

REFERENCE TITLE: partisan offices; districts; cities; schools

State of Arizona
House of Representatives
Fifty-third Legislature
First Regular Session
2017

HB 2317

Introduced by
Representative Lawrence

AN ACT

AMENDING SECTIONS 9-821.01, 15-422, 16-502, 48-802, 48-3709 AND 48-5503,
ARIZONA REVISED STATUTES; RELATING TO PARTISAN ELECTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 9-821.01, Arizona Revised Statutes, is amended
3 to read:

4 9-821.01. Declaration of statewide concern: partisan city and
5 town elections; districts

6 A. Arizona courts have recognized that the Constitution of Arizona
7 requires the legislature's involvement in issues relating to elections
8 conducted by charter cities, including initiative and referendum
9 elections, the method of elections other than by ballot, laws relating to
10 primary elections, voter registration laws to prevent abuse and fraud and
11 campaign finance laws. The legislature finds that the conduct of
12 elections described in this section is a matter of statewide concern.

13 B. Notwithstanding any other law, a city or town shall ~~not hold any~~
14 ~~election on candidates for which there is any indication~~ PRINT on the
15 ballot ~~of the source of the candidacy or of the support of the candidate~~
16 THE PARTY DESIGNATION FOR ALL CANDIDATES FOR THE OFFICE OF MAYOR OR CITY
17 OR TOWN COUNCIL.

18 C. Notwithstanding any other law, for any city or town that
19 provides for election of city or town council members by district, ward,
20 precinct or other geographical designation, only those voters who are
21 qualified electors of the district, ward, precinct or other geographic
22 designation are eligible to vote for that council member candidate in the
23 city or town's primary, general, runoff or other election.

24 ~~D. Notwithstanding any other law or any charter provision, a city~~
25 ~~or town may by ordinance provide that at the primary election any~~
26 ~~candidate for the office of mayor or city council who receives a majority~~
27 ~~of all votes cast at that election for that office shall be declared~~
28 ~~elected to the office for which the person is a candidate, effective as of~~
29 ~~the date of the general election, and no further election shall be held as~~
30 ~~to such candidate. For the purposes of this subsection, the majority of~~
31 ~~votes cast is determined by:~~

32 ~~1. Calculating the total number of actual votes cast for all~~
33 ~~candidates for an office whose names were lawfully on the ballot for that~~
34 ~~office.~~

35 ~~2. Dividing the sum reached pursuant to paragraph 1 of this~~
36 ~~subsection by the number of seats to be filled for the office.~~

37 ~~3. Dividing the number reached pursuant to paragraph 2 of this~~
38 ~~subsection by two and rounding that number to the highest whole number.~~

39 ~~E. If more candidates receive a majority of votes cast than there~~
40 ~~are seats to be filled for the office pursuant to subsection D of this~~
41 ~~section, from among those candidates who receive a majority of votes cast,~~
42 ~~the candidates who receive the highest number of votes equal to the number~~
43 ~~of seats to be filled for the office shall be declared elected to that~~
44 ~~office.~~

1 ~~F. If at the primary election no candidate receives the majority of~~
2 ~~the votes cast or the number of seats to be filled for the office is more~~
3 ~~than the number of candidates who receive a majority of votes cast, of the~~
4 ~~candidates who did not receive a majority of votes cast, the number of~~
5 ~~candidates who advance to the general or runoff election shall be equal in~~
6 ~~number to twice the number of seats to be filled for the office and the~~
7 ~~candidates who received the highest number of votes for the office shall~~
8 ~~be the only candidates at the general or runoff election. If more than~~
9 ~~one candidate received an equal number of votes and that number was the~~
10 ~~highest number of votes for the office, then all candidates receiving the~~
11 ~~equal number of votes shall be candidates at the general or runoff~~
12 ~~election. The candidates equal in number to the seats to be filled for~~
13 ~~the office who receive the highest number of votes at the general or~~
14 ~~runoff election shall be declared elected to that office. If two or more~~
15 ~~candidates receive an equal number of votes cast for the same office, and~~
16 ~~a higher number than any other candidate, the candidate who shall be~~
17 ~~declared elected shall be determined by lot in the presence of the~~
18 ~~candidates.~~

19 ~~G. In addition to subsection D of this section, any town with a~~
20 ~~population of five thousand persons or less may by majority vote of the~~
21 ~~qualified electors of the town voting on the question provide that at the~~
22 ~~primary election those candidates receiving the highest number of votes~~
23 ~~for the offices to be filled shall be declared elected to the office, and~~
24 ~~no further election shall be held if at least three-fifths of the seats~~
25 ~~are filled by persons receiving a majority of the votes cast as provided~~
26 ~~in subsection D of this section.~~

27 Sec. 2. Section 15-422, Arizona Revised Statutes, is amended to
28 read:

29 15-422. Nominating petitions; ballots

30 A. Nominating petitions shall be filed with the county school
31 superintendent as prescribed by title 16, chapter 3. Nominating petitions
32 shall be signed by a number of qualified electors of the district as
33 provided in section 16-322. Nominating petitions for persons seeking to
34 fill a vacancy on a governing board shall be designated as provided in
35 section 16-314.

36 B. The county school superintendent may cause separate ballots to
37 be prepared, or such school district candidates' names may be included as
38 a part of the regular ballot. In any event the names of all persons whose
39 petitions have been filed shall appear on a ballot, ~~without~~ WITH partisan
40 ~~or other~~ designation ~~except~~ AND the title of the office.

41 Sec. 3. Section 16-502, Arizona Revised Statutes, is amended to
42 read:

43 16-502. Form and contents of ballot

44 A. Ballots shall be printed with black ink on white paper of
45 sufficient thickness to prevent the printing thereon from being

1 discernible from the back, and the same type shall be used for the names
2 of all candidates. The ballots shall be headed "official ballot" in
3 bold-faced plain letters, with a heavy rule above and below the heading.
4 Immediately below shall be placed the words "type of election, (date of
5 election)" and the name of the county and state in which the election is
6 held. The name or number of the precinct in which the election is held
7 shall be placed on the ballot in a uniform location for all ballots. No
8 other matter shall be placed or printed at the head of any ballot, except
9 above the heading there may be a stub that contains the words "stub no.
10 _____, register no. _____, to be torn off by inspector." The stub shall
11 be separated from the ballot by a perforated line, so that it may be
12 easily detached from the ballot. Instructions to the voter on marking the
13 ballot may be printed below the heading. The official ballots shall be
14 bound together in blocks of not less than five nor more than one hundred.

15 B. Immediately below the ballot heading shall be placed the
16 following:

17 ~~---~~Section One

18 Partisan Ballot

19 1. Put a mark according to the instructions next to the
20 name of each candidate for each partisan office for whom you
21 wish to vote.

22 2. If you wish to vote for a person whose name is not
23 printed on the ballot, write such name in the blank space
24 provided on the ballot or write-in envelope and put a mark
25 according to the instructions next to the name so written. ~~---~~

26 C. Immediately below the instructions for voting in section one
27 there shall be placed in columns the names of the candidates of the
28 several political parties. Next to each candidate's name there shall be
29 printed in bold-faced letters the name of the political party. At the
30 head of each column shall be printed the names of the offices to be filled
31 with the name of each office being of uniform type size. At the head of
32 each column shall be printed in the following order the names of
33 candidates for:

34 1. Presidential electors, which shall be enclosed in a bracketed
35 list and next to the bracketed list shall be printed in bold type the
36 surname of the presidential candidate, and the surname of the
37 vice-presidential candidate who is seeking election jointly with the
38 presidential candidate shall be listed directly below the name of the
39 presidential candidate. The indicator for the selection of the
40 presidential and vice-presidential candidates shall be directly next to
41 the surname of the presidential candidate, and one mark directly next to a
42 presidential candidate's surname shall be counted as a vote for each
43 elector in the bracketed list next to the presidential and
44 vice-presidential candidates.

45 2. United States senator.

1 3. Representatives in Congress.

2 4. The several state offices.

3 5. The several county, SCHOOL DISTRICT, SPECIAL TAXING DISTRICT and
4 precinct offices.

5 D. The names of candidates for the offices of state senator and
6 state representative along with the district number shall be placed within
7 the heading of each column to the right of the office name for state
8 offices and immediately below the candidates for the office of governor.
9 The number of the supervisorial district of which a candidate is a nominee
10 shall be printed within the heading of each column to the right of the
11 name of the office.

12 E. The lists of the candidates of the several parties shall be
13 arranged with the names of the parties in descending order according to
14 the votes cast for governor for that county in the most recent general
15 election for the office of governor, commencing with the left-hand column.
16 In the case of political parties which did not have candidates on the
17 ballot in the last general election, such parties shall be listed in
18 alphabetical order below the parties which did have candidates on the
19 ballot in the last general election. The names of all candidates
20 nominated under section 16-341 shall be placed in a single column below
21 that of the recognized parties. Next to the name of each candidate, in
22 parentheses, shall be printed a three-letter abbreviation that is taken
23 from the three words prescribed in the candidate's certificate of
24 nomination.

25 F. Immediately below the designation of the office to be voted for
26 shall appear the words: "Vote for not more than _____" (insert the
27 number to be elected).

28 G. In each column at the right of the name of each candidate and on
29 the same line there shall be a place for the voter to put a mark. Below
30 the name of the last named candidate for each office there shall be as
31 many blank lines as there are offices of the same title to be filled, with
32 a place for the voter to put a mark unless write-in envelopes are provided
33 for that purpose. Upon the blank line the voter may write the name of any
34 person for whom he desires to vote whose name is not printed, and next to
35 the name so written he shall designate his choice by a mark as in the case
36 of printed names.

37 H. When there are two or more candidates of the same political
38 party for the same office, or more than one candidate for a judicial
39 office, the names of all such candidates shall be so alternated on the
40 ballots used in each election district that the name of each candidate
41 shall appear substantially an equal number of times in each possible
42 location. If there are fewer or the same number of candidates seeking
43 office than the number to be elected, the rotation of names is not
44 required and the names shall be placed in alphabetical order.

1 I. Immediately below section one of the ballot shall be placed the
2 following:

3 ~~Section Two~~
4 Nonpartisan Ballot

5 1. Put a mark according to the instructions next to the
6 name of each candidate for each nonpartisan office for whom
7 you wish to vote.

8 2. If you wish to vote for a person whose name is not
9 printed on the ballot, write such name in the blank space
10 provided on the ballot or write-in envelope and put a mark
11 according to the instructions next to the name so written.

12 3. Put a mark according to the instructions next to the
13 word 'yes' (or for) for each proposition or question you wish
14 to be adopted. Put a mark according to the instructions next
15 to the word 'no' (or against) for each proposition or question
16 you wish not to be adopted.

17 J. Immediately below the instructions for voting in section two
18 shall be placed the names of the candidates for judges of the superior
19 court standing for election pursuant to article VI, section 12,
20 Constitution of Arizona, ~~school district officials~~, justices of the
21 supreme court, judges of the court of appeals, judges of the superior
22 court standing for retention or rejection pursuant to article VI, section
23 38, Constitution of Arizona, and other nonpartisan officials in a column
24 or in columns without partisan or other designation except the title of
25 office in an order determined by the officer in charge of the election.

26 K. Immediately below the offices listed in subsection J of this
27 section, the ballot shall contain a separate heading of any nonpartisan
28 office for a vacant unexpired term and shall include the expiration date
29 of the term of the vacated office.

30 L. All proposed constitutional amendments and other propositions or
31 questions to be submitted to the voters shall be printed immediately below
32 the names of candidates for nonpartisan positions in such order as the
33 secretary of state, or if a city or town election, the city or town clerk,
34 designates. Placement of county and local charter amendments,
35 propositions or questions shall be determined by the officer in charge of
36 the election. Except as provided by section 19-125, each proposition or
37 question shall be followed by the words "yes" and "no" or "for _____" and
38 "against _____" as the nature of the proposition or question requires,
39 and at the right of and next to each of such words shall be a place for
40 the voter to put a mark according to the instructions that is similar in
41 size to those places appearing opposite the names of the candidates, in
42 which the voter may indicate his vote for or against such proposition or
43 question by a mark as defined in section 16-400.

44 M. Instead of printing the official and descriptive titles or the
45 full text of each measure or question on the official ballot, the officer

1 in charge of elections may print phrases on the official ballot that
2 contain all of the following:

3 1. The number of the measure in reverse type and at least twelve
4 point type.

5 2. The designation of the measure as prescribed by section 19-125,
6 subsection C or as a question, proposition or charter amendment, followed
7 by the words "relating to..." and inserting the subject.

8 3. Either the statement prescribed by section 19-125, subsection D
9 that describes the effects of a "yes" vote and a "no" vote or, for other
10 measures, the text of the question or proposition.

11 4. The words "yes" and "no" or "for" and "against", as may be
12 appropriate and a place for the voter to put a mark.

13 N. For any ballot printed pursuant to subsection M of this section,
14 the instructions on the official ballot shall direct the voter to the full
15 text of the official and descriptive titles and the questions and
16 propositions as printed on the sample ballot and posted in the polling
17 place.

18 Sec. 4. Section 48-802, Arizona Revised Statutes, is amended to
19 read:

20 48-802. Election procedures; qualifications

21 A. All elections held pursuant to this article shall conform to the
22 requirements of this section.

23 B. Except as otherwise provided in this article, the manner of
24 conducting and voting at an election, contesting an election, keeping poll
25 lists, canvassing votes and certifying returns shall be the same, as
26 nearly as practicable, as in elections for county officers. After
27 consultation with the officer in charge of elections, a fire district may
28 divide itself into precincts. To the extent practicable, the precincts
29 shall be equal or as nearly equal in population and shall conform to the
30 boundaries of precincts adopted by the board of supervisors of the county.
31 The fire district shall thereafter conduct its elections using those
32 precincts.

33 C. No person may vote at the election other than a qualified
34 elector of this state who has registered to vote at least twenty-nine days
35 before the election as a resident within the district boundaries, proposed
36 district boundaries created by the merger of fire districts or the
37 proposed district boundaries created by a consolidated district. A person
38 offering to vote at a fire district election for which no fire district
39 register has been supplied shall sign an affidavit stating the person's
40 address and the fire district in which the person resides and swearing the
41 person is qualified to vote and has not voted at the fire district
42 election being held. A person offering to vote at a fire district
43 election for which a fire district register has been supplied shall
44 proceed as required for voting at any election at which precinct registers
45 are used.

1 D. In elections for district board members:

2 1. The person or persons within the district or precinct, as
3 applicable, receiving the highest number of votes shall be declared
4 elected.

5 2. Candidates must be, and during incumbency must remain, qualified
6 electors of the fire district and, except for a district formed pursuant
7 to article 3 of this chapter, must be a resident of the district for at
8 least one year immediately preceding the date of the election. In a fire
9 district that is divided into precincts as prescribed by subsection B of
10 this section, candidates shall be qualified electors of the precinct in
11 which they are candidates and during incumbency must remain qualified
12 electors of that precinct. Except for a district formed pursuant to
13 article 3 of this chapter, a person is not eligible to be a candidate for
14 election to the fire district board if that person is related by affinity
15 or consanguinity within the third degree to a person who serves on the
16 board during the potential candidate's term of office. Any person who
17 violates this paragraph is not eligible to serve on the board.

18 3. Elections, other than special elections to fill a vacancy or
19 elections to merge or dissolve fire districts, shall be held on the first
20 Tuesday after the first Monday in November of the first even numbered year
21 following the year the district is declared organized by the board of
22 supervisors and every two years thereafter on the first Tuesday after the
23 first Monday in November.

24 4. Except for an election to reorganize a fire district, nominating
25 petitions shall be filed with the board of supervisors as prescribed by
26 title 16, chapter 3. If only one person files or no person files a
27 nominating petition for an election to fill a position on the district
28 board for which the term of office is to expire, the board of supervisors
29 may cancel the election for that position and appoint the person who filed
30 the nominating petition to fill the position. If no person files a
31 nominating petition for an election to fill a district office, the board
32 of supervisors may cancel the election for those offices and those offices
33 are deemed vacant and shall be filled as otherwise provided by law. A
34 person who is appointed pursuant to this paragraph is fully vested with
35 the powers and duties of the office as if elected to that office.

36 5. Except for a district organized pursuant to article 3 of this
37 chapter, for an election to reorganize a fire district, any person seeking
38 election to the governing body that would be formed or expanded if the
39 reorganization is approved shall comply with the nomination requirements
40 for a candidate as prescribed by title 16, chapter 3, including filing a
41 nomination paper and nomination petition to appear as a candidate on the
42 reorganization election ballot.

43 6. The names of all nominated persons for office within the
44 district or precinct, as applicable, shall appear on the ballot ~~without~~
45 ~~WITH~~ partisan designation.

1 E. In an election to reorganize, notice of the appropriate order of
2 the board of supervisors or governing body of the district shall be given
3 as prescribed by title 16, chapter 2.

4 F. In an election to merge fire districts, notice of the
5 appropriate order of the board of supervisors shall be given as prescribed
6 by title 16, chapter 2. In addition, notice of the election with an
7 accurate map of the territory proposed to be merged shall be sent by first
8 class mail to each owner of property that would be subject to taxation by
9 the merged district at least sixty days before the election. An order to
10 hold an election shall be issued not more than thirty days after the
11 receipt of the resolution to merge fire districts pursuant to section
12 48-820.

13 G. In an election to consolidate fire districts, notice of the
14 appropriate order of the board of supervisors shall be given as prescribed
15 by title 16, chapter 2. In addition, notice of the election with an
16 accurate map of the territory proposed to be consolidated shall be sent by
17 first class mail to each owner of property that would be subject to
18 taxation by the consolidated district at least sixty days before the
19 election. An order to hold an election shall be issued not more than
20 thirty days after the receipt of the resolution to consolidate fire
21 districts pursuant to section 48-822.

22 Sec. 5. Section 48-3709, Arizona Revised Statutes, is amended to
23 read:

24 48-3709. District elections; nominating petitions

25 A. Candidates for election to the board of directors of a district
26 shall be nominated by a petition that is signed by not less than two
27 hundred qualified electors of the county in which the candidate resides
28 and that is filed as prescribed by title 16, chapter 3.

29 B. The names of candidates for election to the board of directors
30 of a district shall be included on the PRIMARY AND general election ballot
31 of the county in which the candidate resides, ~~without~~ WITH party
32 designation, and AT THE GENERAL ELECTION, the candidates receiving the
33 highest number of votes for the number of directors to be elected from
34 such county shall be declared elected. The manner of voting and
35 conducting the elections for directors of a district shall conform to the
36 provisions of the law relating to the general election of county officers.

37 Sec. 6. Section 48-5503, Arizona Revised Statutes, is amended to
38 read:

39 48-5503. Term of office; election

40 A. For a special health care district established pursuant to
41 section 48-5501.01 in a county with a population of two million or more
42 persons, directors shall serve staggered four year terms of office
43 beginning on the first Monday immediately following the declaration of
44 election to office. CANDIDATES SHALL APPEAR ON THE PRIMARY AND GENERAL
45 ELECTION BALLOT WITH PARTY DESIGNATION.

1 B. For all other special health care districts, directors shall
2 serve nonstaggered four year terms of office beginning on the first Monday
3 immediately following the declaration of election to office.

4 C. Elections shall be held as prescribed in section 16-204. If
5 only one person files a nominating petition for an election to fill a
6 position on the board of directors for which the term of office is to
7 expire, the board of directors may cancel the election for that position
8 and appoint the person who filed a nominating petition to fill the
9 position. Vacancies occurring other than by expiration of term may be
10 filled by the remaining members of the board of directors.

11 Sec. 7. Applicability

12 This act applies to city, town, school district, multi-county water
13 conservation district and special health care district elections held on
14 or after January 1, 2018.