State of Arizona
House of Representatives
Fifty-fifth Legislature
First Regular Session
2021

HB 2378

Introduced by
Representative Dunn

AN ACT

AMENDING SECTIONS 16-241 AND 16-245, ARIZONA REVISED STATUTES; AMENDING TITLE 16, CHAPTER 4, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 8.2; RELATING TO THE PRESIDENTIAL PREFERENCE ELECTION.

(TEXT OF BILL BEGINS ON NEXT PAGE)
Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 16-241, Arizona Revised Statutes, is amended to read:

16-241. Presidential preference election; conduct of election
A. A presidential preference election shall be held on the Tuesday immediately following March 15 of each year in which the President of the United States is elected to give qualified electors the opportunity to express their preference for the presidential candidate of the political party indicated as their preference by the record of their registration. No other election may appear on the same ballot as the presidential preference election.

B. Notwithstanding subsection A of this section, the governor may issue a proclamation that the presidential preference election is to be held on a date later than the date prescribed in subsection A of this section. The proclamation shall be issued no later than one hundred eighty days before the date of the election as set forth in the proclamation. The governor shall transmit a copy of the election proclamation to the clerks of the county boards of supervisors.

C. Except as otherwise provided in this article, the presidential preference election shall be conducted and canvassed in the same manner as prescribed in this title for the primary election held pursuant to section 16-201 USING RANKED CHOICE VOTING PURSUANT TO CHAPTER 4, ARTICLE 8.2 OF THIS TITLE WHEN THREE OR MORE CANDIDATES QUALIFY FOR A POLITICAL PARTY'S BALLOT. All provisions of other laws that govern elections and that are not in conflict with this article apply to a presidential preference election, including laws relating to registration and qualifications of electors.

D. Unless otherwise specifically prescribed by this article, the powers and duties conferred by law on boards of supervisors, officers in charge of elections, county recorders, precinct boards and central counting boards in connection with a primary election are conferred on those persons for purposes of a presidential preference election and shall be exercised by them for a presidential preference election.

E. Every act that is an offense pursuant to the election laws of this state is an offense for purposes of a presidential preference election, and a person is subject to the penalties prescribed by those laws.

Sec. 2. Section 16-245, Arizona Revised Statutes, is amended to read:

16-245. Form and content of ballot
A. Ballots and ballot labels for the presidential preference election shall be printed on different colored paper or white paper with a different colored stripe for each party represented on the presidential preference election ballot. Only one party may be represented on each ballot. At the top shall be printed "official ballot of the ________
party, presidential preference election (date), county of _______ state of Arizona".

B. The order of the names of certified candidates on the ballot shall be determined by lots drawn at a public meeting called by the secretary of state for that purpose. Rotation of candidate names is prohibited. The certified candidates shall be listed under the title "_____________ party candidates for president of the United States". Immediately below shall be printed "vote for not more than one" AN EXPLANATION OF RANKED CHOICE VOTING AND INSTRUCTIONS FOR ELECTORS THAT HAVE BEEN APPROVED BY THE SECRETARY OF STATE SHALL BE INCLUDED ON OR WITH EACH BALLOT. The ballot may also contain printed instructions to voters as prescribed for other elections.

C. The officer in charge of elections shall provide a sample ballot to the state committee chairman of each qualified candidate's state committee no later than five days after receipt of the certification from the secretary of state.

D. The officer in charge of elections shall mail one sample ballot of each party represented on the presidential preference election ballot to each household that contains a registered voter of that political party unless that registered voter is on the permanent early voting list established pursuant to section 16-544. The return address on the sample ballot mailer shall not contain the name of any elected or appointed official, and the name of an appointed or elected official shall not be used to indicate who produced the sample ballot.

E. The mailing face of each sample ballot shall be imprinted with the great seal of the state of Arizona with the words "official voting materials---presidential preference election". The polling place for that household may also be designated on the mailing face of the sample ballot.

Sec. 3. Heading repeal
The article heading of former title 16, chapter 4, article 8.2, Arizona Revised Statutes, is repealed.

Sec. 4. Title 16, chapter 4, Arizona Revised Statutes, is amended by adding article 8.2, to read:

ARTICLE 8.2. PRESIDENTIAL PREFERENCE ELECTION RANKED CHOICE VOTING

16-559. Definitions
IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:
1. "ACTIVE CANDIDATE" MEANS ANY CANDIDATE WHO HAS NOT BEEN DEFEATED OR ELECTED.
2. "ELECTION THRESHOLD" MEANS THE NUMBER OF VOTES THAT ARE SUFFICIENT FOR A CANDIDATE TO BE ELECTED IN A MULTI-WINNER CONTEST WHICH IS DETERMINED BY CALCULATING THE TOTAL VOTES COUNTED FOR ACTIVE CANDIDATES IN THE FIRST ROUND OF TABULATION, DIVIDING BY THE SUM OF ONE PLUS THE NUMBER OF OFFICES TO BE FILLED, THEN ADDING ONE, DISREGARDING ANY FRACTIONS.
3. "HIGHEST-RANKED ACTIVE CANDIDATE" MEANS THE ACTIVE CANDIDATE ASSIGNED TO A HIGHER RANKING THAN ANY OTHER ACTIVE CANDIDATES.

4. "INACTIVE BALLOT" MEANS A BALLOT THAT DOES NOT COUNT FOR ANY CANDIDATE FOR ANY OF THE REASONS PRESCRIBED IN SECTION 16-559.03, PARAGRAPH 4.

5. "OVERVOTE" MEANS AN INSTANCE IN WHICH AN ELECTOR HAS RANKED MORE THAN ONE CANDIDATE AT THE SAME RANKING.

6. "RANKING" MEANS THE NUMBER AVAILABLE TO BE ASSIGNED BY AN ELECTOR TO A CANDIDATE TO EXPRESS THE ELECTOR'S CHOICE FOR THAT CANDIDATE IN WHICH THE NUMBER "1" IS THE HIGHEST RANKING, FOLLOWED BY "2" AND THEN "3" AND SO ON.

7. "ROUND" MEANS AN INSTANCE OF THE SEQUENCE OF VOTING TABULATION BEGINNING WITH BALLOTS TABULATED PURSUANT TO SECTION 16-559.03, PARAGRAPH 1 FOR SINGLE WINNER CONTESTS OR SECTION 16-559.03, PARAGRAPH 2 FOR MULTI-WINNER CONTESTS.

8. "SKIPPED RANKING" MEANS AN ELECTOR HAS LEFT A RANKING UNASSIGNED BUT RANKS A CANDIDATE AT A SUBSEQUENT RANKING.

9. "SURPLUS FRACTION" MEANS A NUMBER EQUAL TO THE QUOTIENT OF THE DIFFERENCE BETWEEN AN ELECTED CANDIDATE'S VOTE TOTAL AND THE ELECTION THRESHOLD, DIVIDED BY THE CANDIDATE'S VOTE TOTAL, (OR (V-T)/V, IN WHICH "V" IS THE ELECTED CANDIDATE'S VOTE TOTAL AND "T" IS THE ELECTION THRESHOLD), TRUNCATED AFTER FOUR DECIMAL PLACES.

10. "TRANSFER VALUE" MEANS THE PROPORTION OF A VOTE THAT A BALLOT WILL CONTRIBUTE TO ITS HIGHEST-RANKED ACTIVE CANDIDATE WHEREIN EACH BALLOT BEGINS WITH A TRANSFER VALUE OF 1 AND, IF A BALLOT CONTRIBUTES TO THE ELECTION OF A CANDIDATE UNDER SECTION 16-559.03, PARAGRAPH 2, IT RECEIVES A NEW TRANSFER VALUE.

11. "UNDERVOTE" MEANS A BALLOT THAT DOES NOT CONTAIN ANY CANDIDATES AT ANY RANKING IN A PARTICULAR CONTEST.

16-559.01. Presidential preference election; ranked choice voting

A. NOTWITHSTANDING ANY OTHER STATUTE, THE PRESIDENTIAL PREFERENCE ELECTION SHALL BE CONDUCTED BY RANKED CHOICE VOTING PURSUANT TO THIS ARTICLE.

B. THE SECRETARY OF STATE SHALL:

1. CONDUCT A VOTER EDUCATION AND OUTREACH CAMPAIGN TO FAMILIARIZE ELECTORS WITH RANKED CHOICE VOTING IN ENGLISH AND IN EVERY LANGUAGE IN WHICH A BALLOT IS REQUIRED TO BE MADE AVAILABLE PURSUANT TO STATE LAW AND THE VOTING RIGHTS ACT OF 1965 (52 UNITED STATES CODE SECTION 10503).

2. ENSURE THAT AN EXPLANATION OF RANKED CHOICE VOTING AND INSTRUCTIONS FOR ELECTORS IN A FORM APPROVED BY THE SECRETARY OF STATE IS POSTED AT EACH POLLING PLACE AND IS INCLUDED WITH EACH EARLY BALLOT.
16-559.02. Ballots

IN ANY PRESIDENTIAL PREFERENCE ELECTION IN WHICH RANKED CHOICE VOTING IS USED:

1. AN ELECTOR MAY RANK AS MANY CHOICES AS THERE ARE CANDIDATES ON THE BALLOT FOR A PARTICULAR OFFICE.
2. A BALLOT SHALL ALLOW AN ELECTOR TO RANK UP TO TWO WRITE-IN CANDIDATES. A VOTE FOR AN UNQUALIFIED WRITE-IN CANDIDATE SHALL NOT BE CONSIDERED A VOTE FOR A CANDIDATE.

16-559.03. Tabulation of ballots

RANKED CHOICE VOTING BALLOTS SHALL BE TABULATED AS FOLLOWS:

1. IN AN ELECTION IN WHICH ONE CANDIDATE IS TO BE ELECTED TO OFFICE, EACH BALLOT SHALL COUNT AS ONE VOTE FOR THE HIGHEST-RANKED ACTIVE CANDIDATE ON THAT BALLOT. TABULATION SHALL PROCEED IN ROUNDS WITH EACH ROUND PROCEEDING SEQUENTIALLY AS FOLLOWS:
   (a) IF TWO OR FEWER ACTIVE CANDIDATES REMAIN, THE CANDIDATE WITH THE GREATEST NUMBER OF VOTES IS ELECTED AND TABULATION IS COMPLETE.
   (b) IF MORE THAN TWO ACTIVE CANDIDATES REMAIN, THE ACTIVE CANDIDATE WITH THE FEWEST VOTES IS DEFEATED, VOTES FOR THE DEFEATED CANDIDATE ARE TRANSFERRED TO EACH BALLOT’S NEXT-RANKED ACTIVE CANDIDATE, AND A NEW ROUND BEGINS.

2. IN AN ELECTION IN WHICH TWO OR MORE CANDIDATES ARE TO BE ELECTED TO AN OFFICE IN A MULTIPLE-SEAT DISTRICT OR ON A GOVERNING BODY THAT INCLUDES MULTIPLE AT-LARGE SEATS, EACH BALLOT SHALL COUNT AT ITS CURRENT TRANSFER VALUE FOR THE HIGHEST-RANKED ACTIVE CANDIDATE ON THAT BALLOT. TABULATION SHALL PROCEED IN ROUNDS. EACH ROUND PROCEEDS SEQUENTIALLY, UNTIL TABULATION IS COMPLETE, AS FOLLOWS:
   (a) IF THE NUMBER OF ELECTED CANDIDATES OR THE SUM OF THE NUMBER OF ELECTED CANDIDATES AND THE NUMBER OF ACTIVE CANDIDATES IS LESS THAN OR EQUAL TO THE NUMBER OF SEATS TO BE FILLED, ALL ACTIVE CANDIDATES ARE DESIGNATED AS ELECTED, AND TABULATION IS COMPLETE. OTHERWISE, THE TABULATION PROCEEDS PURSUANT TO SUBDIVISION (b) OF THIS PARAGRAPH.
   (b) IF ANY ACTIVE CANDIDATE HAS A NUMBER OF VOTES GREATER THAN OR EQUAL TO THE ELECTION THRESHOLD FOR THE CONTEST, THAT CANDIDATE SHALL BE DESIGNATED AS ELECTED. EACH BALLOT COUNTING FOR AN ELECTED CANDIDATE IS ASSIGNED A NEW TRANSFER VALUE BY MULTIPLYING THE BALLOT’S CURRENT TRANSFER VALUE BY THE SURPLUS FRACTION FOR THE ELECTED CANDIDATE, TRUNCATED AFTER THE FOURTH DECIMAL PLACE. EACH CANDIDATE ELECTED UNDER THIS SUBDIVISION IS DEEMED TO HAVE A NUMBER OF VOTES EQUAL TO THE ELECTION THRESHOLD FOR THE CONTEST IN ALL FUTURE ROUNDS AND A NEW ROUND BEGINS PURSUANT TO SUBDIVISION (a) OF THIS PARAGRAPH.
   (c) IF NO CANDIDATE IS ELECTED PURSUANT TO SUBDIVISION (b) OF THIS PARAGRAPH, THE CANDIDATE WITH THE FEWEST VOTES IS DEFEATED AND VOTES FOR THE DEFEATED CANDIDATES SHALL BE TRANSFERRED AT THEIR CURRENT TRANSFER VALUE TO EACH BALLOT’S NEXT-RANKED ACTIVE CANDIDATE AND A NEW ROUND BEGINS PURSUANT TO SUBDIVISION (a) OF THIS PARAGRAPH.
3. IF, IN A ROUND OF COUNTING CONDUCTED UNDER PARAGRAPH 2 OF THIS SECTION, TWO OR MORE CANDIDATES HAVE A NUMBER OF SURPLUS VOTES GREATER THAN THE ELECTION THRESHOLD FOR THE CONTEST, THE SURPLUSES SHALL BE DISTRIBUTED IN ROUNDS IN WHICH THE LARGEST SURPLUS IS DISTRIBUTED FIRST, WITH ANY TIES RESOLVED BY LOT. THE OFFICER IN CHARGE OF ELECTION'S MAY MODIFY THE PROCEDURE TO DISTRIBUTE SURPLUSES SIMULTANEOUSLY IN THE SAME ROUND, PROVIDED THAT THE MODIFICATION IS MADE BEFORE THE ELECTION.

4. IN ANY ROUND OF TABULATION IN A CONTEST CONDUCTED BY RANKED CHOICE VOTING, AN INACTIVE BALLOT DOES NOT COUNT FOR ANY CANDIDATE. A BALLOT IS INACTIVE IF ANY OF THE FOLLOWING IS TRUE:
   (a) IT DOES NOT CONTAIN ANY ACTIVE CANDIDATES AND IS NOT AN UNDERVOTE.
   (b) IT HAS REACHED AN OVERVOTE.
   (c) IT HAS REACHED TWO CONSECUTIVE SKIPPED RANKINGS.
   (d) AN UNDERVOTE DOES NOT COUNT AS AN ACTIVE OR INACTIVE BALLOT IN ANY ROUND OF TABULATION.

5. IF TWO OR MORE CANDIDATES ARE TIED WITH THE FEWEST VOTES, AND TABULATION CANNOT CONTINUE UNTIL THE CANDIDATE WITH THE FEWEST VOTES IS DEFEATED, THE CANDIDATE TO BE DEFEATED SHALL BE DETERMINED BY LOT. ELECTION OFFICIALS MAY RESOLVE PROSPECTIVE TIES BETWEEN CANDIDATES BEFORE TABULATION AFTER ALL VOTES ARE CAST.

16-559.04. Reporting results

IN ADDITION TO ANY OTHER INFORMATION REQUIRED BY LAW TO BE REPORTED WITH FINAL RESULTS, THE OFFICER IN CHARGE OF ELECTIONS FOR THE RANKED CHOICE VOTING ELECTION SHALL REPORT THE TOTAL NUMBER OF BALLOTS THAT BECAME INACTIVE IN EACH ROUND BECAUSE THE BALLOTS DID NOT CONTAIN ANY ACTIVE CANDIDATES, HAD REACHED AN OVERVOTE AND REACHED TWO CONSECUTIVE SKIPPED RANKINGS AS SEPARATE TOTALS. IF FEASIBLE, THE OFFICER IN CHARGE OF ELECTIONS SHALL ALSO PUBLISH FINAL RESULTS DATA BY PRECINCT.