

State of Arizona
Senate
Fifty-fifth Legislature
First Regular Session
2021

CHAPTER 230
SENATE BILL 1492

AN ACT

AMENDING SECTIONS 15-424, 15-1442, 16-227, 16-250, 16-311, 16-312, 16-341, 16-410, 16-464, 16-531, 16-558.02, 16-645, 16-802, 16-822, 19-124 AND 41-1304, ARIZONA REVISED STATUTES; RELATING TO ELECTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 15-424, Arizona Revised Statutes, is amended to
3 read:

4 15-424. Election of governing board members; terms; statement
5 of contributions and expenditures

6 A. A regular election shall be held for each school district at the
7 time and place, and in the manner, of general elections as provided in
8 title 16.

9 B. Except as provided in subsection C of this section and sections
10 15-429 and 15-430, the term of office for each member shall be four years
11 from January 1 next following the member's election.

12 C. At the first general election held for a newly formed district,
13 three members shall be elected. The candidate receiving the highest
14 number of votes shall be elected to a ~~four-year~~ FOUR-YEAR term, and the
15 candidates having the second and third highest number of votes shall be
16 elected to ~~two-year~~ TWO-YEAR terms. A district increasing its governing
17 board to five members shall elect at the next general election members in
18 the following manner:

19 1. If one of the previous three offices is to be filled, the three
20 candidates receiving the highest, the second highest and the third highest
21 number of votes shall be elected to ~~four-year~~ FOUR-YEAR terms.

22 2. If two of the previous three offices are to be filled, the
23 candidates receiving the highest, the second highest and the third highest
24 number of votes shall be elected to ~~four-year~~ FOUR-YEAR terms. The
25 candidate receiving the fourth highest number of votes shall be elected to
26 a ~~two-year~~ TWO-YEAR term. Thereafter all such offices shall have ~~four~~
27 ~~year~~ FOUR-YEAR terms.

28 D. If only one person files a nominating petition or nomination
29 paper for a write-in candidate for an election to fill a district office,
30 the board of supervisors ~~no~~ NOT earlier than ~~seventy-five~~ ONE HUNDRED FIVE
31 days before the election may cancel the election for the position and
32 appoint the person who filed the nominating petition or nomination paper
33 to fill the position. If no person files a nominating petition or
34 nomination paper for an election to fill a district office, the board of
35 supervisors ~~no~~ NOT earlier than ~~seventy-five~~ ONE HUNDRED FIVE days before
36 the election may cancel the election for that office and that office is
37 deemed vacant and shall be filled as provided in section 15-302. A person
38 who is appointed pursuant to this subsection is fully vested with the
39 powers and duties of the office as if elected to that office.

40 E. If two or more candidates receive an equal number of votes for
41 the same office, and a higher number than any other candidate for that
42 office, whether ~~upon~~ ON the tally by the school election board or canvass
43 of returns by the board of supervisors, or ~~upon~~ ON recount by a court, the
44 officer or board whose duty it is to declare the result shall determine by

1 lot and in the presence of the candidates which candidate shall be
2 declared elected.

3 F. Position of the names of candidates for each office shall be
4 rotated so that each candidate occupies each position on the ballot an
5 equal number of times, insofar as is possible, for each ballot style. For
6 candidates seeking election to fill a vacancy on the governing board, the
7 ballot shall be designated as provided in section 16-502.

8 G. This section does not require that a school election at which no
9 member is to be elected be held on a general election day.

10 H. All candidates for the office of school district governing board
11 member shall file with the county school superintendent a statement of
12 contributions and expenditures as provided in section 16-926.

13 Sec. 2. Section 15-1442, Arizona Revised Statutes, is amended to
14 read:

15 15-1442. Nominating petitions; election; returns; results;
16 certificate of election; statement of
17 contributions and expenditures

18 A. Candidates for the district board must file nominating
19 petitions, conforming to section 16-314, with the appropriate county
20 officer.

21 B. Members of the district board shall be elected at the time and
22 place, and in the manner, of general elections as provided in title 16.

23 C. If only one person files a nominating petition or nomination
24 paper for a write-in candidate for an election to fill a community college
25 board office, the county school superintendent ~~no~~ NOT earlier than
26 ~~seventy-five~~ ONE HUNDRED FIVE days before the election may cancel the
27 election for the position and appoint the person who filed the nominating
28 petition or nomination paper to fill the position. If no person files a
29 nominating petition or nomination paper for a candidate or for a write-in
30 candidate for an election to fill a community college board office, the
31 county board of supervisors ~~no~~ NOT earlier than ~~seventy-five~~ ONE HUNDRED
32 FIVE days before the election may cancel the election for that office and
33 that office is deemed vacant and shall be filled as provided in section
34 15-1441. A person who is appointed pursuant to this subsection is fully
35 vested with the powers and duties of the office as if elected to that
36 office.

37 D. The county school superintendent and the chairman of the board
38 of supervisors shall meet NOT LATER THAN on the ~~seventh~~ FOURTEENTH day
39 following the election to canvass the returns in accordance with
40 procedures for the canvass of returns in a general election. FOR ANY
41 CANVASS CONDUCTED BY THE COUNTY SCHOOL SUPERINTENDENT IN NOVEMBER OF AN
42 EVEN-NUMBERED YEAR, THE COUNTY SCHOOL SUPERINTENDENT AND THE CHAIRMAN OF
43 THE BOARD OF SUPERVISORS SHALL CONDUCT THE CANVASS AS PART OF THE COUNTY'S
44 GENERAL ELECTION CANVASS. The county school superintendent shall declare
45 the results of the DISTRICT BOARD election, declare elected the person

1 receiving the highest number of votes for each office to be filled and
2 issue to that person a certificate of election.

3 E. All candidates for the office of community college district
4 governing board member shall file with the clerk of the board of
5 supervisors a statement of contributions and expenditures as provided in
6 section 16-926.

7 Sec. 3. Section 16-227, Arizona Revised Statutes, is amended to
8 read:

9 16-227. Publication of call of election for nonpartisan
10 elections

11 A. The governing body shall publish a call of election at least
12 twice in a newspaper of general circulation in the election district in
13 which a nonpartisan election is being held not less than one week apart
14 during the six calendar weeks preceding ~~ninety~~ ONE HUNDRED FIFTY days
15 before the election. ~~which~~ THE CALL OF ELECTION shall contain:

- 16 1. The purpose of the election.
- 17 2. The date of holding the election.
- 18 3. The last date and place for filing nomination petitions, if
19 applicable.
- 20 4. The last date to register to vote in the election.
- 21 5. The name of the election district conducting the election.
- 22 6. The proposed boundaries of the election district, if for
23 establishment or annexation.

24 7. If the election is a special district mail ballot election as
25 described in chapter 4, article 8.1 of this title, the date the mail
26 ballots will be mailed to qualified electors of the district.

27 B. In lieu of publishing the call described in subsection A OF THIS
28 SECTION, the governing body may mail a call of election to each household
29 in the district containing a qualified elector. ~~Such~~ THE call shall
30 contain the same information described in subsection A OF THIS SECTION and
31 be mailed not later than ~~ninety~~ ONE HUNDRED FIFTY days before the
32 election.

33 Sec. 4. Section 16-250, Arizona Revised Statutes, is amended to
34 read:

35 16-250. Expenses of election

36 A. The secretary of state in consultation with the county recorders
37 and the county officers in charge of elections shall include in the budget
38 request for the department of state sufficient monies from the state
39 general fund to conduct the presidential preference election prescribed by
40 this article.

41 B. Reimbursement of charges incurred by the counties for the
42 presidential preference election shall be made in the amount of ~~one dollar~~
43 ~~twenty-five cents~~ \$1.25 for each active registered voter in the county on
44 January ~~1~~ 2 of the year of the presidential preference election as
45 evidenced by a proper claim submitted to the secretary of state. If the

1 secretary of state determines that reimbursement at the rate prescribed by
2 this subsection would jeopardize the ability of a county to comply with
3 federal and state laws and regulations, the secretary of state may release
4 the county from that rate of reimbursement.

5 Sec. 5. Section 16-311, Arizona Revised Statutes, is amended to
6 read:

7 16-311. Nomination papers; statement of interest; filing;
8 definitions

9 A. Any person desiring to become a candidate at a primary election
10 for a political party and to have the person's name printed on the
11 official ballot shall be a qualified elector of the party and, not less
12 than one hundred twenty nor more than one hundred fifty days before the
13 primary election, shall sign and cause to be filed a nomination paper
14 giving the person's actual residence address or description of place of
15 residence and post office address, naming the party of which the person
16 desires to become a candidate, stating the office and district or
17 precinct, if any, for which the person offers the person's candidacy,
18 stating the exact manner in which the person desires to have the person's
19 name printed on the official ballot pursuant to subsection G of this
20 section, and giving the date of the primary election and, if nominated,
21 the date of the general election at which the person desires to become a
22 candidate. Except for a candidate for United States senator or
23 representative in Congress, a candidate for public office shall be a
24 qualified elector at the time of filing and shall reside in the county,
25 district or precinct that the person proposes to represent. A candidate
26 for partisan public office shall be continuously registered with the
27 political party of which the person desires to be a candidate beginning no
28 later than the date of the first petition signature on the candidate's
29 petition through the date of the general election at which the person is a
30 candidate.

31 B. Any person desiring to become a candidate at any nonpartisan
32 election and to have the person's name printed on the official ballot
33 shall be at the time of filing a qualified elector of the county, city,
34 town or district and, not less than one hundred twenty nor more than one
35 hundred fifty days before the election, shall sign and cause to be filed a
36 nomination paper giving the person's actual residence address or
37 description of place of residence and post office address, stating the
38 office and county, city, town or district and ward or precinct, if any,
39 for which the person offers the person's candidacy, stating the exact
40 manner in which the person desires to have the person's name printed on
41 the official ballot pursuant to subsection G of this section and giving
42 the date of the election. A candidate for office shall reside at the time
43 of filing in the county, city, town, district, ward or precinct that the
44 person proposes to represent.

1 C. Notwithstanding subsection B of this section, any city or town
2 may adopt by ordinance for its elections the time frame provided in
3 subsection A of this section for filing nomination petitions. The
4 ordinance shall be adopted not less than one hundred fifty days before the
5 first election to which it applies.

6 D. All persons desiring to become a candidate shall file with the
7 nomination paper provided for in subsection A of this section a
8 declaration, which shall be printed in a form prescribed by the secretary
9 of state. The declaration shall include facts sufficient to show that,
10 other than the residency requirement provided in subsection A of this
11 section and the satisfaction of any monetary penalties, fines or judgments
12 as prescribed in subsection J of this section, the candidate will be
13 qualified at the time of election to hold the office the person seeks, and
14 that for any monetary penalties, fines or judgments as prescribed in
15 subsection J of this section, the candidate has made complete payment
16 before the time of filing.

17 E. The nomination paper of a candidate for the office of United
18 States senator or representative in Congress, for the office of
19 presidential elector or for a state office, including a member of the
20 legislature, or for any other office for which the electors of the entire
21 state or a subdivision of the state greater than a county are entitled to
22 vote, shall be filed with the secretary of state no later than 5:00 p.m.
23 on the last date for filing.

24 F. The nomination paper of a candidate for superior court judge or
25 for a county, district and precinct office for which the electors of a
26 county or a subdivision of a county other than an incorporated city or
27 town are entitled to vote shall be filed with the county elections officer
28 no later than 5:00 p.m. on the last date for filing as prescribed by
29 subsection A of this section. The nomination paper of a candidate for a
30 city or town office shall be filed with the city or town clerk no later
31 than 5:00 p.m. on the last date for filing. The nomination paper of a
32 candidate for school district office shall be filed with the county school
33 superintendent no later than 5:00 p.m. on the last date for filing.

34 G. The nomination paper shall include the exact manner in which the
35 candidate desires to have the person's name printed on the official ballot
36 and shall be limited to the candidate's surname and given name or names,
37 an abbreviated version of such names or appropriate initials such as "Bob"
38 for "Robert", "Jim" for "James", "Wm." for "William" or "S." for "Samuel".
39 Nicknames are permissible, but ~~in no event shall~~ nicknames, abbreviated
40 versions or initials of given names **MAY NOT** suggest reference to
41 professional, fraternal, religious or military titles **AND MAY NOT INCLUDE**
42 **A SLOGAN, A PROMOTIONAL WORD OR PHRASE OR ANY WORD THAT DOES NOT ACTUALLY**
43 **CONSTITUTE A NICKNAME.** No other descriptive name or names shall be
44 printed on the official ballot, except as provided in this section.
45 Candidates' abbreviated names or nicknames may be printed within quotation

1 marks. The candidate's surname shall be printed first, followed by the
2 given name or names.

3 H. Not later than the date of the first petition signature on a
4 nomination petition, a person who may be a candidate for office pursuant
5 to this section shall file a statement of interest with the appropriate
6 filing officer for that office. The statement of interest shall contain
7 the name of the person, the political party, if any, and the name of the
8 office that may be sought. Any nomination petition signatures collected
9 before the date the statement of interest is filed are invalid and subject
10 to challenge. This subsection does not apply to:

11 1. Candidates for elected office for special taxing districts that
12 are established pursuant to title 48. ~~, chapters 2, 3, 11, 12, 15, 17, 18,~~
13 ~~19, 20, 22, 27 and 32.~~

14 2. Candidates for precinct committeeman.

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

16 I. A person who does not file a timely nomination paper that
17 complies with this section is not eligible to have the person's name
18 printed on the official ballot for that office. The filing officer shall
19 not accept the nomination paper of a candidate for state or local office
20 unless the person provides or has provided all of the following:

21 1. The financial disclosure statement as prescribed for candidates
22 for that office.

23 2. The declaration of qualification and eligibility as prescribed
24 in subsection D of this section.

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

33 K. For the purposes of this title:

34 1. "Election district" means ~~the~~ THIS state, any county, city,
35 town, precinct or other political subdivision or a special district that
36 is not a political subdivision, that is authorized by statute to conduct
37 an election and that is authorized or required to conduct its election in
38 accordance with this title.

39 2. "Nomination paper" means the form filed with the appropriate
40 office by a person wishing to declare the person's intent to become a
41 candidate for a particular political office.

1 Sec. 6. Section 16-312, Arizona Revised Statutes, is amended to
2 read:

3 16-312. Filing of nomination papers for write-in candidates

4 A. Any person desiring to become a write-in candidate for an
5 elective office in any election shall file a nomination paper, signed by
6 the candidate, giving the person's actual residence address or description
7 of place of residence and post office address, age, length of residence in
8 the state and date of birth.

9 B. A write-in candidate shall file the nomination paper **NOT EARLIER**
10 **THAN ONE HUNDRED FIFTY DAYS BEFORE THE ELECTION AND** not later than 5:00
11 p.m. on the fortieth day before the election, except that:

12 1. A candidate running as a write-in candidate as provided in
13 section 16-343, subsection D shall file the nomination paper not later
14 than 5:00 p.m. on the fifth day before the election.

15 2. A candidate running as a write-in candidate for an election that
16 may be canceled pursuant to section 16-410 shall file the nomination paper
17 not later than 5:00 p.m. on the ~~seventy-sixth~~ **ONE HUNDRED SIXTH** day before
18 the election.

19 C. The write-in filing procedure shall be in the same manner as
20 prescribed in section 16-311. Any person who does not file a timely
21 nomination paper shall not be counted in the tally of ballots. The filing
22 officer shall not accept the nomination paper of a candidate for state or
23 local office unless the candidate provides or has provided the financial
24 disclosure statement as prescribed for candidates for that office.

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

33 E. The secretary of state shall notify the various boards of
34 supervisors as to write-in candidates filing with the secretary of state's
35 office. The county school superintendent shall notify the appropriate
36 board of supervisors as to write-in candidates filing with the
37 superintendent's office. The board of supervisors shall notify the
38 appropriate election board inspector of all candidates who have properly
39 filed such statements. In the case of a city or town election, the city
40 or town clerk shall notify the appropriate election board inspector of
41 candidates properly filed. No other write-ins shall be counted. The
42 election board inspector shall post the notice of official write-in
43 candidates in a conspicuous location within the polling place.

1 F. Except as provided in section 16-343, subsection E, a candidate
2 may not file pursuant to this section if any of the following applies:

3 1. For a candidate in the general election, the candidate ran in
4 the immediately preceding primary election and failed to be nominated to
5 the office sought in the current election.

6 2. For a candidate in the general election, the candidate filed a
7 nomination petition for the immediately preceding primary election for the
8 office sought and failed to provide a sufficient number of valid petition
9 signatures as prescribed by section 16-322.

10 3. For a candidate in the primary election, the candidate filed a
11 nomination petition for the current primary election for the office sought
12 and failed to provide a sufficient number of valid petition signatures as
13 prescribed by section 16-322, withdrew from the primary election after a
14 challenge was filed or was removed from or otherwise determined by court
15 order to be ineligible for the primary election ballot.

16 4. For a candidate in the general election, the candidate filed a
17 nomination petition for nomination other than by primary for the office
18 sought and failed to provide a sufficient number of valid petition
19 signatures as prescribed by section 16-341.

20 G. A person who files a nomination paper pursuant to this section
21 for the office of president of the United States shall designate in
22 writing to the secretary of state at the time of filing the name of the
23 candidate's vice-presidential running mate, the names of presidential
24 electors who will represent that candidate and a statement signed by the
25 vice-presidential running mate and designated presidential electors that
26 indicates their consent to be designated. A nomination paper for each
27 presidential elector designated shall be filed with the candidate's
28 nomination paper. The number of presidential electors shall equal the
29 number of United States senators and representatives in Congress from this
30 state.

31 Sec. 7. Section 16-341, Arizona Revised Statutes, is amended to
32 read:

33 16-341. Nomination petition; method and time of filing; form;
34 qualifications and number of petitioners required;
35 statement of interest

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

40 B. This article shall not be used to place on the general election
41 ballot the name of a political party that fails to meet the qualifications
42 specified in section 16-802 or 16-804, or the name of any candidate
43 representing such party or the name of a candidate who has filed a
44 nomination petition in the immediately preceding primary election and has

1 failed to qualify as the result of an insufficient number of valid
2 signatures.

3 C. A nomination petition stating the name of the office to be
4 filled, the name and residence of the candidate and other information
5 required by this section shall be filed with the same officer with whom
6 primary nomination papers and petitions are required to be filed as
7 prescribed in section 16-311. Except for candidates for the office of
8 presidential elector filed pursuant to this section, the petition shall be
9 filed not less than one hundred twenty days nor more than one hundred
10 fifty days before the primary election. The petition shall be signed only
11 by voters who have not signed the nomination petitions of a candidate for
12 the office to be voted for at that primary election.

13 D. The nomination petition shall be in substantially the following
14 form:

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

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

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

37 F. The percentage of persons who are registered to vote necessary
38 to sign the nomination petition shall be determined by the total number of
39 registered voters from other than political parties that are qualified to
40 be represented by an official party ballot at the next ensuing primary
41 election and accorded representation on the general election ballot in the
42 state, county, subdivision or district on January 2 of the year in which
43 the general election is held. Notwithstanding the method prescribed by
44 subsection E of this section and this subsection for calculating the
45 minimum number of signatures necessary, any person who is registered to

1 vote in the state, county, subdivision or district for which the candidate
2 is nominated is eligible to sign the nomination petition without regard to
3 the signer's party affiliation.

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

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

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

- 40 1. Candidates for elected office for special taxing districts that
41 are established pursuant to title 48, ~~chapters 2, 3, 11, 12, 15, 17, 18,~~
42 ~~19, 20, 22, 27 and 32.~~
- 43 2. Candidates for precinct committeeman.
- 44 3. Candidates for president or vice president of the United States.

1 J. A person who files a nomination paper pursuant to this section
2 for the office of president of the United States shall designate in
3 writing to the secretary of state at the time of filing the name of the
4 candidate's ~~vice-presidential~~ VICE PRESIDENTIAL running mate, the names of
5 the presidential electors who will represent that candidate and a
6 statement that is signed by the ~~vice-presidential~~ VICE PRESIDENTIAL
7 running mate and the designated presidential electors and that indicates
8 their consent to be designated. A nomination paper for each presidential
9 elector designated shall be filed with the candidate's nomination paper.
10 The number of presidential electors shall equal the number of United
11 States senators and representatives in Congress from this state.

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

17 1. The financial disclosure statement as prescribed for candidates
18 for that office.

19 2. The declaration of qualification and eligibility as prescribed
20 in section 16-311.

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

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

36 Sec. 8. Section 16-410, Arizona Revised Statutes, is amended to
37 read:

38 16-410. Cancellation of certain elections; appointment to
39 office; filling vacancies

40 A. Notwithstanding any other law, in any election that is to be
41 held pursuant to title 15, ~~title~~ OR 48 or section 16-822, if the total of
42 the number of persons who file a nomination petition for a candidate and
43 the number of persons who file a nomination paper for a write-in candidate
44 as prescribed by chapter 3, articles 2 and 3 of this title is less than or
45 equal to the number of positions to be filled at the election for which

1 the nomination petition or nomination paper is filed, the county board of
2 supervisors may cancel the election no earlier than ~~seventy-five~~ ONE
3 HUNDRED FIVE days before the election and appoint the person or persons
4 who filed the nomination petition or nomination paper to fill the position
5 for the term of office for which the candidate was nominated by the
6 qualified electors.

7 B. A person who is appointed pursuant to subsection A of this
8 section is fully vested with the powers and duties of the office as if
9 elected to that office.

10 C. If no nomination petitions for a candidate and no nomination
11 papers for a write-in candidate have been filed to fill the position for
12 which the election was being held, the position is deemed vacant and shall
13 be filled in accordance with laws governing the filling of those
14 vacancies.

15 D. Canceled elections shall not appear on any ballot, but if a
16 withdrawal or disqualification of one or more candidates results in the
17 cancellation of an election after the ballots have been printed, the
18 results of any vote for that office shall not be canvassed.

19 Sec. 9. Section 16-464, Arizona Revised Statutes, is amended to
20 read:

21 16-464. Rotation of names on ballots

22 A. When there are two or more candidates for a nomination, except
23 in the case of precinct committeemen, the names of all candidates for the
24 nomination shall be so alternated ~~upon~~ ON the ballots used in each
25 election precinct that the name of each candidate shall appear
26 substantially an equal number of times at the top, at the bottom and in
27 each intermediate place of the list or group of candidates in which they
28 belong. When there are fewer than or the same number of candidates
29 seeking office as the number to be elected, rotation of names is not
30 required and the names shall be placed in alphabetical order.

31 B. The position of the names of candidates for precinct
32 committeemen shall be ~~drawn by lot~~ ALPHABETICAL BY SURNAME for appearance
33 on the ballot when there are more candidates than positions available.
34 ~~Such drawing shall take place at a public meeting called by the board of~~
35 ~~supervisors for that purpose.~~

36 ~~C. In elections in which paper ballots are used, the ballots shall~~
37 ~~be printed and bound so that every ballot in the bound blocks shall have~~
38 ~~the names in a different and alternating position from the preceding~~
39 ~~ballot.~~

40 ~~D.~~ C. When there are two or more precincts in a political
41 subdivision that hold an all mail ballot election, candidate name rotation
42 shall be the presumed method of ballot organization, unless candidate name
43 rotation is found to be impracticable. When candidate name rotation is
44 found to be impracticable, the position of the names of candidates shall
45 be drawn by lot at a public meeting.

1 ~~E.~~ D. The provisions of this section ~~shall DO not be applied~~ APPLY
2 where voting machines are used.

3 Sec. 10. Section 16-531, Arizona Revised Statutes, is amended to
4 read:

5 16-531. Appointment of election boards; qualifications

6 A. When an election is ordered, and not less than twenty days
7 before a general or primary election, the board of supervisors shall
8 appoint for each election precinct, **VOTING CENTER OR OTHER VOTING LOCATION**
9 one inspector, one marshal, two judges and as many clerks of election as
10 deemed necessary. The inspector, marshal, judges and clerks shall be
11 qualified voters of the precinct for which appointed, ~~unless~~ EXCEPT IF
12 there is not a sufficient number of persons available to provide the
13 number of appointments required, **THE INSPECTOR, MARSHAL, JUDGES AND CLERKS**
14 **SHALL BE QUALIFIED VOTERS OF THIS STATE.** The inspector, marshal and
15 judges shall not have changed their political party affiliation or their
16 no party preference affiliation since the last preceding general election,
17 and if they are members of the two political parties that cast the highest
18 number of votes in the state at the last preceding general election, they
19 shall be divided equally between these two parties. There shall be an
20 equal number of inspectors in the various precincts in the county who are
21 members of the two largest political parties. In each precinct where the
22 inspector is a member of one of the two largest political parties, the
23 marshal in that precinct shall be a member of the other of the two largest
24 political parties. Whenever possible, any person appointed as an
25 inspector shall have had previous experience as an inspector, judge,
26 marshal or clerk of elections. If there is no qualified person in a given
27 precinct, the appointment of an inspector may be made from names provided
28 by the county party chairman. If not less than ninety days before the
29 election the chairman of the county committee of either of the parties
30 designates qualified voters of the precinct, or of another precinct if
31 there are not sufficient members of ~~his~~ THAT party available in the
32 precinct to provide the necessary representation on the election board as
33 judge, such designated qualified voters shall be appointed. The judges,
34 together with the inspector, shall constitute the board of elections. Any
35 registered voter in the election precinct, or in another election precinct
36 if there are not sufficient persons available in the election precinct for
37 which the clerks are being appointed, may be appointed as clerk.

38 B. If the election precinct consists of fewer than three hundred
39 qualified electors, the board of supervisors may appoint not fewer than
40 one inspector and two judges. The board of supervisors shall give notice
41 of election precincts consisting of fewer than three hundred qualified
42 electors to the county chairmen of the two largest political parties not
43 later than thirty days before the election. The inspector and judges
44 shall be appointed in the same manner by party as provided in subsection A
45 of this section.

1 C. If a nonpartisan election is ordered, not less than twenty days
2 before the election the governing board holding the election shall
3 appoint, without consideration for political party, a minimum of three
4 election workers for each polling place. The election workers shall
5 consist of at least one inspector and two judges. Whenever possible, they
6 shall be qualified electors of the precinct located within the district,
7 without consideration for political party.

8 D. For election boards established pursuant to subsection B of this
9 section, the inspector and two judges shall be appointed to provide as
10 equal as practicable representation of members of the two largest
11 political parties on the board in the same manner as provided for the
12 election boards prescribed by subsection A of this section. Any
13 registered voter in the election precinct, or in another election precinct
14 if there are not sufficient persons available in the election precinct for
15 which the clerks are being appointed, may be appointed as clerk. No
16 United States, state, county or precinct officer, nor a candidate for
17 office at the election, other than a precinct committeeman or a candidate
18 for the office of precinct committeeman, is qualified to act as judge,
19 inspector, marshal or clerk.

20 E. If an electronic voting system is in use the write-in ballots
21 shall be tallied by a board of elections consisting of one inspector and
22 two judges who are appointed in the same manner by party as provided in
23 subsection A of this section.

24 F. Notwithstanding any other law, the board of supervisors may
25 appoint to an election board to serve as a clerk of election a person who
26 is not eligible to vote if all of the following conditions are met:

27 1. The person is a minor who will be at least sixteen years of age
28 at the time of the election for which the person is named to the election
29 board.

30 2. The person is a citizen of the United States at the time of the
31 election for which the person is named to the election board.

32 3. The person is supervised by an adult who has been trained as an
33 elections officer.

34 4. The person has received training provided by the officer in
35 charge of elections.

36 5. The parent or guardian of the person has provided written
37 permission for the person to serve.

38 G. A school district or charter school shall not be required to
39 reduce its average daily membership, as defined in section 15-901, for any
40 pupil who is absent from one or more instructional programs as a result of
41 the pupil's service on an election board pursuant to subsection F of this
42 section.

43 H. A school district or charter school shall not count any pupil's
44 absence from one or more instructional programs as a result of the pupil's

1 service on an election board pursuant to subsection F of this section
2 against any mandatory attendance requirements for the pupil.

3 I. ~~Nothing in~~ This section ~~shall~~ DOES NOT prevent the board of
4 supervisors or governing body from refusing for cause to reappoint, or
5 from removing for cause, an election board member.

6 Sec. 11. Section 16-558.02, Arizona Revised Statutes, is amended to
7 read:

8 16-558.02. Replacement ballots

9 A. The county recorder or other officer in charge of ~~the election~~
10 ELECTIONS shall determine a central location in the district AND SHALL
11 PROVIDE FOR A BALLOT REPLACEMENT CENTER THAT IS AS NEAR TO THAT LOCATION
12 AS IS PRACTICABLE for electors to obtain a replacement ballot. The
13 location shall be open FROM 6:00 A.M. until 7:00 p.m. of the day of the
14 election. An elector may obtain a replacement ballot until 7:00 p.m. on
15 the day of the election on ~~presentation of~~ PRESENTING a signed, sworn
16 statement that the ballot was lost, spoiled, destroyed or not received.

17 B. The recorder or other officer in charge of elections shall keep
18 a record of each replacement ballot provided pursuant to this section.

19 C. If an elector to whom a replacement ballot is issued votes more
20 than once, only the first ballot received shall be counted.

21 Sec. 12. Section 16-645, Arizona Revised Statutes, is amended to
22 read:

23 16-645. Canvass and return of precinct vote; declaring
24 nominee of party; certificate of nomination;
25 write-in candidates

26 A. When the board of supervisors, or the governing body of a city
27 or town, has completed its canvass of precinct returns, the person having
28 the largest number of votes, or if more than one candidate is necessary,
29 those candidates to the required number who have received the largest
30 number of votes for the nomination for an office in the political party of
31 which the person was set forth on the ballot as a candidate for the
32 nomination, ~~is~~ SHALL BE declared the nominee of the party for that office
33 and shall be given a certificate of nomination for that office by the
34 board or governing body, which shall entitle the person to have the
35 person's name placed on the official ballot at the ensuing election as the
36 nominee of the party for the office. When canvassing write-in votes the
37 apparent intent of the voter shall be taken into consideration to the
38 extent possible and the standard prescribed for federal write-in
39 candidates in section 16-543.02, subsection C applies.

40 B. The board of supervisors shall deliver the canvass to the
41 secretary of state within ~~ten~~ FOURTEEN days after the primary election,
42 and the secretary of state shall on or before the ~~second~~ THIRD Monday
43 following the primary election canvass the return and issue a letter
44 declaring nomination as provided in this section to the nominees who filed
45 nominating petitions and papers with the secretary of state pursuant to

1 section 16-311, subsection D. For any partisan primary election, the
2 governing body or officer in charge of elections shall prepare and
3 transmit to the secretary of state along with the official canvass the
4 total by party of partisan ballots selected in that primary election by
5 voters who registered as no party preference, as independents or as
6 members of a political party that is not qualified for representation on
7 the ballot.

8 C. A certificate of election shall not be issued to a write-in
9 candidate for precinct committeeman or a write-in candidate for a
10 nonpartisan office unless the candidate receives a number of votes
11 equivalent to at least the same number of signatures required by section
12 16-322 for nominating petitions for the same office.

13 D. Except as provided in subsection C of this section, a letter
14 declaring nomination shall not be issued to a write-in candidate of a
15 party that has not qualified for continued representation on the official
16 ballot pursuant to section 16-804 unless the candidate receives a
17 plurality of the votes of the party for the office for which the candidate
18 is a candidate.

19 E. Except as provided by subsection C of this section, a letter
20 declaring nomination shall not be issued to a write-in candidate of a
21 party qualified for continued representation on the official ballot unless
22 the candidate receives a number of votes equivalent to at least the same
23 number of signatures required by section 16-322 for nominating petitions
24 for the same office.

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

29 Sec. 13. Section 16-802, Arizona Revised Statutes, is amended to
30 read:

31 16-802. Representation of new party on ballot for county or
32 municipal election

33 A new political party shall become eligible for recognition, shall
34 be represented by an official party ballot at the next ensuing primary
35 election of a county, city or town and shall be placed on the official
36 ballot at the succeeding regular election ~~upon~~ **ON** filing with the officer
37 in charge of elections of the county or the city or town clerk, as the
38 case may be, a petition signed by a number of qualified electors equal to
39 not less than two ~~per cent~~ **PERCENT** of the votes cast for county attorney
40 in the case of a county petition or for mayor in the case of a city or
41 town petition. ~~The petition shall bear the certification of the county~~
42 ~~recorder or the city or town clerk, as the case may be, that he has~~
43 ~~examined the signatures on the petition, that it contains the signatures~~
44 ~~of a number of qualified electors equal to not less than two per cent of~~
45 ~~the votes cast for county attorney or mayor at the last preceding~~

1 ~~election, and that it contains the signatures of qualified electors in not~~
2 ~~less than one-fourth of the election precincts of the county, city or~~
3 ~~town.~~ THE COUNTY RECORDER OR THE CITY OR TOWN CLERK, AS APPLICABLE, SHALL
4 REVIEW THE PETITIONS IN THE SAME MANNER PRESCRIBED BY SECTION 16-803,
5 INCLUDING THE SELECTION OF A RANDOM SAMPLE OF TWENTY PERCENT OF THE TOTAL
6 SIGNATURES ELIGIBLE FOR VERIFICATION, WHICH SHALL BE INDIVIDUALLY VERIFIED
7 AND CERTIFIED, AND SHALL PERFORM A CALCULATION AND PROJECTION OF THE TOTAL
8 NUMBER OF VALID SIGNATURES AND MAKE A DETERMINATION WHETHER THE PARTY
9 SHALL BE RECOGNIZED AS PRESCRIBED BY SECTION 16-803, SUBSECTION I.

10 Sec. 14. Section 16-822, Arizona Revised Statutes, is amended to
11 read:

12 16-822. Precinct committeemen; eligibility; vacancy; duties;
13 term

14 A. Any member of a recognized political party who is a registered
15 voter in the precinct is eligible to seek the office of precinct
16 committeeman of that party in that precinct.

17 B. If the number of persons who file nominating petitions for an
18 election to fill precinct committeeman positions is less than or equal to
19 the number of precinct committeeman positions, the county board of
20 supervisors may cancel the election for those positions not sooner than
21 ~~seventy-five~~ ONE HUNDRED FIVE days before the election and appoint the
22 person who filed the nominating petition to fill the position. If no
23 person has filed a nominating petition to fill a position, the position is
24 deemed vacant and shall be filled as otherwise provided by law. A
25 precinct committeeman who is appointed pursuant to this subsection after
26 filing a nominating petition shall be deemed an elected precinct
27 committeeman.

28 C. If the number of persons who file nominating petitions for an
29 election to fill precinct committeeman positions is more than the number
30 of precinct committeeman positions for a recognized political party in a
31 precinct, ~~a separate~~ AN ADDITIONAL ballot STYLE shall be prepared for the
32 ~~election of precinct committeemen for the~~ political party in that
33 precinct, WHICH SHALL INCLUDE THE OFFICE OF PRECINCT COMMITTEEMAN. ~~The~~
34 ~~ballot shall conform as nearly as practicable to ballot requirements in~~
35 ~~this title, and to the official ballot prepared for that party in the~~
36 ~~primary election, but shall be designated as the "official ballot for~~
37 ~~electing precinct committeemen of the _____ party, primary election~~
38 ~~(date), _____ precinct, _____ county, state of Arizona."~~ Only
39 persons who are registered as members of that political party in that
40 precinct may vote that precinct committeeman ballot STYLE. ~~The election~~
41 ~~board or official shall provide the partisan precinct committeeman ballot~~
42 ~~to voters who are registered with that party in addition to the official~~
43 ~~ballot prepared for that party in the primary election.~~

1 D. In addition to other provisions of law regarding removal from
2 office, a vacancy shall exist in the office of precinct committeeman when
3 the precinct committeeman moves from the precinct from which elected or
4 changes political party from the party in which the precinct committeeman
5 was elected.

6 E. The minimum duties of a precinct committeeman shall be to assist
7 the precinct committeeman's political party in voter registration and to
8 assist the voters of that political party to vote on election days.
9 Additional duties shall be as provided for in the state committee bylaws
10 of the precinct committeeman's political party.

11 F. The term of office of a precinct committeeman is two years and
12 begins on October 1 after the primary election at which the precinct
13 committeeman was a candidate and continues until October 1 after the
14 following primary election at which a precinct committeeman is elected.

15 Sec. 15. Section 19-124, Arizona Revised Statutes, is amended to
16 read:

17 19-124. Arguments and analyses on measures; cost; submission
18 at special election

19 A. The person filing an initiative petition may at the same time
20 file with the secretary of state an argument advocating the measure or
21 constitutional amendment proposed in the petition. Not later than
22 ~~forty-eight~~ TWENTY-SEVEN days preceding the regular primary election a
23 person may file with the secretary of state an argument advocating or
24 opposing the measure or constitutional amendment proposed in the petition.
25 Not later than ~~forty-eight~~ TWENTY-SEVEN days preceding the regular primary
26 election a person may file with the secretary of state an argument
27 advocating or opposing any measure with respect to which the referendum
28 has been invoked, or any measure or constitutional amendment referred by
29 the legislature. The secretary of state shall prominently post on its
30 website the dates on which the ballot measure filings are due and the date
31 of the election. Each argument filed shall contain the sworn statement of
32 each person sponsoring it. If the argument is sponsored by an
33 organization, it shall contain the sworn statement of two executive
34 officers of the organization or if sponsored by a political committee it
35 shall contain the sworn statement of the committee's chairman or
36 treasurer. Each argument filed shall also be submitted to the secretary
37 of state in electronic format. Payment of the deposit required by
38 subsection E of this section or reimbursement of the payor constitutes
39 sponsorship of the argument for purposes of this subsection. The person
40 or persons signing the argument shall identify themselves by giving their
41 residence or post office address and a telephone number, which information
42 shall not appear in the publicity pamphlet. Each argument filed pursuant
43 to this subsection shall not exceed three hundred words in length.

1 B. When the legislature orders the secretary of state to submit to
2 the people a measure or proposed amendment to the constitution at a
3 special election and as soon as is practicable after the legislature
4 orders that submittal, the secretary of state shall prominently post on
5 its website the dates on which the analysis, if any, and the arguments
6 advocating or opposing the measure are due and the date of the election.

7 C. Not later than ~~sixty~~ TEN days preceding the regular primary
8 election the legislative council, after providing reasonable opportunity
9 for comments by all legislators, shall prepare and file with the secretary
10 of state an impartial analysis of the provisions of each ballot proposal
11 of a measure or proposed amendment. The analysis shall include a
12 description of the measure and shall be written in clear and concise terms
13 avoiding technical terms wherever possible. The analysis may contain
14 background information, including the effect of the measure on existing
15 law, or any legislative enactment suspended by referendum, if the measure
16 or referendum is approved or rejected.

17 D. The analyses and arguments shall be included in the publicity
18 pamphlet immediately following the measure or amendment to which they
19 refer. Arguments in the affirmative shall be placed first in order, and
20 first among the affirmative or negative arguments shall be placed the
21 arguments filed by the person filing the initiative petition or the person
22 who introduced the measure or constitutional amendment referred. The
23 remaining affirmative and negative arguments shall be placed in the order
24 in which they were filed with the secretary of state.

25 E. The person filing an argument shall deposit with the secretary
26 of state, at the time of filing, an amount of money as prescribed by the
27 secretary of state for the purpose of offsetting a portion of the
28 proportionate cost of the purchase of the paper and the printing of the
29 argument. The secretary of state shall provide for electronic submittal
30 of deposit payments. If the person filing an argument requests that the
31 argument appear in connection with more than one proposition, a deposit
32 shall be made for each placement requested. ~~No such~~ A deposit or payment
33 ~~shall be~~ IS NOT required for the analyses prepared and filed by the
34 legislative council. Any proportional balance remaining of the deposit,
35 after paying the cost, shall be returned to the depositor.

36 F. If a measure is submitted at a special election, and time will
37 not ~~permit~~ ALLOW full compliance with this article, the charter provision
38 or ordinance providing for the special election shall make provision for
39 printing and distribution of the publicity pamphlet.

40 G. In the case of referendum petitions that are not required to be
41 filed until after the primary election or at a time so close to the
42 primary election that a referendum cannot be certified for the ballot
43 before the deadline for filing ballot arguments pursuant to subsection A
44 of this section, the secretary of state may establish a separate deadline

1 for filing the referendum ballot arguments pursuant to rules adopted by
2 the secretary of state.

3 Sec. 16. Section 41-1304, Arizona Revised Statutes, is amended to
4 read:

5 41-1304. Powers and duties

6 A. The legislative council shall:

7 1. Provide bill drafting, research and other services to the
8 legislature deemed necessary or advisable by the council to improve the
9 quality of legislation and to ensure full participation by the legislative
10 branch in determining and reviewing policy and the administration of state
11 affairs.

12 2. Adopt rules and formulate policies for the administration of
13 this article and for the conduct of the affairs of the council.

14 3. Appoint clerical, technical and professional assistants deemed
15 necessary or advisable to carry out this article, fix their compensation
16 and prescribe their powers and duties.

17 4. Maintain a legislative reference library.

18 5. Procure information at the request of members of the legislature
19 on any legislative subject.

20 6. Prepare or revise bills and other legislative measures for
21 members or committees of the legislature and, on request of a member of
22 the legislature, for state officers and agencies.

23 7. Prepare and issue styles and forms for drafting bills,
24 amendments and other legislative measures for the use of the legislature,
25 state officers and persons interested in drafting amendments and bills or
26 measures for introduction in the legislature. The styles and forms for
27 drafting amendments shall be developed and adopted in consultation and
28 cooperation with the senate and the house of representatives.

29 8. Prepare and file with the secretary of state, not later than
30 ~~sixty~~ TEN days preceding the regular primary election, an analysis of the
31 provisions of each ballot proposal of a measure or proposed amendment.

32 B. The legislative council may purchase, lease and otherwise
33 acquire land and buildings and make improvements to land and buildings it
34 acquires or uses for the purpose of providing suitable facilities for the
35 use of the legislative department. The council may obtain operational and
36 maintenance assistance for any legislative facilities without charge from
37 the department of administration, may obtain security assistance from the
38 department of public safety, may employ personnel to discharge
39 operational, maintenance and security functions or may contract for
40 outside services payable from council appropriations.

41 C. The legislative council shall pay legal fees incurred jointly by
42 the house of representatives and the senate on the authorization of the
43 speaker of the house of representatives and the president of the senate.

S.B. 1492

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