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

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

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

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

B. Not later than sixty days before the date of the general election, a candidate for governor shall submit to the secretary of state the name of the person who will be the joint candidate for lieutenant governor with that gubernatorial candidate and whose name will appear on the general election ballot jointly with the candidate for governor.

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

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

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

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

C. A nomination petition stating the name of the office to be filled, the name and residence of the candidate, or, if the candidate does not have an actual residence address, a description of place of residence and post office address, or, if the person's actual residence address is protected pursuant to section 16-153, a post office box or private mailbox address in the candidate's district, precinct or municipality, as applicable for a district, precinct or municipal office, and other information required by this section shall be filed with the same officer with whom primary nomination papers and petitions are required to be filed as prescribed in section 16-311. Except for candidates for the office of presidential elector filed pursuant to this section, the petition shall be filed not less than one hundred twenty days nor more than one hundred
fifty days before the primary election. The petition shall be signed only by voters who have not signed the nomination petitions of a candidate for the office to be voted for at that primary election.

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

The undersigned, qualified electors of __________ county, state of Arizona, do hereby nominate __________, who resides at __________ in the county of __________, as a candidate for the office of _______ at the general (or special, as the case may be) election to be held on the ______ day of ________, _____.

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

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

F. The percentage of persons who are registered to vote necessary to sign the nomination petition shall be determined by the total number of registered voters from other than political parties that are qualified to be represented by an official party ballot at the next ensuing primary election and accorded representation on the general election ballot in the state, county, subdivision or district on January 2 of the year in which the general election is held. Notwithstanding the method prescribed by subsection E of this section and this subsection for calculating the minimum number of signatures necessary, any person who is registered to vote in the state, county, subdivision or district for which the candidate is nominated is eligible to sign the nomination petition without regard to the signer's party affiliation.
G. A nomination petition for any candidate may be circulated by a person who is not a resident of this state but who is otherwise eligible to register to vote in this state if that person registers as a circulator with the secretary of state before circulating petitions. The nomination petition for the office of presidential elector shall include a group of names of candidates equal to the number of United States senators and representatives in Congress from this state instead of separate nomination petitions for each candidate for the office of presidential elector. A valid signature on a petition containing a group of presidential electors candidates is counted as a signature for the nomination of each of the candidates. The presidential candidate whom the candidates for presidential elector will represent shall designate in writing to the secretary of state the names of the candidates who will represent the presidential candidate before any signatures for the candidate can be accepted for filing. A nomination petition for the office of presidential elector shall be filed not less than eighty nor more than one hundred days before the general election. The petition shall be signed only by qualified electors who have not signed the nomination petitions of a candidate for the office of presidential elector to be voted for at that election.

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

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

1. Candidates for elected office for special taxing districts that are established pursuant to title 48.
2. Candidates for precinct committeeman.
3. Candidates for president or vice president of the United States.

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

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

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

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

L. Not later than sixty days before the date of the general election, a candidate for governor who files a nomination petition pursuant to this section shall submit to the secretary of state the name of the person who will be the joint candidate for lieutenant governor with that gubernatorial candidate and whose name will appear on the general election ballot jointly with the candidate for governor.

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

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

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

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

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

1. Shall supervise the official conduct of all executive and ministerial officers.
2. Shall see that all offices are filled and the duties performed
or, in default, invoke such remedy as the law allows.
3. Shall appoint a private secretary to the governor and shall
appoint all officers of this state not made elective, unless otherwise
provided.

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

5. Shall be the sole official means of communication between
this state and the government of any other state or the United States.
6. May direct the attorney general to appear on behalf of this
state when any action or legal proceeding is pending that affects the
title of this state to any property or that may result in a claim against
this state.

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

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

9. May offer rewards for escaped insane persons, not exceeding
five hundred dollars.

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

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

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

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

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

C. The governor is eligible to receive an annual salary pursuant to
section 41-1904.
D. Before an individual is hired as an employee of the office of the governor, that individual shall submit a full set of fingerprints to the governor for the purpose of obtaining a state and federal criminal records check pursuant to section 41-1750 and Public Law 92-544. The department of public safety may exchange this fingerprint data with the federal bureau of investigation.

Sec. 4. Conforming legislation
The legislative council staff shall prepare proposed legislation conforming the Arizona Revised Statutes to the provisions of this act for consideration in the fifty-sixth legislature, first regular session.

Sec. 5. Conditional enactment
This act does not become effective unless the Constitution of Arizona is amended by vote of the people at the next general election by passage of Senate Concurrent Resolution 1024, fifty-fifth legislature, second regular session, relating to the establishment of the office of lieutenant governor.

Sec. 6. Applicability
This act applies beginning with elections for the term of office that starts in 2027.