SENATE BILL 1011

AN ACT

AMENDING SECTIONS 9-821.01 AND 16-502, ARIZONA REVISED STATUTES; RELATING TO MUNICIPAL ELECTIONS.

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

Section 1. Section 9-821.01, Arizona Revised Statutes, is amended to read:

9-821.01. Declaration of statewide concern; city and town elections; districts; procedure

A. Arizona courts have recognized that the Constitution of Arizona requires the legislature's involvement in issues relating to elections conducted by charter cities, including initiative and referendum elections, the method of elections other than by ballot, laws relating to primary elections, voter registration laws to prevent abuse and fraud and campaign finance laws. The legislature finds that the conduct of elections described in this section is a matter of statewide concern.

B. Notwithstanding any other law, a city or town shall not hold any election on candidates for which there is any indication on the ballot of the source of the candidacy or of the support of the candidate. AS FOLLOWS:

1. WITH THE CANDIDATE'S POLITICAL PARTY REGISTRATION INDICATED ON THE BALLOT.

2. WITHOUT THE CANDIDATE'S POLITICAL PARTY REGISTRATION INDICATED ON THE BALLOT.

C. Notwithstanding any other law, for any city or town that provides for election of city or town council members by district, ward, precinct or other geographical designation, only those voters who are qualified electors of the district, ward, precinct or other geographic designation are eligible to vote for that council member candidate in the city or town's primary, general, runoff or other election.

D. Notwithstanding any other law or any charter provision, a city or town may by ordinance provide that at the primary election any candidate for the office of mayor or city council who receives a majority of all votes cast at that election for that office is declared elected to the office for which the person is a candidate, effective as of the date of the general election, and a further election may not be held as to such candidate. For the purposes of this subsection, the majority of votes cast is determined by:

1. Calculating the total number of actual votes cast for all candidates for an office whose names were lawfully on the ballot for that office.

2. Dividing the sum reached pursuant to paragraph 1 of this subsection by the number of seats to be filled for the office.

3. Dividing the number reached pursuant to paragraph 2 of this subsection by two and rounding that number to the highest whole number.

E. If more candidates receive a majority of votes cast than there are seats to be filled for the office pursuant to subsection D of this section, from among those candidates who receive a majority of votes cast, the candidates who receive the highest number of votes equal to the number
of seats to be filled for the office is \textit{shall} be declared elected to that office.

\textbf{F.} If at the primary election no candidate receives the majority of the votes cast or the number of seats to be filled for the office is more than the number of candidates who receive a majority of votes cast, of the candidates who did not receive a majority of votes cast, the number of candidates who advance to the general or runoff election \textit{shall} be equal in number to twice the number of seats to be filled for the office and the candidates who received the highest number of votes for the office \textit{shall} be the only candidates at the general or runoff election. If more than one candidate received an equal number of votes and that number was the highest number of votes for the office, then all candidates receiving the equal number of votes \textit{are} \textit{shall} be candidates at the general or runoff election. The candidates equal in number to the seats to be filled for the office who receive the highest number of votes at the general or runoff election \textit{shall} be declared elected to that office. If two or more candidates receive an equal number of votes cast for the same office, and a higher number than any other candidate, the candidate who shall be declared elected \textit{shall} be determined by lot in the presence of the candidates. A write-in candidate may not advance to the general or runoff election if the write-in candidate did not receive a number of votes equivalent to at least the same number of signatures required by section 16-322 for nominating petitions for the same office.

\textbf{G.} In addition to subsection D of this section, any town with a population of five thousand persons or less may by majority vote of the qualified electors of the town voting on the question provide that at the primary election those candidates receiving the highest number of votes for the offices to be filled \textit{are} \textit{shall} be declared elected to the office, and a further election may not be held if at least three-fifths of the seats are filled by persons receiving a majority of the votes cast as provided in subsection D of this section.

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

\textbf{16-502. Form and contents of ballot}

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

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

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

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

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

Section One
Partisan Ballot

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

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

2. United States senator.
3. Representatives in Congress.
4. The several state offices.
5. The several county and precinct offices.
6. FOR MUNICIPALITIES HOLDING PARTISAN ELECTIONS, THE SEVERAL MUNICIPAL OFFICES.

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

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

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

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

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

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

   Section Two
   Nonpartisan Ballot

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

K. Immediately below the offices listed in subsection J of this
section, the ballot shall contain a separate heading of any nonpartisan
office for a vacant unexpired term and shall include the expiration date
of the term of the vacated office.

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

M. Instead of printing the official and descriptive titles or the
full text of each measure or question on the official ballot, the officer
in charge of elections may print phrases on the official ballot that
contain all of the following:
1. The number of the measure in reverse type and at least twelve
point TWELVE-POINT type.
2. The designation of the measure as prescribed by section 19-125,
subsection C or as a question, proposition or charter amendment, followed
by the words "relating to..." and inserting the subject.
3. Either the statement prescribed by section 19-125, subsection D
that describes the effects of a "yes" vote and a "no" vote or, for other
measures, the text of the question or proposition.
4. The words "yes" and "no" or "for" and "against", as may be
appropriate and a place for the voter to put a mark.

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

Sec. 3. Applicability
This act applies to municipal elections held on or after January 1,
2024.