

REFERENCE TITLE: primary date; first August Tuesday

State of Arizona  
Senate  
Fifty-fourth Legislature  
First Regular Session  
2019

# SB 1154

Introduced by  
Senator Gowan

AN ACT

AMENDING SECTIONS 16-201, 16-204 AND 16-206, ARIZONA REVISED STATUTES;  
RELATING TO ELECTION DATES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. Section 16-201, Arizona Revised Statutes, is amended to read:

16-201. Primary elections

A PRIMARY ELECTION SHALL BE HELD:

1. ON THE FIRST TUESDAY IN AUGUST IN ANY YEAR IN WHICH A GENERAL ELECTION IS HELD AND AT WHICH CANDIDATES FOR PUBLIC OFFICE ARE TO BE ELECTED.

2. On the tenth Tuesday ~~prior to~~ BEFORE a ~~general or~~ special election at which candidates for public office are to be elected, ~~a primary election shall be held.~~

Sec. 2. Section 16-204, Arizona Revised Statutes, is amended to read:

16-204. Declaration of statewide concern; consolidated election dates; definition

A. The legislature finds and determines that for the purposes of increasing voter participation and for decreasing the costs to the taxpayers it is a matter of statewide concern that all elections in this state be conducted on a limited number of days and, therefore, the legislature finds and declares that the holding of all elections on certain specific consolidated days is a matter of statewide concern. This section preempts all local laws, ordinances and charter provisions to the contrary.

B. For elections held before 2014 and notwithstanding any other law or any charter or ordinance of any county, city or town to the contrary, an election held for or on behalf of a county, city or town, a school district, a community college district or special districts organized pursuant to title 48, chapters 5, 6, 8, 10, 13 through 16 and 33 may only be held on the following dates:

1. Except for regular elections for candidates in a city or town with a population of one hundred seventy-five thousand or more persons, all elections, including recall elections and special elections to fill vacancies, shall be held on:

(a) The second Tuesday in March.

(b) The third Tuesday in May.

(c) The tenth Tuesday before the first Tuesday after the first Monday in November.

(d) The first Tuesday after the first Monday in November. Notwithstanding any other law, an election must be held on this date for the approval of an obligation or other authorization requiring or authorizing the assessment of secondary property taxes by a county, city, town, school district, community college district or special taxing district, except as provided by title 48.

2. For regular elections that are only for candidates in a city or town with a population of one hundred seventy-five thousand or more

persons and not including recall elections and special elections to fill vacancies in those cities or towns, elections shall be held on:

(a) The tenth Tuesday before the first Tuesday after the first Monday in November.

(b) The first Tuesday after the first Monday in November.

C. For elections held before 2014, for any city or town, including a charter city, that holds its regularly scheduled candidate elections in even-numbered years pursuant to subsection B, paragraph 2 of this section, the term of office for a member of the city council or for the office of mayor begins on or after the second Tuesday in January in the year following the election.

D. Subsections B and C of this section do not apply to an election regarding a county or city charter committee or county or city charter proposal that is conducted pursuant to article XIII, section 2 or 3 or article XII, section 5, Constitution of Arizona.

E. Beginning with elections held in 2014 and later and notwithstanding any other law or any charter or ordinance to the contrary, a candidate election held for or on behalf of any political subdivision of this state other than a special election to fill a vacancy or a recall election may only be held on the following dates and only in even-numbered years:

1. **THROUGH 2019**, the tenth Tuesday before the first Tuesday after the first Monday in November. **BEGINNING IN 2020 AND LATER, THE ELECTION SHALL BE HELD ON THE FIRST TUESDAY IN AUGUST.** If the political subdivision holds a primary or first election and a general or runoff election is either required or optional for that political subdivision, the first election shall be held on this date, without regard to whether the political subdivision designates the election a primary election, a first election, a preliminary election or any other descriptive term.

2. The first Tuesday after the first Monday in November. If the political subdivision holds a general election or a runoff election, the second election held shall be held on this date. If the political subdivision holds only a single election and no preliminary or primary or other election is ever held for the purpose of reducing the number of candidates, or receiving a partisan nomination or designation or for any other purpose for that political subdivision, the single election shall be held on this date.

F. Beginning with elections held in 2014 and later that are not candidate elections, an election held for or on behalf of any political subdivision of this state, and including a special election to fill a vacancy or a recall election, may only be held on the following dates:

1. The second Tuesday in March.
2. The third Tuesday in May.

1           3. ~~THROUGH 2019~~, the tenth Tuesday before the first Tuesday after  
2 the first Monday in November. ~~BEGINNING IN 2020 AND LATER, THE ELECTION~~  
3 ~~SHALL BE HELD ON THE FIRST TUESDAY IN AUGUST.~~

4           4. The first Tuesday after the first Monday in November.  
5 Notwithstanding any other law, an election must be held on this date for  
6 the approval of an obligation or other authorization requiring or  
7 authorizing the assessment of secondary property taxes by a county, city,  
8 town, school district, community college district or special taxing  
9 district, except as provided by title 48. Notwithstanding any other law,  
10 an election must be held on the date specified in this paragraph and only  
11 in even-numbered years for the approval of or authorizing the assessment  
12 of transaction privilege taxes by a county, city or town.

13           G. Notwithstanding any other law, for an election administered by a  
14 county recorder or other officer in charge of elections on behalf of a  
15 city, town or school district and that is an all mail ballot election for  
16 that city, town or school district, the county recorder or other officer  
17 in charge of elections may use a unified ballot format that combines all  
18 of the issues applicable to the voters in the city, town or school  
19 district requesting the all mail ballot election.

20           H. For the purposes of this section, "political subdivision" means  
21 any governmental entity operating under the authority of this state and  
22 governed by an elected body, including a city, town, county, school  
23 district or community college district or any other district organized  
24 under state law but not including a special taxing district.

25           Sec. 3. Section 16-206, Arizona Revised Statutes, is amended to  
26 read:

27           16-206. Election day

28           A. The biennial primary election day on the ~~tenth~~ ~~FIRST~~ Tuesday  
29 ~~before~~ ~~IN AUGUST IN THE YEAR~~ the general election ~~IS HELD~~ and the biennial  
30 general election day on the first Tuesday after the first Monday in  
31 November of every even-numbered year are not legal holidays.

32           B. Every public officer or employee is entitled to absence from  
33 service or employment for the purpose of voting pursuant to section 16-402  
34 on the biennial primary and general election days.