

REFERENCE TITLE: candidate challenge; fourteenth amendment

State of Arizona
Senate
Fifty-sixth Legislature
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SB 1546

Introduced by
Senators Mendez: Alston, Burch, Diaz, Epstein, Hatathlie, Hernandez,
Marsh, Sundareshan

AN ACT

AMENDING SECTION 16-351, ARIZONA REVISED STATUTES; RELATING TO NOMINATING PROCEDURES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 16-351, Arizona Revised Statutes, is amended to
3 read:

4 16-351. Limitations on appeals of validity of nomination
5 petitions; disqualification of candidate

6 A. Any elector filing any court action challenging the nomination
7 of a candidate as provided for in this chapter shall do so not later than
8 5:00 p.m. of the tenth day, excluding Saturday, Sunday and other legal
9 holidays, after the last day for filing nomination papers and petitions.
10 The elector shall specify in the action the petition number, line number
11 and basis for the challenge for each signature being challenged. Failure
12 to specify this information shall result in the dismissal of the court
13 action. Within ten days after the filing of the action, the superior
14 court shall hear and render a decision on the matter. The decision is
15 appealable only to the supreme court, and notice of appeal shall be filed
16 within five days after the decision of the superior court in the action.
17 The supreme court shall hear and render a decision on the appeal promptly.

18 B. Any elector may challenge a candidate for any reason relating to
19 qualifications for the office sought as prescribed by SECTION 3 OF THE
20 FOURTEENTH AMENDMENT TO THE UNITED STATES CONSTITUTION OR ANY STATE OR
21 FEDERAL law, including age, residency, professional requirements or
22 failure to fully pay fines, penalties or judgments as prescribed in
23 sections 16-311, 16-312 and 16-341, if applicable.

24 C. In any action challenging a nomination petition, the following
25 persons are indispensable parties to the action and shall be named and
26 served as defendants:

- 27 1. The candidate whose petition is the subject of the challenge.
- 28 2. The officer with whom the petitions are required to be filed.
- 29 3. The board of supervisors and the recorder of each county or the
30 clerk of each city or town who is responsible for preparing the ballots
31 that contain the challenged candidate's name.

32 D. For the purposes of an action challenging nomination petitions,
33 the board of supervisors and the recorder of each county or the clerk of
34 each city or town responsible for preparing the ballots that contain the
35 challenged candidate's name and each person filing a nomination petition
36 under this chapter appoints the officer with whom the candidate files the
37 nomination paper and petitions as the person's agent to receive service of
38 process. In an action challenging a nomination petition process shall be
39 served immediately after the action is filed and ~~in no event~~ NOT more than
40 twenty-four hours after filing the action, excluding Saturdays, Sundays
41 and other legal holidays. Immediately on receipt of process served on the
42 officer as agent for a person filing a nomination petition, the officer
43 shall mail the process to the person and shall notify the person by
44 telephone of the filing of the action.

1 E. The county recorder or other officer in charge of elections
2 shall perform petition signature verifications for nomination petition
3 challenges for signatures of qualified electors who are residents of that
4 county and shall provide testimony and other evidence on request of any of
5 the parties to the challenge.

6 F. Notwithstanding the system used pursuant to section 16-163,
7 subsection D, the most current version of the general county register at
8 the time of filing of a court action challenging a nomination petition
9 constitutes the official record to be used to determine on a prima facie
10 basis by the challenger that the signer of a petition was not registered
11 to vote at the residence address given, or at the address on the general
12 county register if a mailing address was given, on the date of signing of
13 the petition. This subsection does not preclude the challenged candidate
14 from introducing into evidence a certified copy of the registration form
15 of any signer of a petition dated on or before the date of the signing of
16 the petition if the registration form is in the possession of the county
17 recorder but has not yet been filed in the general county register.

18 G. In addition to the procedures set forth in this section, all
19 petitions that have been submitted by a candidate who is found guilty of
20 petition forgery shall be disqualified and that candidate shall not be
21 eligible to seek election to a public office for a period of not less than
22 five years.