

House Engrossed Senate Bill
lieutenant governor; duties; ballot

State of Arizona
Senate
Fifty-fifth Legislature
Second Regular Session
2022

CHAPTER 349
SENATE BILL 1255

AN ACT

AMENDING SECTIONS 16-301, 16-341 AND 41-101, ARIZONA REVISED STATUTES;
RELATING TO ELECTED OFFICIALS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 16-301, Arizona Revised Statutes, is amended to
3 read:

4 16-301. Nomination of candidates for printing on official
5 ballot of general or special election

6 A. At a primary election, each political party entitled and
7 intending to make nominations for the ensuing general or special election
8 ~~shall~~, if it desires to have the names of its candidates printed on the
9 official ballot at ~~such~~ THAT general or special election, SHALL nominate
10 its candidates for all elective, senatorial, congressional, state,
11 judicial, county and precinct offices to be filled at such election except
12 as provided in section 16-344.

13 B. NOT LATER THAN SIXTY DAYS BEFORE THE DATE OF THE GENERAL
14 ELECTION, A CANDIDATE FOR GOVERNOR SHALL SUBMIT TO THE SECRETARY OF STATE
15 THE NAME OF THE PERSON WHO WILL BE THE JOINT CANDIDATE FOR LIEUTENANT
16 GOVERNOR WITH THAT GUBERNATORIAL CANDIDATE AND WHOSE NAME WILL APPEAR ON
17 THE GENERAL ELECTION BALLOT JOINTLY WITH THE CANDIDATE FOR GOVERNOR.

18 Sec. 2. Section 16-341, Arizona Revised Statutes, is amended to
19 read:

20 16-341. Nomination petition; method and time of filing; form;
21 qualifications and number of petitioners required;
22 statement of interest

23 A. Any qualified elector who is not a registered member of a
24 political party that is recognized pursuant to this title may be nominated
25 as a candidate for public office otherwise than by primary election or by
26 party committee pursuant to this section.

27 B. This article shall not be used to place on the general election
28 ballot the name of a political party that fails to meet the qualifications
29 specified in section 16-802 or 16-804, or the name of any candidate
30 representing such party or the name of a candidate who has filed a
31 nomination petition in the immediately preceding primary election and has
32 failed to qualify as the result of an insufficient number of valid
33 signatures.

34 C. A nomination petition stating the name of the office to be
35 filled, the name and residence of the candidate, or, if the candidate does
36 not have an actual residence address, a description of place of residence
37 and post office address, or, if the person's actual residence address is
38 protected pursuant to section 16-153, a post office box or private mailbox
39 address in the candidate's district, precinct or municipality, as
40 applicable for a district, precinct or municipal office, and other
41 information required by this section shall be filed with the same officer
42 with whom primary nomination papers and petitions are required to be filed
43 as prescribed in section 16-311. Except for candidates for the office of
44 presidential elector filed pursuant to this section, the petition shall be
45 filed not less than one hundred twenty days nor more than one hundred

1 fifty days before the primary election. The petition shall be signed only
2 by voters who have not signed the nomination petitions of a candidate for
3 the office to be voted for at that primary election.

4 D. The nomination petition shall be in substantially the following
5 form, except that if the candidate does not have an actual residence
6 address, the candidate may use a description of place of residence and
7 post office address, or, if the candidate's actual residence address is
8 protected pursuant to section 16-153, a post office box or private mailbox
9 address in the candidate's district, precinct or municipality, as
10 applicable for a district, precinct or municipal office, is sufficient:

11 The undersigned, qualified electors of _____
12 county, state of Arizona, do hereby nominate _____, who
13 resides at _____ in the county of _____, as a
14 candidate for the office of _____ at the general (or
15 special, as the case may be) election to be held on the
16 _____ day of _____, ____.

17 I hereby declare that I have not signed the nomination
18 petitions of any candidate for the office to be voted for at
19 this primary election, and I do hereby select the following
20 designation under which name the said candidate shall be
21 placed on the official ballot (here insert such designation
22 not exceeding three words in length as the signers may
23 select).

24 E. The nomination petition shall conform as nearly as possible to
25 the provisions relating to nomination petitions of candidates to be voted
26 for at primary elections and shall be signed by at least the number of
27 persons who are registered to vote determined by calculating three percent
28 of the persons who are registered to vote of the state, county,
29 subdivision or district for which the candidate is nominated who are not
30 members of a political party that is qualified to be represented by an
31 official party ballot at the next ensuing primary election and accorded
32 representation on the general election ballot.

33 F. The percentage of persons who are registered to vote necessary
34 to sign the nomination petition shall be determined by the total number of
35 registered voters from other than political parties that are qualified to
36 be represented by an official party ballot at the next ensuing primary
37 election and accorded representation on the general election ballot in the
38 state, county, subdivision or district on January 2 of the year in which
39 the general election is held. Notwithstanding the method prescribed by
40 subsection E of this section and this subsection for calculating the
41 minimum number of signatures necessary, any person who is registered to
42 vote in the state, county, subdivision or district for which the candidate
43 is nominated is eligible to sign the nomination petition without regard to
44 the signer's party affiliation.

1 G. A nomination petition for any candidate may be circulated by a
2 person who is not a resident of this state but who is otherwise eligible
3 to register to vote in this state if that person registers as a circulator
4 with the secretary of state before circulating petitions. The nomination
5 petition for the office of presidential elector shall include a group of
6 names of candidates equal to the number of United States senators and
7 representatives in Congress from this state instead of separate nomination
8 petitions for each candidate for the office of presidential elector. A
9 valid signature on a petition containing a group of presidential electors
10 candidates is counted as a signature for the nomination of each of the
11 candidates. The presidential candidate whom the candidates for
12 presidential elector will represent shall designate in writing to the
13 secretary of state the names of the candidates who will represent the
14 presidential candidate before any signatures for the candidate can be
15 accepted for filing. A nomination petition for the office of presidential
16 elector shall be filed not less than eighty nor more than one hundred days
17 before the general election. The petition shall be signed only by
18 qualified electors who have not signed the nomination petitions of a
19 candidate for the office of presidential elector to be voted for at that
20 election.

21 H. The secretary of state shall require in the instructions and
22 procedures manual issued pursuant to section 16-452 that persons who
23 circulate nomination petitions pursuant to this section and who are not
24 residents of this state but who are otherwise eligible to register to vote
25 in this state shall register as circulators with the office of the
26 secretary of state before circulating petitions. The secretary of state
27 shall provide for a method of receiving service of process for those
28 petition circulators who are registered.

29 I. Not later than the date of the first petition signature on a
30 nomination petition, a person who may be a candidate for office pursuant
31 to this section shall file a statement of interest with the appropriate
32 filing officer for that office. The statement of interest shall contain
33 the name of the person, the political party, if any, and the name of the
34 office that may be sought. Any nomination petition signatures collected
35 before the date the statement of interest is filed are invalid and subject
36 to challenge. This subsection does not apply to:

37 1. Candidates for elected office for special taxing districts that
38 are established pursuant to title 48.

39 2. Candidates for precinct committeeman.

40 3. Candidates for president or vice president of the United States.

41 J. A person who files a nomination paper pursuant to this section
42 for the office of president of the United States shall designate in
43 writing to the secretary of state at the time of filing the name of the
44 candidate's vice presidential running mate, the names of the presidential
45 electors who will represent that candidate and a statement that is signed

1 by the vice presidential running mate and the designated presidential
2 electors and that indicates their consent to be designated. A nomination
3 paper for each presidential elector designated shall be filed with the
4 candidate's nomination paper. The number of presidential electors shall
5 equal the number of United States senators and representatives in Congress
6 from this state.

7 K. A candidate who does not file a timely nomination petition that
8 complies with this section is not eligible to have the candidate's name
9 printed on the official ballot for that office. The filing officer shall
10 not accept the nomination paper of a candidate for state or local office
11 unless the candidate provides or has provided all of the following:

12 1. The financial disclosure statement as prescribed for candidates
13 for that office.

14 2. The declaration of qualification and eligibility as prescribed
15 in section 16-311.

16 L. NOT LATER THAN SIXTY DAYS BEFORE THE DATE OF THE GENERAL
17 ELECTION, A CANDIDATE FOR GOVERNOR WHO FILES A NOMINATION PETITION
18 PURSUANT TO THIS SECTION SHALL SUBMIT TO THE SECRETARY OF STATE THE NAME
19 OF THE PERSON WHO WILL BE THE JOINT CANDIDATE FOR LIEUTENANT GOVERNOR WITH
20 THAT GUBERNATORIAL CANDIDATE AND WHOSE NAME WILL APPEAR ON THE GENERAL
21 ELECTION BALLOT JOINTLY WITH THE CANDIDATE FOR GOVERNOR.

22 ~~L.~~ M. Except in cases where the liability is being appealed, the
23 filing officer shall not accept the nomination paper of a candidate for
24 state or local office if the person is liable for an aggregation of \$1,000
25 or more in fines, penalties, late fees or administrative or civil
26 judgments, including any interest or costs, in any combination, that have
27 not been fully satisfied at the time of the attempted filing of the
28 nomination paper and the liability arose from failure to comply with or
29 enforcement of chapter 6 of this title.

30 ~~M.~~ N. The secretary of state may authorize for statewide and
31 legislative offices the creation, use and submission of petitions
32 prescribed by this section in electronic form if those petitions provide
33 for an appropriate method to verify signatures of petition circulators and
34 signers. The secretary of state may require use of a unique marking system
35 for petition pages, including a bar code, a quick response code or another
36 similar marking system.

37 Sec 3. Section 41-101, Arizona Revised Statutes, is amended to
38 read:

39 41-101. Powers and duties; attestation of acts of governor;
40 salary

41 A. The governor has the powers and shall perform the duties as
42 prescribed in this article. The governor:

43 1. Shall supervise the official conduct of all executive and
44 ministerial officers.

1 2. Shall see that all offices are filled and the duties performed
2 or, in default, invoke such remedy as the law allows.

3 3. Shall appoint a private secretary to the governor and shall
4 appoint all officers of this state not made elective, unless otherwise
5 provided.

6 4. NOTWITHSTANDING SECTION 38-211, SHALL APPOINT THE LIEUTENANT
7 GOVERNOR TO SERVE AS THE GOVERNOR'S CHIEF OF STAFF OR THE DIRECTOR OF THE
8 ARIZONA DEPARTMENT OF ADMINISTRATION OR TO FILL ANY POSITION FOR WHICH THE
9 GOVERNOR IS OTHERWISE AUTHORIZED BY LAW TO MAKE AN APPOINTMENT.

10 ~~4.~~ 5. Shall be the sole official means of communication between
11 this state and the government of any other state or the United States.

12 ~~5.~~ 6. May direct the attorney general to appear on behalf of this
13 state when any action or legal proceeding is pending that affects the
14 title of this state to any property or that may result in a claim against
15 this state.

16 ~~6.~~ 7. May require the attorney general, or any county attorney, to
17 inquire into the affairs or management of any corporation doing business
18 in this state.

19 ~~7.~~ 8. May require the attorney general to aid a county attorney in
20 the discharge of his duties.

21 ~~8.~~ 9. May offer rewards for escaped insane persons, not exceeding
22 five hundred dollars.

23 ~~9.~~ 10. May require any officer or board to make special reports to
24 him on demand in writing.

25 ~~10.~~ 11. May convene the legislature at some other place when the
26 seat of government becomes dangerous from disease or a common enemy.

27 ~~11.~~ 12. May enter into intergovernmental agreements with officers,
28 agencies or departments of the United States to provide funding or other
29 resources available from any related state agency, board or commission for
30 the purpose of operating federal parks located in this state during any
31 period when such parks would otherwise be subject to shutdown due to a
32 lack of federal appropriation and as deemed necessary to promote tourism,
33 this state's economic well-being, or the health, safety or welfare of the
34 state's citizens. The governor shall not provide general fund
35 appropriations from any related state agency, board or commission to
36 operate a federal park pursuant to this paragraph for more than twenty-one
37 days without the approval of the legislature. The joint legislative
38 budget committee shall review any expenditure of funds or other resources
39 pursuant to this paragraph.

40 ~~12.~~ 13. Has such powers and shall perform such other duties as
41 devolve on him by law.

42 B. All official acts of the governor, except approval of the laws,
43 shall be attested by the secretary of state.

44 C. The governor is eligible to receive an annual salary pursuant to
45 section 41-1904.

1 D. Before an individual is hired as an employee of the office of
2 the governor, that individual shall submit a full set of fingerprints to
3 the governor for the purpose of obtaining a state and federal criminal
4 records check pursuant to section 41-1750 and Public Law 92-544. The
5 department of public safety may exchange this fingerprint data with the
6 federal bureau of investigation.

7 Sec. 4. Conforming legislation

8 The legislative council staff shall prepare proposed legislation
9 conforming the Arizona Revised Statutes to the provisions of this act for
10 consideration in the fifty-sixth legislature, first regular session.

11 Sec. 5. Conditional enactment

12 This act does not become effective unless the Constitution of
13 Arizona is amended by vote of the people at the next general election by
14 passage of Senate Concurrent Resolution 1024, fifty-fifth legislature,
15 second regular session, relating to the establishment of the office of
16 lieutenant governor.

17 Sec. 6. Applicability

18 This act applies beginning with elections for the term of office
19 that starts in 2027.

APPROVED BY THE GOVERNOR JULY 6, 2022.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JULY 6, 2022.