

House Engrossed

candidate nominations; signatures; redistricting.

State of Arizona
House of Representatives
Fifty-fifth Legislature
Second Regular Session
2022

CHAPTER 3
HOUSE BILL 2839

AN ACT

AMENDING SECTION 16-322, ARIZONA REVISED STATUTES; AMENDING LAWS 2021,
CHAPTER 155, SECTION 2; RELATING TO CANDIDATES FOR PUBLIC OFFICE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 16-322, Arizona Revised Statutes, is amended to
3 read:

4 16-322. Number of signatures required on nomination petitions

5 A. Nomination petitions shall be signed by a number of qualified
6 signers equal to:

7 1. If for a candidate for the office of United States senator or
8 for a state office, excepting members of the legislature and superior
9 court judges, at least one-fourth of one percent but not more than ten
10 percent of the total number of qualified signers in the state.

11 2. If for a candidate for the office of representative in Congress,
12 at least one-half of one percent but not more than ten percent of the
13 total number of qualified signers in the district from which the
14 representative shall be elected except that if for a candidate for a
15 special election to fill a vacancy in the office of representative in
16 Congress, at least one-fourth of one percent but not more than ten percent
17 of the total number of qualified signers in the district from which the
18 representative shall be elected.

19 3. If for a candidate for the office of member of the legislature,
20 at least one-half of one percent but not more than three percent of the
21 total number of qualified signers in the district from which the member of
22 the legislature may be elected.

23 4. If for a candidate for a county office or superior court judge,
24 at least one percent but not more than ten percent of the total number of
25 qualified signers in the county or district, except that if for a
26 candidate from a county with a population of two hundred thousand persons
27 or more, at least one-fourth of one percent but not more than ten percent
28 of the total number of qualified signers in the county or district.

29 5. If for a candidate for a community college district, at least
30 one-quarter of one percent but not more than ten percent of the total
31 voter registration in the precinct as established pursuant to section
32 15-1441. Notwithstanding the total voter registration in the community
33 college district, the maximum number of signatures required by this
34 paragraph is one thousand.

35 6. If for a candidate for county precinct committeeman, at least
36 two percent but not more than ten percent of the party voter registration
37 in the precinct or ten signatures, whichever is less.

38 7. If for a candidate for justice of the peace or constable, at
39 least one percent but not more than ten percent of the number of qualified
40 signers in the precinct.

41 8. If for a candidate for mayor or other office nominated by a city
42 at large, at least five percent and not more than ten percent of the
43 designated party vote in the city, except that a city that chooses to hold
44 nonpartisan elections may provide by ordinance that the minimum number of
45 signatures required for the candidate be one thousand signatures or five

1 percent of the vote in the city, whichever is less, but not more than ten
2 percent of the vote in the city.

3 9. If for an office nominated by ward, precinct or other district
4 of a city, at least five percent and not more than ten percent of the
5 designated party vote in the ward, precinct or other district, except that
6 a city that chooses to hold nonpartisan elections may provide by ordinance
7 that the minimum number of signatures required for the candidate be two
8 hundred fifty signatures or five percent of the vote in the district,
9 whichever is less, but not more than ten percent of the vote in the
10 district.

11 10. If for a candidate for an office nominated by a town at large,
12 by a number of qualified electors who are qualified to vote for the
13 candidate whose nomination petition they are signing equal to at least
14 five percent and not more than ten percent of the vote in the town, except
15 that a town that chooses to hold nonpartisan elections may provide by
16 ordinance that the minimum number of signatures required for the candidate
17 be one thousand signatures or five percent of the vote in the town,
18 whichever is less, but not more than ten percent of the vote in the town.

19 11. If for a candidate for a governing board of a school district
20 or a career technical education district, at least one-half of one percent
21 of the total voter registration in the school district or career technical
22 education district if the board members are elected at large or one
23 percent of the total voter registration in the single member district if
24 governing board members are elected from single member districts or
25 one-half of one percent of the total voter registration in the single
26 member district if career technical education district board members are
27 elected from single member districts. Notwithstanding the total voter
28 registration in the school district, career technical education district
29 or single member district of the school district or career technical
30 education district, the maximum number of signatures required by this
31 paragraph is four hundred.

32 12. If for a candidate for a governing body of a special district
33 as described in title 48, at least one-half of one percent of the vote in
34 the special district but not more than two hundred fifty and not fewer
35 than five signatures.

36 B. The basis of percentage in each instance referred to in
37 subsection A of this section, except in cities, towns and school
38 districts, shall be the number of qualified signers as determined from the
39 voter registration totals as reported pursuant to section 16-168,
40 subsection G on January 2 of the year in which the general election is
41 held. In cities, the basis of percentage shall be the vote of the party
42 for mayor at the last preceding election at which a mayor was elected. In
43 towns, the basis of percentage shall be the highest vote cast for an
44 elected official of the town at the last preceding election at which an
45 official of the town was elected. In school districts or career technical

1 education districts, the basis of percentage shall be the total number of
2 active registered voters in the school district or career technical
3 education district or single member district, whichever applies. The
4 total number of active registered voters for school districts or career
5 technical education districts shall be calculated using the periodic
6 reports prepared by the county recorder pursuant to section 16-168,
7 subsection G. The count that is reported on January 2 of the year in
8 which the general election is held shall be the basis for the calculation
9 of total voter registration for school districts or career technical
10 education districts.

11 C. In primary elections the signature requirement for party
12 nominees, other than nominees of the parties entitled to continued
13 representation pursuant to section 16-804, is at least one-tenth of one
14 percent of the total vote for the winning candidate or candidates for
15 governor or presidential electors at the last general election within the
16 district. Signatures must be obtained from qualified electors who are
17 qualified to vote for the candidate whose nomination petition they are
18 signing.

19 D. If new boundaries for congressional districts, ~~OR~~ legislative
20 districts, ~~supervisorial districts, justice precincts or election~~
21 ~~precincts~~ are established and effective subsequent to January 2 of the
22 year of a general election and before the **FIRST** date for filing of
23 nomination petitions, the basis for determining the required number of
24 nomination petition signatures is the number of qualified signers in the
25 elective office, ~~OR~~ district ~~or precinct~~ that was effective on January 2
26 of the year of a general election. **IF NEW BOUNDARIES FOR SUPERVISORIAL**
27 **DISTRICTS, JUSTICE PRECINCTS OR ELECTION PRECINCTS ARE ADOPTED AFTER**
28 **JANUARY 2 OF THE YEAR OF A GENERAL ELECTION AND BEFORE THE LAST DATE FOR**
29 **FILING OF NOMINATION PETITIONS FOR THE ELECTIVE OFFICE, DISTRICT OR**
30 **PRECINCT, THE BASIS FOR DETERMINING THE REQUIRED NUMBER OF NOMINATION**
31 **PETITION SIGNATURES IS THE NUMBER OF QUALIFIED SIGNERS IN THE ELECTIVE**
32 **OFFICE, DISTRICT OR PRECINCT ON THE EFFECTIVE DATE OF THE NEW DISTRICT OR**
33 **PRECINCT.**

34 Sec. 2. Laws 2021, chapter 155, section 2, is amended to read:

35 Sec. 2. 2022 legislative, congressional candidates; secretary
36 of state; nomination papers and petitions;
37 nomination signatures

38 A. Notwithstanding any other law, for candidates for election in
39 2022 to the legislature or to the United States Congress, if the statement
40 of interest, nomination paper and nomination petition are in compliance
41 with otherwise applicable law, the secretary of state shall accept as a
42 valid filing the nomination paper and nomination petition of a person that
43 designate a district for that person's candidacy and that use any or all
44 of the following:

45 1. For a candidate for the legislature:

1 (a) The candidate's legislative district as used in the 2020
2 elections.

3 (b) The candidate's legislative district as designated in a
4 redistricting plan adopted by the 2021 independent redistricting
5 commission.

6 (c) The candidate's legislative district as designated in a
7 redistricting plan that is ordered for use in the 2022 election by a court
8 of competent jurisdiction.

9 2. For a candidate for the United States Congress:

10 (a) The candidate's congressional district as used in the 2020
11 elections.

12 (b) The candidate's congressional district as designated in a
13 redistricting plan adopted by the 2021 independent redistricting
14 commission.

15 (c) The candidate's congressional district as designated in a
16 redistricting plan that is ordered for use in the 2022 election by a court
17 of competent jurisdiction.

18 B. Notwithstanding any other law, for candidates for election in
19 2022 to the legislature or to the United States Congress, if the candidate
20 nomination petition and the petition signers are in compliance with
21 otherwise applicable law, the secretary of state shall accept and petition
22 signers are valid if the petition signers are registered voters who are
23 residents of any or all of the following districts that the candidate
24 proposes to represent:

25 1. For a candidate for the legislature:

26 (a) The candidate's legislative district as used in the 2020
27 elections.

28 (b) The candidate's legislative district as designated in a
29 redistricting plan adopted by the 2021 independent redistricting
30 commission.

31 (c) The candidate's legislative district as designated in a
32 redistricting plan that is ordered for use in the 2022 election by a court
33 of competent jurisdiction.

34 2. For a candidate for the United States Congress:

35 (a) The candidate's congressional district as used in the 2020
36 elections.

37 (b) The candidate's congressional district as designated in a
38 redistricting plan adopted by the 2021 independent redistricting
39 commission.

40 (c) The candidate's congressional district as designated in a
41 redistricting plan that is ordered for use in the 2022 election by a court
42 of competent jurisdiction.

43 C. NOTWITHSTANDING ANY OTHER LAW, THE NUMBER OF SIGNATURES REQUIRED
44 FOR A 2022 LEGISLATIVE CANDIDATE'S NOMINATION PETITION SHALL BE THE LESSER
45 OF THE FOLLOWING:

1 1. THE AVERAGE OF THE NUMBER OF QUALIFIED SIGNERS NEEDED FOR ALL
2 2020 LEGISLATIVE DISTRICTS FOR THAT CANDIDATE'S POLITICAL PARTY, USING THE
3 VOTER REGISTRATION REPORT FOR JANUARY 2, 2022 TO DETERMINE THE NUMBER OF
4 QUALIFIED SIGNERS REQUIRED AS PRESCRIBED IN SECTION 16-322, ARIZONA
5 REVISED STATUTES, AS AMENDED BY THIS ACT, FOR EACH 2020 LEGISLATIVE
6 DISTRICT.

7 2. THE REQUIRED NUMBER OF SIGNATURES AS PRESCRIBED IN SECTION
8 16-322, ARIZONA REVISED STATUTES, AS AMENDED BY THIS ACT, EXCEPT THAT THE
9 BASIS OF THE PERCENTAGE IS THE NUMBER OF QUALIFIED SIGNERS IN THE VOTER
10 REGISTRATION REPORT FOR JANUARY 2, 2022 IN THE 2020 NUMBERED LEGISLATIVE
11 DISTRICT WITH THE SAME NUMERAL AS THE NUMBERED LEGISLATIVE DISTRICT THAT
12 THE CANDIDATE PROPOSES TO REPRESENT AS DECLARED IN THE CANDIDATE'S 2022
13 NOMINATION PAPER.

14 D. NOTWITHSTANDING ANY OTHER LAW, THE NUMBER OF SIGNATURES REQUIRED
15 FOR A 2022 CONGRESSIONAL CANDIDATE'S NOMINATION PETITION SHALL BE THE
16 LESSER OF THE FOLLOWING:

17 1. THE AVERAGE OF THE NUMBER OF QUALIFIED SIGNERS NEEDED FOR ALL
18 2020 CONGRESSIONAL DISTRICTS FOR THAT CANDIDATE'S POLITICAL PARTY, USING
19 THE VOTER REGISTRATION REPORT FOR JANUARY 2, 2022 TO DETERMINE THE NUMBER
20 OF QUALIFIED SIGNERS REQUIRED AS PRESCRIBED IN SECTION 16-322, ARIZONA
21 REVISED STATUTES, AS AMENDED BY THIS ACT, FOR EACH 2020 CONGRESSIONAL
22 DISTRICT.

23 2. THE REQUIRED NUMBER OF SIGNATURES AS PRESCRIBED IN SECTION
24 16-322, ARIZONA REVISED STATUTES, AS AMENDED BY THIS ACT, EXCEPT THAT THE
25 BASIS OF THE PERCENTAGE IS THE NUMBER OF QUALIFIED SIGNERS IN THE VOTER
26 REGISTRATION REPORT FOR JANUARY 2, 2022 IN THE 2020 NUMBERED CONGRESSIONAL
27 DISTRICT WITH THE SAME NUMERAL AS THE NUMBERED CONGRESSIONAL DISTRICT THAT
28 THE CANDIDATE PROPOSES TO REPRESENT AS DECLARED IN THE CANDIDATE'S 2022
29 NOMINATION PAPER.

30 ~~E.~~ E. This section does not apply to statements of interest,
31 nomination papers, and nomination petitions for a special election to fill
32 a vacancy in the office of the United States house of representatives.

33 Sec. 3. Redistricting; 2022 candidates for county and local
34 office; nomination papers and petitions;
35 signatures; exemption

36 A. Notwithstanding any other law and except for candidates for a
37 federal, statewide or legislative office, for candidates for election in
38 2022 to an office immediately following redistricting conducted as
39 otherwise provided by law, the following apply:

40 1. If the candidate statement of interest, nomination paper and
41 nomination petition are in compliance with otherwise applicable law, the
42 filing officer shall accept as a valid filing the nomination paper and
43 nomination petition of a person that designate a district for that
44 person's candidacy and that use any or all of the following:

1 (a) The candidate's district as used in the election for that
2 office immediately preceding the redistricting.

3 (b) The candidate's district as designated as a result of a
4 redistricting plan adopted for the upcoming election.

5 (c) The candidate's district as designated as a result of a
6 redistricting plan that is ordered for use in the upcoming election by a
7 court of competent jurisdiction.

8 2. If the candidate nomination paper and nomination petition are in
9 compliance with otherwise applicable law, the filing officer shall accept
10 and petition signers are valid if the petition signers are registered
11 voters who are residents of any or all of the following districts that the
12 candidate proposes to represent:

13 (a) The candidate's district as used in the election for that
14 office immediately preceding the redistricting.

15 (b) The candidate's district as designated as a result of a
16 redistricting plan adopted for the upcoming election.

17 (c) The candidate's district as designated as a result of a
18 redistricting plan that is ordered for use in the upcoming election by a
19 court of competent jurisdiction.

20 B. This section does not apply to a special election to fill a
21 vacancy in any office prescribed in subsection A of this section.

22 Sec. 4. 2022 election cycle; precinct committeemen; county
23 party committee; board of supervisors

24 Notwithstanding any other law, for the 2022 election for political
25 party precinct committeemen only, the following apply:

26 1. Candidates for precinct committeeman shall submit to their
27 county political party committee a nomination paper or other similar
28 written statement of candidacy not later than April 18, 2022 and shall not
29 be required to submit a nomination petition or file other documents with a
30 filing officer.

31 2. The county political party committee shall verify the potential
32 candidates' eligibility based on the April 1 voter registration totals
33 prescribed by section 16-168, subsection G, Arizona Revised Statutes.

34 3. Not later than May 2, 2022, the county political party committee
35 shall submit to the county board of supervisors one precinct committeeman
36 candidate's name for each election precinct in the county for appointment
37 pursuant to section 16-410 and section 16-822, subsection B, Arizona
38 Revised Statutes. The county political party committee is the sole
39 determiner of the single political party precinct committeeman candidate
40 whose name is to be submitted for appointment from each election precinct
41 in the county.

42 4. The county board of supervisors shall appoint the political
43 party precinct committeemen from the names submitted pursuant to paragraph
44 3 of this section. Precinct committeemen who are appointed pursuant to

1 this section for the 2022 term of office are deemed elected precinct
2 committeemen for all purposes.

3 5. For any vacancies in the office of precinct committeeman that
4 occur during the 2022 term of office, the county political party committee
5 shall appoint eligible persons to fill those vacancies and shall maintain
6 a current roster of precinct committeemen for the remainder of the 2022
7 term, and no further action regarding vacancies is required by the county
8 board of supervisors.

9 Sec. 5. Emergency

10 This act is an emergency measure that is necessary to preserve the
11 public peace, health or safety and is operative immediately as provided by
12 law.

APPROVED BY THE GOVERNOR MARCH 3, 2022.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 3, 2022.