

State of Arizona
House of Representatives
Fifty-fourth Legislature
First Regular Session
2019

CHAPTER 127
HOUSE BILL 2236

AN ACT

AMENDING SECTION 16-351, ARIZONA REVISED STATUTES; RELATING TO ELECTIONS
AND ELECTORS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 16-351, Arizona Revised Statutes, is amended to
3 read:

4 16-351. Limitations on appeals of validity of nomination
5 petitions; disqualification of candidate

6 A. Any elector filing any court action challenging the nomination
7 of a candidate as provided for in this chapter shall do so ~~no~~ NOT later
8 than 5:00 p.m. of the tenth day, excluding Saturday, Sunday and other
9 legal holidays, after the last day for filing nomination papers and
10 petitions. The elector shall specify in the action the petition number,
11 line number and basis for the challenge for each signature being
12 challenged. Failure to specify this information shall result in the
13 dismissal of the court action. Within ten days after the filing of the
14 action, the superior court shall hear and render a decision on the matter.
15 ~~Such~~ THE decision ~~shall be~~ IS appealable only to the supreme court, and
16 notice of appeal shall be filed within five days after the decision of the
17 superior court in the action. The supreme court shall hear and render a
18 decision on the appeal promptly.

19 B. Any elector may challenge a candidate for any reason relating to
20 qualifications for the office sought as prescribed by law, including age,
21 residency, professional requirements or failure to fully pay fines,
22 penalties or judgments as prescribed in sections 16-311, 16-312 and
23 16-341, if applicable.

24 C. In any action challenging a nomination petition, the following
25 persons are indispensable parties to the action and shall be named and
26 served as defendants:

- 27 1. The candidate whose petition is the subject of the challenge.
- 28 2. The officer with whom the petitions are required to be filed.
- 29 3. The board of supervisors and the recorder of each county or the
30 clerk of each city or town who is responsible for preparing the ballots
31 that contain the challenged candidate's name.

32 D. For the purposes of an action challenging nomination petitions,
33 the board of supervisors and the recorder of each county or the clerk of
34 each city or town responsible for preparing the ballots that contain the
35 challenged candidate's name and each person filing a nomination petition
36 under this chapter appoints the officer with whom the candidate files the
37 nomination paper and petitions as the person's agent to receive service of
38 process. ~~Process~~ In an action challenging a nomination petition ~~PROCESS~~
39 shall be served immediately after the action is filed and in no event more
40 than twenty-four hours after filing the action, excluding Saturdays,
41 Sundays and other legal holidays. Immediately on receipt of process
42 served on the officer as agent for a person filing a nomination petition,
43 the officer shall mail the process to the person and shall notify the
44 person by telephone of the filing of the action.

1 E. THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS
2 SHALL PERFORM PETITION SIGNATURE VERIFICATIONS FOR NOMINATION PETITION
3 CHALLENGES FOR SIGNATURES OF QUALIFIED ELECTORS WHO ARE RESIDENTS OF THAT
4 COUNTY AND SHALL PROVIDE TESTIMONY AND OTHER EVIDENCE ON REQUEST OF ANY OF
5 THE PARTIES TO THE CHALLENGE.

6 ~~F.~~ F. Notwithstanding the system used pursuant to section 16-163,
7 subsection D, the most current version of the general county register at
8 the time of filing of a court action challenging a nomination petition
9 ~~shall constitute~~ CONSTITUTES the official record to be used to determine
10 on a prima facie basis by the challenger that the signer of a petition was
11 not registered to vote at the residence address given, or at the address
12 on the general county register if a mailing address was given, on the date
13 of signing of the petition. This subsection does not preclude the
14 challenged candidate from introducing into evidence a certified copy of
15 the registration form of any signer of a petition dated on or before the
16 date of the signing of the petition if the registration form is in the
17 possession of the county recorder but has not yet been filed in the
18 general county register.

19 ~~F.~~ G. In addition to the procedures set forth in this section, all
20 petitions that have been submitted by a candidate who is found guilty of
21 petition forgery shall be disqualified and that candidate shall not be
22 eligible to seek election to a public office for a period of not less than
23 five years.

APPROVED BY THE GOVERNOR APRIL 24, 2019.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 24, 2019.