

Senate Engrossed

lieutenant governor; duties; ballot

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

# 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 DIRECTOR OF THE ARIZONA DEPARTMENT OF  
8 ADMINISTRATION OR TO FILL ANY POSITION FOR WHICH THE GOVERNOR IS OTHERWISE  
9 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.