

REFERENCE TITLE: write-in candidates; deadlines; ballots

State of Arizona
Senate
Fifty-sixth Legislature
Second Regular Session
2024

SB 1114

Introduced by
Senator Bennett

AN ACT

AMENDING SECTIONS 16-312 AND 16-502, ARIZONA REVISED STATUTES; RELATING TO
WRITE-IN CANDIDATES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 16-312, Arizona Revised Statutes, is amended to
3 read:

4 16-312. Filing of nomination papers for write-in candidates

5 A. Any person desiring to become a write-in candidate for an
6 elective office in any election shall be at the time of filing a qualified
7 elector of the county or district the person proposes to represent and
8 shall have been a resident of that county or district for one hundred
9 twenty days before the date of the election, except that for a city or
10 town office, section 9-232 applies with respect to residency for the
11 candidate. The person shall file a nomination paper, signed by the
12 candidate, giving the person's actual residence address or, if the person
13 does not have an actual residence address, a description of place of
14 residence and post office address, or, if the person's actual residence
15 address is protected pursuant to section 16-153, a post office box or
16 private mailbox address in the candidate's district, precinct or
17 municipality, as applicable for the district, precinct or municipal office
18 that the person proposes to represent, and the person's age, length of
19 residence in the state and date of birth.

20 B. A write-in candidate shall file the nomination paper not earlier
21 than one hundred fifty days before the election and not later than 5:00
22 p.m. on the ~~fortieth~~ SEVENTIETH day before the election, except that:

23 1. A candidate running as a write-in candidate as provided in
24 section 16-343, subsection D shall file the nomination paper not later
25 than 5:00 p.m. on the fifth day before the election.

26 2. A candidate running as a write-in candidate for an election that
27 may be canceled pursuant to section 16-410 shall file the nomination paper
28 not later than 5:00 p.m. on the one hundred sixth day before the election.

29 C. The write-in filing procedure shall be in the same manner as
30 prescribed in section 16-311. Any person who does not file a timely
31 nomination paper shall not be counted in the tally of ballots. The filing
32 officer shall not accept the nomination paper of a candidate for state or
33 local office unless the candidate provides or has provided the financial
34 disclosure statement as prescribed for candidates for that office.

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

1 E. The secretary of state shall notify the various boards of
 2 supervisors as to write-in candidates filing with the secretary of state's
 3 office. The county school superintendent shall notify the appropriate
 4 board of supervisors as to write-in candidates filing with the
 5 superintendent's office. The board of supervisors shall notify the
 6 appropriate election board inspector of all candidates who have properly
 7 filed such statements. In the case of a city or town election, the city
 8 or town clerk shall notify the appropriate election board inspector of
 9 candidates properly filed. No other write-ins shall be counted. The
 10 election board inspector shall post the notice of official write-in
 11 candidates in a conspicuous location within the polling place.

12 F. Except as provided in section 16-343, subsection E, a candidate
 13 may not file pursuant to this section if any of the following applies:

14 1. For a candidate in the general election, the candidate ran in
 15 the immediately preceding primary election and failed to be nominated to
 16 the office sought in the current election.

17 2. For a candidate in the general election, the candidate filed a
 18 nomination petition for the immediately preceding primary election for the
 19 office sought and failed to provide a sufficient number of valid petition
 20 signatures as prescribed by section 16-322.

21 3. For a candidate in the primary election, the candidate filed a
 22 nomination petition for the current primary election for the office sought
 23 and failed to provide a sufficient number of valid petition signatures as
 24 prescribed by section 16-322, withdrew from the primary election after a
 25 challenge was filed or was removed from or otherwise determined by court
 26 order to be ineligible for the primary election ballot.

27 4. For a candidate in the general election, the candidate filed a
 28 nomination petition for nomination other than by primary for the office
 29 sought and failed to provide a sufficient number of valid petition
 30 signatures as prescribed by section 16-341.

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

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

3 16-502. Form and contents of ballot

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

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

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

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

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

30 Section One

31 Partisan Ballot

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

40 1. Presidential electors, which shall be in a list and next to the
41 list shall be printed in bold type the surname of the presidential
42 candidate, and the surname of the vice presidential candidate who is
43 seeking election jointly with the presidential candidate shall be listed
44 directly below the name of the presidential candidate. The indicator for
45 the selection of the presidential and vice presidential candidates shall

1 be directly next to the surname of the presidential candidate, and one
 2 mark directly next to a presidential candidate's surname shall be counted
 3 as a vote for each elector in the list next to the presidential and vice
 4 presidential candidates.

5 2. United States senator.

6 3. Representatives in Congress.

7 4. The several state offices.

8 5. The several county and precinct offices.

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

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

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

32 G. In each column at the right or left of the name of each
 33 candidate and on the same line there shall be a place for the voter to put
 34 a mark. Below the name of the last named candidate for each office there
 35 shall be as many blank lines as there are QUALIFIED WRITE-IN CANDIDATES
 36 FOR EACH OFFICE, PLUS ONE ADDITIONAL BLANK LINE FOR EACH OFFICE, EXCEPT
 37 THAT THE TOTAL NUMBER OF BLANK LINES FOR AN OFFICE IS LIMITED TO NOT MORE
 38 THAN THE TOTAL NUMBER OF offices of ~~the~~ THAT same title to be
 39 filled ~~with~~. IF THERE ARE NO QUALIFIED WRITE-IN CANDIDATES FOR THAT
 40 OFFICE, THERE SHALL BE ONE BLANK LINE. EACH BLANK LINE SHALL HAVE a place
 41 for the voter to put a mark. On the blank line the voter may write the
 42 name of any person for whom the voter desires to vote whose name is not
 43 printed, and next to the name so written the voter shall designate his
 44 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.

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

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

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

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