

REFERENCE TITLE: elections; active registered voters

State of Arizona  
House of Representatives  
Fifty-second Legislature  
First Regular Session  
2015

## **HB 2608**

Introduced by  
Representative Mesnard

AN ACT

AMENDING TITLE 16, CHAPTER 1.1, ARTICLE 1, ARIZONA REVISED STATUTES, BY  
ADDING SECTION 16-193; AMENDING SECTIONS 16-321 AND 16-322, ARIZONA REVISED  
STATUTES; RELATING TO ELECTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 16, chapter 1.1, article 1, Arizona Revised Statutes,  
3 is amended by adding section 16-193, to read:

4 16-193. Active registered voters; applicability

5 THE TERMS "REGISTERED VOTERS", "PERSONS WHO ARE REGISTERED TO VOTE",  
6 "REGISTERED ELECTORS" AND "VOTERS REGISTERED" AS USED IN THE FOLLOWING  
7 SECTIONS INCLUDE ONLY ACTIVE REGISTERED VOTERS FOR PURPOSES OF THE FOLLOWING:

8 1. CALCULATING PETITION SIGNATURE REQUIREMENTS PURSUANT TO SECTIONS  
9 11-133, 16-322, 16-341, 45-415, 45-433, 48-4433 AND 48-4832.

10 2. MAILING AND DISTRIBUTING ELECTION-RELATED NOTICES, PAMPHLETS OR  
11 BALLOTS PURSUANT TO SECTIONS 11-137, 15-905.01, 16-245, 16-412, 16-461,  
12 16-510, 19-123, 19-141, 35-454, 41-563.02, 42-6109.01, 42-17057, 42-17107,  
13 48-620, 48-4021, 48-4236, 48-5314, 48-6432 AND 48-6433.

14 3. PROVIDING VOTING MACHINES PURSUANT TO SECTION 16-430.

15 4. FURNISHING BALLOTS PURSUANT TO SECTIONS 16-508 AND 48-685.

16 5. DETERMINING QUALIFICATION FOR POLITICAL PARTIES' CONTINUED  
17 REPRESENTATION ON THE BALLOT PURSUANT TO SECTIONS 16-244 AND 16-804.

18 6. CHOOSING POLITICAL PARTY OFFICERS PURSUANT TO SECTIONS 16-821 AND  
19 16-823.

20 Sec. 2. Section 16-321, Arizona Revised Statutes, is amended to read:

21 16-321. Signing and certification of nomination petition;  
22 definition

23 A. Each signer of a nomination petition shall sign only one petition  
24 for the same office unless more than one candidate is to be elected to such  
25 office, and in that case not more than the number of nomination petitions  
26 equal to the number of candidates to be elected to the office. A signature  
27 shall not be counted on a nomination petition unless the signature is on a  
28 sheet bearing the form prescribed by section 16-314.

29 B. For the purposes of petitions filed pursuant to sections 16-312,  
30 16-313, 16-314 and 16-341, each signer of a nomination petition shall be a  
31 voter who at the time of signing is a registered voter in the electoral  
32 district of the office the candidate is seeking.

33 C. If an elector signs more nomination petitions than permitted by  
34 subsection A of this section, the earlier signatures of the elector are  
35 deemed valid, as determined by the date of the signature as shown on the  
36 petitions. If the signatures by the elector are dated on the same day, all  
37 signatures by that elector on that day are deemed invalid. Any signature by  
38 that elector on a nomination petition on or after the date of the last  
39 otherwise valid signature is deemed invalid and shall not be counted.

40 D. The person before whom the signatures were written on the signature  
41 sheet is not required to be a resident of this state but otherwise shall be  
42 qualified to register to vote in this state pursuant to section 16-101 and,  
43 if not a resident of this state, shall register as a circulator with the  
44 secretary of state. A circulator shall verify that each of the names on the  
45 petition was signed in his presence on the date indicated, and that in his

1 belief each signer was a qualified elector who resides at the address given  
2 as the signer's residence on the date indicated and, if for a partisan  
3 election, that each signer is a ~~member of the party from which the candidate~~  
4 ~~is seeking nomination, or the signer is a member of a political party that is~~  
5 ~~not entitled to continued representation on the ballot pursuant to section~~  
6 ~~16-804 or the signer is registered as independent or no party preferred~~  
7 QUALIFIED SIGNER. The way the name appears on the petition shall be the name  
8 used in determining the validity of the name for any legal purpose pursuant  
9 to the election laws of this state. Signature and handwriting comparisons  
10 may be made.

11 E. A person who signs a nominating petition must use that person's  
12 actual residence address unless there is no actual residence address assigned  
13 by an official governmental entity or the person's actual residence is  
14 protected pursuant to section 16-153. The signature of a person who signs a  
15 nominating petition and who uses only a description of the place of residence  
16 or an Arizona post office box address is valid if the person is otherwise  
17 properly registered to vote, has not moved since registering to vote and is  
18 eligible to sign the nominating petition.

19 F. FOR THE PURPOSES OF THIS ARTICLE, "QUALIFIED SIGNER" MEANS ANY OF  
20 THE FOLLOWING:

21 1. A QUALIFIED ELECTOR WHO IS A REGISTERED MEMBER OF THE PARTY FROM  
22 WHICH THE CANDIDATE IS SEEKING NOMINATION.

23 2. A QUALIFIED ELECTOR WHO IS A REGISTERED MEMBER OF A POLITICAL PARTY  
24 THAT IS NOT ENTITLED TO CONTINUED REPRESENTATION ON THE BALLOT PURSUANT TO  
25 SECTION 16-804.

26 3. A QUALIFIED ELECTOR WHO IS REGISTERED AS INDEPENDENT OR NO PARTY  
27 PREFERRED.

28 Sec. 3. Section 16-322, Arizona Revised Statutes, is amended to read:  
29 16-322. Number of signatures required on nomination petitions

30 A. Nomination petitions shall be signed BY A NUMBER OF QUALIFIED  
31 ELECTORS WHO ARE QUALIFIED TO VOTE FOR THE CANDIDATE WHOSE NOMINATION  
32 PETITION THEY ARE SIGNING EQUAL TO:

33 1. If for a candidate for the office of United States senator or for a  
34 state office, excepting members of the legislature and superior court judges,  
35 ~~by a number of qualified electors who are qualified to vote for the candidate~~  
36 ~~whose nomination petition they are signing equal to~~ at least ~~one-half~~  
37 ONE-FOURTH of one ~~per cent~~ PERCENT of the ~~voter registration of the party of~~  
38 ~~the candidate~~ NUMBER OF QUALIFIED SIGNERS in at least three counties in the  
39 state, but not less than ~~one-half~~ ONE-FOURTH of one ~~per cent~~ PERCENT nor more  
40 than ten ~~per cent~~ PERCENT of the total ~~voter registration of the candidate's~~  
41 ~~party~~ NUMBER OF QUALIFIED SIGNERS in the state.

42 2. If for a candidate for the office of representative in Congress, ~~by~~  
43 ~~a number of qualified electors who are qualified to vote for the candidate~~  
44 ~~whose nomination petition they are signing equal to~~ at least ONE-HALF OF one  
45 ~~per cent~~ PERCENT but not more than ten ~~per cent~~ PERCENT of the total ~~voter~~

1 ~~registration of the party designated~~ NUMBER OF QUALIFIED SIGNERS in the  
 2 district from which such representative shall be elected except that if for a  
 3 candidate for a special election to fill a vacancy in the office of  
 4 representative in congress, ~~by a number of qualified electors who are~~  
 5 ~~qualified to vote for the candidate whose nomination petition they are~~  
 6 ~~signing equal to~~ at least ~~one half~~ ONE-FOURTH of one ~~per cent~~ PERCENT but not  
 7 more than ten ~~per cent~~ PERCENT of the total ~~voter registration of the party~~  
 8 ~~designated~~ NUMBER OF QUALIFIED SIGNERS in the district from which such  
 9 representative shall be elected.

10 3. If for a candidate for the office of member of the legislature, ~~by~~  
 11 ~~a number of qualified electors who are qualified to vote for the candidate~~  
 12 ~~whose nomination petition they are signing equal to~~ at least ONE-HALF OF one  
 13 ~~per cent~~ PERCENT but not more than three ~~per cent~~ PERCENT of the total ~~voter~~  
 14 ~~registration of the party designated~~ NUMBER OF QUALIFIED SIGNERS in the  
 15 district from which the member of the legislature may be elected.

16 4. If for a candidate for a county office or superior court judge, ~~by~~  
 17 ~~a number of qualified electors who are qualified to vote for the candidate~~  
 18 ~~whose nomination petition they are signing equal to~~ at least ~~two per cent~~ ONE  
 19 PERCENT but not more than ten ~~per cent~~ PERCENT of the total ~~voter~~  
 20 ~~registration of the party designated~~ NUMBER OF QUALIFIED SIGNERS in the  
 21 county or district, ~~provided that in counties~~ EXCEPT THAT IF FOR A CANDIDATE  
 22 FROM A COUNTY with a population of two hundred thousand persons or more, ~~a~~  
 23 ~~candidate for a county office shall have nomination petitions signed by a~~  
 24 ~~number of qualified electors who are qualified to vote for the candidate~~  
 25 ~~whose nomination petition they are signing equal to~~ at least ~~one half~~ ONE-  
 26 FOURTH of one ~~per cent~~ PERCENT but not more than ten ~~per cent~~ PERCENT of the  
 27 total ~~voter registration of the party designated~~ NUMBER OF QUALIFIED SIGNERS  
 28 in the county or district.

29 5. If for a candidate for a community college district, ~~by a number of~~  
 30 ~~qualified electors who are qualified to vote for the candidate whose~~  
 31 ~~nomination petition they are signing equal to~~ at least:—

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

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

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

1           7. If for a candidate for justice of the peace or constable, ~~by a~~  
2 ~~number of qualified electors who are qualified to vote for the candidate~~  
3 ~~whose nomination petition they are signing equal to~~ at least ~~two per cent~~ ONE  
4 PERCENT but not more than ten ~~per cent~~ PERCENT of the ~~party voter~~  
5 ~~registration~~ NUMBER OF QUALIFIED SIGNERS in the precinct.

6           8. If for a candidate for mayor or other office nominated by a city at  
7 large, ~~by a number of qualified electors who are qualified to vote for the~~  
8 ~~candidate whose nomination petition they are signing equal to~~ at least five  
9 ~~per cent~~ PERCENT and not more than ten ~~per cent~~ PERCENT of the designated  
10 party vote in the city, except that a city that chooses to hold nonpartisan  
11 elections may by ordinance provide that the minimum number of signatures  
12 required for the candidate be one thousand signatures or five ~~per cent~~  
13 PERCENT of the vote in the city, whichever is less, but not more than ten ~~per~~  
14 ~~cent~~ PERCENT of the vote in the city.

15           9. If for an office nominated by ward, precinct or other district of a  
16 city, ~~by a number of qualified electors who are qualified to vote for the~~  
17 ~~candidate whose nomination petition they are signing equal to~~ at least five  
18 ~~per cent~~ PERCENT and not more than ten ~~per cent~~ PERCENT of the designated  
19 party vote in the ward, precinct or other district, except that a city that  
20 chooses to hold nonpartisan elections may provide by ordinance that the  
21 minimum number of signatures required for the candidate be two hundred fifty  
22 signatures or five ~~per cent~~ PERCENT of the vote in the district, whichever is  
23 less, but not more than ten ~~per cent~~ PERCENT of the vote in the district.

24           10. If for a candidate for an office nominated by a town at large, by a  
25 number of qualified electors who are qualified to vote for the candidate  
26 whose nomination petition they are signing equal to at least five ~~per cent~~  
27 PERCENT and not more than ten ~~per cent~~ PERCENT of the vote in the town,  
28 except that a town that chooses to hold nonpartisan elections may provide by  
29 ordinance that the minimum number of signatures required for the candidate be  
30 one thousand signatures or five ~~per cent~~ PERCENT of the vote in the town,  
31 whichever is less but not more than ten ~~per cent~~ PERCENT of the vote in the  
32 town.

33           11. If for a candidate for a governing board of a school district, ~~by a~~  
34 ~~number of qualified electors who are qualified to vote for the candidate~~  
35 ~~whose nomination petition they are signing equal to~~ at least one-half of one  
36 ~~per cent~~ PERCENT of the total voter registration in the school district if  
37 the governing board members are elected at large or one ~~per cent~~ PERCENT of  
38 the total voter registration in the single member district if governing board  
39 members or joint technical education district board members are elected from  
40 single member districts. Notwithstanding the total voter registration in the  
41 school district or single member district, the maximum number of signatures  
42 required by this paragraph is four hundred.

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

6           B. The basis of percentage in each instance referred to in subsection  
7 A of this section, except in cities, towns and school districts, shall be the  
8 number of ~~voters registered in the designated party of the candidate~~  
9 QUALIFIED SIGNERS AS DETERMINED FROM THE VOTER REGISTRATION TOTALS as  
10 reported pursuant to section 16-168, subsection G on March 1 of the year in  
11 which the general election is held. In cities, the basis of percentage shall  
12 be the vote of the party for mayor at the last preceding election at which a  
13 mayor was elected. In towns, the basis of percentage shall be the highest  
14 vote cast for an elected official of the town at the last preceding election  
15 at which an official of the town was elected. In school districts, the basis  
16 of percentage shall be the total number of ACTIVE REGISTERED voters  
17 ~~registered~~ in the school district or single member district, whichever  
18 applies. The total number of ACTIVE REGISTERED voters ~~registered~~  
19 districts shall be calculated using the periodic reports prepared by the  
20 county recorder pursuant to section 16-168, subsection G. The count that is  
21 reported on March 1 of the year in which the general election is held shall  
22 be the basis for the calculation of total voter registration for school  
23 districts.

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

31           D. If new boundaries for congressional districts, legislative  
32 districts, supervisorial districts, justice precincts or election precincts  
33 are established and effective subsequent to March 1 of the year of a general  
34 election and prior to the date for filing of nomination petitions, the basis  
35 for determining the required number of nomination petition signatures is the  
36 ~~number of registered voters in the designated party of the candidate~~ NUMBER  
37 OF QUALIFIED SIGNERS in the elective office, district or precinct on the day  
38 the new districts or precincts are effective.