

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

**CHAPTER 284**  
**HOUSE BILL 2134**

AN ACT

AMENDING SECTIONS 9-821.01 AND 16-645, ARIZONA REVISED STATUTES; RELATING  
TO CITY AND TOWN 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; nonpartisan city  
5 and town elections; districts; procedure

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 on the ballot of  
15 the source of the candidacy or of the support of the candidate.

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

22 D. Notwithstanding any other law or any charter provision, a city  
23 or town may by ordinance provide that at the primary election any  
24 candidate for the office of mayor or city council who receives a majority  
25 of all votes cast at that election for that office ~~shall be~~ IS declared  
26 elected to the office for which the person is a candidate, effective as of  
27 the date of the general election, and ~~no~~ A further election ~~shall~~ MAY NOT  
28 be held as to such candidate. For the purposes of this subsection, the  
29 majority of votes cast is determined by:

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

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

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

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

43 F. If at the primary election no candidate receives the majority of  
44 the votes cast or the number of seats to be filled for the office is more  
45 than the number of candidates who receive a majority of votes cast, of the

1 candidates who did not receive a majority of votes cast, the number of  
2 candidates who advance to the general or runoff election ~~shall be~~ IS equal  
3 in number to twice the number of seats to be filled for the office and the  
4 candidates who received the highest number of votes for the office ~~shall~~  
5 ~~be~~ ARE the only candidates at the general or runoff election. If more  
6 than one candidate received an equal number of votes and that number was  
7 the highest number of votes for the office, then all candidates receiving  
8 the equal number of votes ~~shall be~~ ARE candidates at the general or runoff  
9 election. The candidates equal in number to the seats to be filled for  
10 the office who receive the highest number of votes at the general or  
11 runoff election ~~shall be~~ IS declared elected to that office. If two or  
12 more candidates receive an equal number of votes cast for the same office,  
13 and a higher number than any other candidate, the candidate who shall be  
14 declared elected ~~shall be~~ IS determined by lot in the presence of the  
15 candidates. A WRITE-IN CANDIDATE MAY NOT ADVANCE TO THE GENERAL OR RUNOFF  
16 ELECTION IF THE WRITE-IN CANDIDATE DID NOT RECEIVE A NUMBER OF VOTES  
17 EQUIVALENT TO AT LEAST THE SAME NUMBER OF SIGNATURES REQUIRED BY SECTION  
18 16-322 FOR NOMINATING PETITIONS FOR THE SAME OFFICE.

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~~ ARE declared elected to the office,  
24 and ~~no~~ A further election ~~shall~~ MAY NOT be held if at least three-fifths  
25 of the seats are filled by persons receiving a majority of the votes cast  
26 as provided in subsection D of this section.

27 Sec. 2. Section 16-645, Arizona Revised Statutes, is amended to  
28 read:

29 16-645. Canvass and return of precinct vote; declaring  
30 nominee of party; certificate of nomination;  
31 write-in candidates

32 A. When the board of supervisors, or the governing body of a city  
33 or town, has completed its canvass of precinct returns, the person having  
34 the largest number of votes, or if more than one candidate is necessary,  
35 those candidates to the required number who have received the largest  
36 number of votes for the nomination for an office in the political party of  
37 which ~~he~~ THE PERSON was set forth on the ballot as a candidate for the  
38 nomination, ~~shall be~~ IS declared the nominee of the party for that office  
39 and shall be given a certificate of nomination ~~therefor~~ FOR THAT OFFICE by  
40 the board or governing body, which shall entitle ~~him~~ THE PERSON to have  
41 ~~his~~ THE PERSON'S name placed ~~upon~~ ON the official ballot at the ensuing  
42 election as the nominee of the party for the office. When canvassing  
43 write-in votes the apparent intent of the voter shall be taken into  
44 consideration to the extent possible and the standard prescribed for  
45 federal write-in candidates in section 16-543.02, subsection C applies.

1           B. The board of supervisors shall deliver the canvass to the  
2 secretary of state within ten days after the primary election, and the  
3 secretary of state shall on or before the second Monday following the  
4 primary election canvass the return and issue a letter declaring  
5 nomination as provided in this section to the nominees who filed  
6 nominating petitions and papers with the secretary of state pursuant to  
7 section 16-311, subsection D. For any partisan primary election, the  
8 governing body or officer in charge of elections shall prepare and  
9 transmit to the secretary of state along with the official canvass the  
10 total by party of partisan ballots selected in that primary election by  
11 voters who registered as no party preference, as independents or as  
12 members of a political party that is not qualified for representation on  
13 the ballot.

14           C. A certificate of election shall not be issued to a write-in  
15 candidate for precinct committeeman ~~OR A WRITE-IN CANDIDATE FOR A~~  
16 ~~NONPARTISAN OFFICE~~ unless ~~he~~ **THE CANDIDATE** receives a number of votes  
17 equivalent to at least the same number of signatures required by section  
18 16-322 for nominating petitions for the same office.

19           D. Except as provided in subsection C of this section, a letter  
20 declaring nomination shall not be issued to a write-in candidate of a  
21 party that has not qualified for continued representation on the official  
22 ballot pursuant to section 16-804 unless ~~he~~ **THE CANDIDATE** receives a  
23 plurality of the votes of the party for the office for which ~~he~~ **THE**  
24 **CANDIDATE** is a candidate.

25           E. Except as provided by subsection C of this section, a letter  
26 declaring nomination shall not be issued to a write-in candidate of a  
27 party qualified for continued representation on the official ballot unless  
28 ~~he~~ **THE CANDIDATE** receives a number of votes equivalent to at least the  
29 same number of signatures required by section 16-322 for nominating  
30 petitions for the same office.

31           F. A certificate of election shall not be issued to presidential  
32 electors who are pledged to a write-in candidate for president unless that  
33 candidate received the highest number of votes cast for the office of  
34 president.

APPROVED BY THE GOVERNOR JUNE 7, 2019.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JUNE 7, 2019.