

REFERENCE TITLE: county recorder; nonpartisan office

State of Arizona
House of Representatives
Fifty-fifth Legislature
Second Regular Session
2022

HB 2435

Introduced by
Representative Shah

AN ACT

AMENDING SECTIONS 16-322 AND 16-502, ARIZONA REVISED STATUTES; RELATING TO
CANDIDATE NOMINATIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 16-322, Arizona Revised Statutes, is amended to
3 read:

4 16-322. Number of signatures required on nomination petitions

5 A. Nomination petitions shall be signed by a number of qualified
6 signers equal to:

7 1. If for a candidate for the office of United States senator or
8 for a state office, excepting members of the legislature and superior
9 court judges, at least one-fourth of one percent but not more than ten
10 percent of the total number of qualified signers in the state.

11 2. If for a candidate for the office of representative in Congress,
12 at least one-half of one percent but not more than ten percent of the
13 total number of qualified signers in the district from which the
14 representative shall be elected except that if for a candidate for a
15 special election to fill a vacancy in the office of representative in
16 Congress, at least one-fourth of one percent but not more than ten percent
17 of the total number of qualified signers in the district from which the
18 representative shall be elected.

19 3. If for a candidate for the office of member of the legislature,
20 at least one-half of one percent but not more than three percent of the
21 total number of qualified signers in the district from which the member of
22 the legislature may be elected.

23 4. If for a candidate for a county office, **OTHER THAN THE COUNTY**
24 **RECORDER**, or **FOR** superior court judge, at least one percent but not more
25 than ten percent of the total number of qualified signers in the county or
26 district, except that if for a candidate from a county with a population
27 of two hundred thousand persons or more, at least one-fourth of one
28 percent but not more than ten percent of the total number of qualified
29 signers in the county or district.

30 5. If for a candidate for a community college district, at least
31 one-quarter of one percent but not more than ten percent of the total
32 voter registration in the precinct as established pursuant to section
33 15-1441. Notwithstanding the total voter registration in the community
34 college district, the maximum number of signatures required by this
35 paragraph is one thousand.

36 6. If for a candidate for county precinct committeeman, at least
37 two percent but not more than ten percent of the party voter registration
38 in the precinct or ten signatures, whichever is less.

39 7. If for a candidate for justice of the peace or constable, at
40 least one percent but not more than ten percent of the number of qualified
41 signers in the precinct.

42 8. If for a candidate for mayor or other office nominated by a city
43 at large, at least five percent and not more than ten percent of the
44 designated party vote in the city, except that a city that chooses to hold
45 nonpartisan elections may provide by ordinance that the minimum number of

1 signatures required for the candidate be one thousand signatures or five
2 percent of the vote in the city, whichever is less, but not more than ten
3 percent of the vote in the city.

4 9. If for an office nominated by ward, precinct or other district
5 of a city, at least five percent and not more than ten percent of the
6 designated party vote in the ward, precinct or other district, except that
7 a city that chooses to hold nonpartisan elections may provide by ordinance
8 that the minimum number of signatures required for the candidate be two
9 hundred fifty signatures or five percent of the vote in the district,
10 whichever is less, but not more than ten percent of the vote in the
11 district.

12 10. If for a candidate for an office nominated by a town at large,
13 by a number of qualified electors who are qualified to vote for the
14 candidate whose nomination petition they are signing equal to at least
15 five percent and not more than ten percent of the vote in the town, except
16 that a town that chooses to hold nonpartisan elections may provide by
17 ordinance that the minimum number of signatures required for the candidate
18 be one thousand signatures or five percent of the vote in the town,
19 whichever is less, but not more than ten percent of the vote in the town.

20 11. If for a candidate for a governing board of a school district
21 or a career technical education district, at least one-half of one percent
22 of the total voter registration in the school district or career technical
23 education district if the board members are elected at large or one
24 percent of the total voter registration in the single member district if
25 governing board members are elected from single member districts or
26 one-half of one percent of the total voter registration in the single
27 member district if career technical education district board members are
28 elected from single member districts. Notwithstanding the total voter
29 registration in the school district, career technical education district
30 or single member district of the school district or career technical
31 education district, the maximum number of signatures required by this
32 paragraph is four hundred.

33 12. If for a candidate for a governing body of a special district
34 as described in title 48, at least one-half of one percent of the vote in
35 the special district but not more than two hundred fifty and not fewer
36 than five signatures.

37 B. The basis of percentage in each instance referred to in
38 subsection A of this section, except in cities, towns and school
39 districts, shall be the number of qualified signers as determined from the
40 voter registration totals as reported pursuant to section 16-168,
41 subsection G on January 2 of the year in which the general election is
42 held. In cities, the basis of percentage shall be the vote of the party
43 for mayor at the last preceding election at which a mayor was elected. In
44 towns, the basis of percentage shall be the highest vote cast for an
45 elected official of the town at the last preceding election at which an

1 official of the town was elected. **FOR THE COUNTY RECORDER AND** in school
2 districts or career technical education districts, the basis of percentage
3 shall be the total number of active registered voters in the **COUNTY**,
4 school district or career technical education district or single member
5 district, whichever applies. The total number of active registered voters
6 for **COUNTY RECORDER**, school districts or career technical education
7 districts shall be calculated using the periodic reports prepared by the
8 county recorder pursuant to section 16-168, subsection G. The count that
9 is reported on January 2 of the year in which the general election is held
10 shall be the basis for the calculation of total voter registration for
11 **COUNTY RECORDER**, school districts or career technical education districts.

12 C. In primary elections the signature requirement for party
13 nominees, other than nominees of the parties entitled to continued
14 representation pursuant to section 16-804, is at least one-tenth of one
15 percent of the total vote for the winning candidate or candidates for
16 governor or presidential electors at the last general election within the
17 district. Signatures must be obtained from qualified electors who are
18 qualified to vote for the candidate whose nomination petition they are
19 signing.

20 D. If new boundaries for congressional districts, legislative
21 districts, supervisorial districts, justice precincts or election
22 precincts are established and effective subsequent to January 2 of the
23 year of a general election and before the date for filing of nomination
24 petitions, the basis for determining the required number of nomination
25 petition signatures is the number of qualified signers in the elective
26 office, district or precinct that was effective on January 2 of the year
27 of a general election.

28 Sec. 2. Section 16-502, Arizona Revised Statutes, is amended to
29 read:

30 **16-502. Form and contents of ballot**

31 A. Ballots shall be printed with black ink on white paper of
32 sufficient thickness to prevent the printing thereon from being
33 discernible from the back, and the same type shall be used for the names
34 of all candidates. The ballots shall be headed "official ballot" in
35 bold-faced plain letters, with a heavy rule above and below the heading.
36 Immediately below shall be placed the words "type of election, (date of
37 election)" and the name of the county and state in which the election is
38 held. The name or number of the precinct in which the election is held
39 shall be placed on the ballot in a uniform location for all ballots. No
40 other matter shall be placed or printed at the head of any ballot.
41 Instructions to the voter on marking the ballot may be printed below the
42 heading as follows:

- 43 1. Put a mark according to the instructions next to the
44 name of each candidate for each office for whom you wish to
45 vote.

1 2. If you wish to vote for a person whose name is not
2 printed on the ballot, write such name in the blank space
3 provided on the ballot and put a mark according to the
4 instructions next to the name so written.

5 3. Put a mark according to the instructions next to the
6 word "yes" or "for" for each proposition or question you wish
7 to be adopted. Put a mark according to the instructions next
8 to the word "no" or "against" for each proposition or question
9 you wish not to be adopted.

10 B. Immediately below the ballot instructions shall be placed the
11 following:

12 Section One
13 Partisan Ballot

14 C. Immediately below the heading for section one there shall be
15 placed in columns the names of the candidates of the several political
16 parties. Next to each candidate's name there shall be printed in
17 bold-faced letters the name of the political party. At the head of each
18 column shall be printed the names of the offices to be filled with the
19 name of each office being of uniform type size. At the head of each
20 column shall be printed in the following order the names of candidates
21 for:

22 1. Presidential electors, which shall be in a list and next to the
23 list shall be printed in bold type the surname of the presidential
24 candidate, and the surname of the vice presidential candidate who is
25 seeking election jointly with the presidential candidate shall be listed
26 directly below the name of the presidential candidate. The indicator for
27 the selection of the presidential and vice presidential candidates shall
28 be directly next to the surname of the presidential candidate, and one
29 mark directly next to a presidential candidate's surname shall be counted
30 as a vote for each elector in the list next to the presidential and vice
31 presidential candidates.

32 2. United States senator.

33 3. Representatives in Congress.

34 4. The several state offices.

35 5. The several county and precinct offices EXCEPT FOR COUNTY
36 RECORDER.

37 D. The names of candidates for the offices of state senator and
38 state representative along with the district number shall be placed within
39 the heading of each column to the right of the office name for state
40 offices and immediately below the candidates for the office of governor.
41 The number of the supervisorial district of which a candidate is a nominee
42 shall be printed within the heading of each column to the right of the
43 name of the office.

44 E. The lists of the candidates of the several parties shall be
45 arranged with the names of the parties in descending order according to

1 the votes cast for governor for that county in the most recent general
 2 election for the office of governor, commencing with the left-hand column.
 3 In the case of political parties that did not have candidates on the
 4 ballot in the last general election, such parties shall be listed in
 5 alphabetical order below the parties that did have candidates on the
 6 ballot in the last general election. The names of all candidates
 7 nominated under section 16-341 shall be placed in a single column below
 8 that of the recognized parties. Next to the name of each candidate, in
 9 parentheses, shall be printed a three-letter abbreviation that is taken
 10 from the three words prescribed in the candidate's certificate of
 11 nomination.

12 F. Immediately below the designation of the office to be voted for
 13 shall appear the words: "Vote for not more than _____" (insert the
 14 number to be elected).

15 G. In each column at the right or left of the name of each
 16 candidate and on the same line there shall be a place for the voter to put
 17 a mark. Below the name of the last named candidate for each office there
 18 shall be as many blank lines as there are offices of the same title to be
 19 filled, with a place for the voter to put a mark. On the blank line the
 20 voter may write the name of any person for whom the voter desires to vote
 21 whose name is not printed, and next to the name so written the voter shall
 22 designate his choice by a mark as in the case of printed names.

23 H. When there are two or more candidates of the same political
 24 party for the same office, or more than one candidate for a judicial
 25 office, the names of all such candidates shall be so alternated on the
 26 ballots used in each election district that the name of each candidate
 27 shall appear substantially an equal number of times in each possible
 28 location. If there are fewer or the same number of candidates seeking
 29 office than the number to be elected, the rotation of names is not
 30 required and the names shall be placed in alphabetical order.

31 I. Immediately below section one of the ballot shall be placed the
 32 following:

33 Section Two
 34 Nonpartisan Ballot

35 J. Immediately below the heading for section two shall be placed
 36 the names of the candidates for justices of the supreme court, judges of
 37 the court of appeals, judges of the superior court standing for retention
 38 or rejection pursuant to article VI, section 38, Constitution of Arizona,
 39 judges of the superior court standing for election pursuant to article VI,
 40 section 12, Constitution of Arizona, COUNTY RECORDER, school district
 41 officials and other nonpartisan officials in a column or in columns
 42 without partisan or other designation except the title of office in an
 43 order determined by the officer in charge of the election.

44 K. Immediately below the offices listed in subsection J of this
 45 section, the ballot shall contain a separate heading of any nonpartisan

1 office for a vacant unexpired term and shall include the expiration date
2 of the term of the vacated office.

3 L. All proposed constitutional amendments and other propositions or
4 questions to be submitted to the voters shall be printed immediately below
5 the names of candidates for nonpartisan positions in such order as the
6 secretary of state, or if a city or town election, the city or town clerk,
7 designates. Placement of county and local charter amendments,
8 propositions or questions shall be determined by the officer in charge of
9 the election. Except as provided by section 19-125, each proposition or
10 question shall be followed by the words "yes" and "no" or "for _____" and
11 "against _____" as the nature of the proposition or question requires,
12 and at the right or left of and next to each of such words shall be a
13 place for the voter to put a mark according to the instructions that is
14 similar in size to those places appearing opposite the names of the
15 candidates, in which the voter may indicate his vote for or against such
16 proposition or question by a mark as defined in section 16-400.

17 M. Instead of printing the official and descriptive titles or the
18 full text of each measure or question on the official ballot, the officer
19 in charge of elections may print phrases on the official ballot that
20 contain all of the following:

21 1. The number of the measure in reverse type and at least ~~twelve~~
22 ~~point~~ TWELVE-POINT type.

23 2. The designation of the measure as prescribed by section 19-125,
24 subsection C or as a question, proposition or charter amendment, followed
25 by the words "relating to..." and inserting the subject.

26 3. Either the statement prescribed by section 19-125, subsection D
27 that describes the effects of a "yes" vote and a "no" vote or, for other
28 measures, the text of the question or proposition.

29 4. The words "yes" and "no" or "for" and "against", as may be
30 appropriate and a place for the voter to put a mark.

31 N. For any ballot printed pursuant to subsection M of this section,
32 the instructions on the official ballot shall direct the voter to the full
33 text of the official and descriptive titles and the questions and
34 propositions as printed on the sample ballot and posted in the polling
35 place.