures.

16 C. A nomination petition stating the name of the office to be filled,  
17 the name and residence of the candidate and other information required by  
18 this section shall be filed at the same time and with the same officer with  
19 whom primary nomination papers and petitions are required to be filed as  
20 prescribed in section 16-311. The petition shall be signed only by voters  
21 who have not signed the nomination petitions of a candidate for the office to  
22 be voted for at that primary election.

23 D. The nomination petition shall be in substantially the following  
24 form:

25 "The undersigned, qualified electors of \_\_\_\_\_ county,  
26 state of Arizona, do hereby nominate \_\_\_\_\_, who resides at  
27 \_\_\_\_\_ in the county of \_\_\_\_\_, as a candidate for the  
28 office of \_\_\_\_\_ at the general (or special, as the case may  
29 be) election to be held on the \_\_\_\_\_ day of \_\_\_\_\_,  
30 \_\_\_\_\_.

31 I hereby declare that I have not signed the  
32 nomination petitions of any candidate for the office  
33 to be voted for at this primary election, and I do  
34 hereby select the following designation under which  
35 name the said candidate shall be placed on the  
36 official ballot (here insert such designation not  
37 exceeding three words in length as the signers may  
38 select)."

39 E. The nomination petition shall conform as nearly as possible to the  
40 provisions relating to nomination petitions of candidates to be voted for at  
41 primary elections and shall be signed by at least the number of persons who  
42 are registered to vote determined by calculating three per cent of the  
43 persons who are registered to vote of the state, county, subdivision or  
44 district for which the candidate is nominated who are not members of a  
45 political party that is qualified to be represented by an official party

1 ballot at the next ensuing primary election and accorded representation on  
2 the general election ballot.

3 F. The percentage of persons who are registered to vote necessary to  
4 sign the nomination petition shall be determined by the total number of  
5 registered voters from other than political parties that are qualified to be  
6 represented by an official party ballot at the next ensuing primary election  
7 and accorded representation on the general election ballot in the state,  
8 county, subdivision or district on March 1 of the year in which the general  
9 election is held. Notwithstanding the method prescribed by subsection E of  
10 this section and this subsection for calculating the minimum number of  
11 signatures necessary, any person who is registered to vote in the state,  
12 county, subdivision or district for which the candidate is nominated is  
13 eligible to sign the nomination petition without regard to the signer's party  
14 affiliation.

15 G. For the purposes of this section, a nomination petition for the  
16 office of presidential elector shall include a group of names of candidates  
17 equal to the number of United States senators and representatives in Congress  
18 from this state instead of separate nomination petitions for each candidate  
19 for the office of presidential elector. A valid signature on a petition  
20 containing a group of presidential electors candidates is counted as a  
21 signature for the nomination of each of the candidates. The presidential  
22 candidate whom the candidates for presidential elector will represent shall  
23 designate in writing to the secretary of state the names of the candidates  
24 who will represent the presidential candidate before any signatures for the  
25 candidate can be accepted for filing.

26 H. A person who files a nomination paper pursuant to this section for  
27 the office of president of the United States shall designate in writing to  
28 the secretary of state at the time of filing the name of the candidate's  
29 vice-presidential running mate, the names of the presidential electors who  
30 will represent that candidate and a statement that is signed by the  
31 vice-presidential running mate and the designated presidential electors and  
32 that indicates their consent to be designated. A nomination paper for each  
33 presidential elector designated shall be filed with the candidate's  
34 nomination paper. The number of presidential electors shall equal the number  
35 of United States senators and representatives in Congress from this state.  
36 WITHIN TEN DAYS AFTER FILING THE NOMINATION PAPER, A PRESIDENTIAL CANDIDATE  
37 SHALL SUBMIT AN AFFIDAVIT IN WHICH THE PRESIDENTIAL CANDIDATE STATES THE  
38 CANDIDATE'S CITIZENSHIP AND AGE AND SHALL APPEND TO THE AFFIDAVIT DOCUMENTS  
39 THAT PROVE THAT THE CANDIDATE IS A NATURAL BORN CITIZEN, PROVE THE  
40 CANDIDATE'S AGE AND PROVE THAT THE CANDIDATE MEETS THE RESIDENCY REQUIREMENTS  
41 FOR PRESIDENT OF THE UNITED STATES AS PRESCRIBED IN ARTICLE II, SECTION 1,  
42 CONSTITUTION OF THE UNITED STATES.

43 I. A candidate who does not file a timely nomination petition that  
44 complies with this section is not eligible to have the candidate's name  
45 printed on the official ballot for that office. The filing officer shall not

1 accept the nomination paper of a candidate for state or local office unless  
2 the candidate provides or has provided all of the following:

- 3 1. The nomination petition required by this title.
- 4 2. A political committee statement of organization or the five hundred  
5 dollar threshold exemption statement for that office.
- 6 3. The financial disclosure statement as prescribed for candidates for  
7 that office.

8 Sec. 2. Section 16-507, Arizona Revised Statutes, is amended to read:

9 16-507. Presentation of presidential electors on ballot;  
10 notice; affidavit

11 A. When presidential electors are to be voted for, the candidates  
12 therefor of each party shall be grouped and printed together, arranged in  
13 each group in alphabetical order, and the entire group of electors of each  
14 party shall be enclosed in a scroll or bracket to the right and opposite the  
15 center on which shall be printed in bold type the surname of the presidential  
16 candidate represented. To the right of and on a line with the surname shall  
17 be placed a square in which the voter may indicate his choice by a mark as  
18 defined in section 16-400, and one mark opposite a group of presidential  
19 electors shall be counted as a vote for each elector in such group.

20 B. THE NATIONAL POLITICAL PARTY COMMITTEE FOR A CANDIDATE FOR  
21 PRESIDENT FOR A PARTY THAT IS ENTITLED TO CONTINUED REPRESENTATION ON THE  
22 BALLOT SHALL PROVIDE TO THE SECRETARY OF STATE WRITTEN NOTICE OF THAT  
23 POLITICAL PARTY'S NOMINATION OF ITS CANDIDATES FOR PRESIDENT AND  
24 VICE-PRESIDENT. WITHIN TEN DAYS AFTER SUBMITTAL OF THE NAMES OF THE  
25 CANDIDATES, THE NATIONAL POLITICAL PARTY COMMITTEE SHALL SUBMIT AN AFFIDAVIT  
26 OF THE PRESIDENTIAL CANDIDATE IN WHICH THE PRESIDENTIAL CANDIDATE STATES THE  
27 CANDIDATE'S CITIZENSHIP AND AGE AND SHALL APPEND TO THE AFFIDAVIT DOCUMENTS  
28 THAT PROVE THAT THE CANDIDATE IS A NATURAL BORN CITIZEN, PROVE THE  
29 CANDIDATE'S AGE AND PROVE THAT THE CANDIDATE MEETS THE RESIDENCY REQUIREMENTS  
30 FOR PRESIDENT OF THE UNITED STATES AS PRESCRIBED IN ARTICLE II, SECTION 1,  
31 CONSTITUTION OF THE UNITED STATES.