



STATE OF ARIZONA

JANICE K. BREWER
GOVERNOR

EXECUTIVE OFFICE

April 27, 2011

The Honorable Ken Bennett
Secretary of State
1700 W. Washington
Phoenix, Arizona 85007

RE: House Bill 2335 (presidential ballot; president; vice-president)

Dear Secretary Bennett:

Today I signed HB 2335, which proposes to add the name of the Vice Presidential candidates to the general election ballot below the Presidential candidates. Although I support adding the name of the Vice Presidential candidates to the ballot as this bill proposes to do, it contains an error that will cause voter confusion by requiring the Presidential and Vice Presidential candidates to be listed separately from the names of the presidential electors, who currently appear next to the surname of the Presidential candidate.

The voters elect presidential electors and do not vote for the Presidential and Vice-Presidential candidates themselves. Thus, it would not be appropriate to ask voters to cast a vote for these candidates separate from a vote for the presidential electors as required by the bill. I have spoken with the bill's sponsor, Representative Jack Harper, and he has assured me that he will introduce legislation to fix this error before the 2012 general election.

Sincerely,

Janice K. Brewer
Governor

cc: The Honorable Russell Pearce
The Honorable Kirk Adams
The Honorable Jack Harper
Senate Secretary
Chief Clerk of the House of Representatives
Arizona News Service

House Engrossed
FILED
KEN BENNETT
SECRETARY OF STATE

State of Arizona
House of Representatives
Fiftieth Legislature
First Regular Session
2011

CHAPTER 299

HOUSE BILL 2335

AN ACT

AMENDING SECTIONS 16-502 AND 16-507, ARIZONA REVISED STATUTES; RELATING TO
CONDUCT OF ELECTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

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

4 16-502. Form and contents of ballot

5 A. Ballots shall be printed with black ink on white paper of
6 sufficient thickness to prevent the printing thereon from being discernible
7 from the back, and the same type shall be used for the names of all
8 candidates. The ballots shall be headed "official ballot" in bold-faced
9 plain letters, with a heavy rule above and below the heading. Immediately
10 below shall be placed the words "type of election, (date of election)" and
11 the name of the county and state in which the election is held. The name or
12 number of the precinct in which the election is held shall be placed on the
13 ballot in a uniform location for all ballots. No other matter shall be
14 placed or printed at the head of any ballot, except above the heading there
15 may be a stub that contains the words "stub no. _____, register no. _____, to
16 be torn off by inspector." The stub shall be separated from the ballot by a
17 perforated line, so that it may be easily detached from the ballot.
18 Instructions to the voter on marking the ballot may be printed below the
19 heading. The official ballots shall be bound together in blocks of not less
20 than five nor more than one hundred.

21 B. Immediately below the ballot heading shall be placed the following:

22 "Section One

23 Partisan Ballot

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

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

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

38 1. PRESIDENT AND VICE-PRESIDENT. THE INDICATOR FOR THE SELECTION OF A
39 CANDIDATE SHALL BE NEXT TO THE NAME OF THE CANDIDATE FOR PRESIDENT, AND THE
40 VICE-PRESIDENTIAL CANDIDATE'S NAME SHALL BE LISTED IMMEDIATELY BELOW THAT OF
41 THE PRESIDENTIAL CANDIDATE.

42 ~~1.~~ 2. Presidential electors.

43 ~~2.~~ 3. United States senator.

1 ~~3.~~ 4. Representatives in Congress.

2 ~~4.~~ 5. The several state offices.

3 ~~5.~~ 6. The several county and precinct offices.

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

10 E. The lists of the candidates of the several parties shall be
11 arranged with the names of the parties in descending order according to the
12 votes cast for governor for that county in the most recent general election
13 for the office of governor, commencing with the left-hand column. In the
14 case of political parties which did not have candidates on the ballot in the
15 last general election, such parties shall be listed in alphabetical order
16 below the parties which did have candidates on the ballot in the last general
17 election. The names of all candidates nominated under section 16-341 shall
18 be placed in a single column below that of the recognized parties. Next to
19 the name of each candidate, in parentheses, shall be printed the designation
20 not to exceed three words in length as prescribed in the candidate's
21 certificate of nomination.

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

25 G. In each column at the right of the name of each candidate and on
26 the same line there shall be a place for the voter to put a mark. Below the
27 name of the last named candidate for each office there shall be as many blank
28 lines as there are offices of the same title to be filled, with a place for
29 the voter to put a mark unless write-in envelopes are provided for that
30 purpose. Upon the blank line the voter may write the name of any person for
31 whom he desires to vote whose name is not printed, and next to the name so
32 written he shall designate his choice by a mark as in the case of printed
33 names.

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

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

"Section Two
Nonpartisan Ballot

1
2
3 1. Put a mark according to the instructions next to the
4 name of each candidate for each nonpartisan office for whom you
5 wish to vote.

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

10 3. Put a mark according to the instructions next to the
11 word 'yes' (or for) for each proposition or question you wish to
12 be adopted. Put a mark according to the instructions next to
13 the word 'no' (or against) for each proposition or question you
14 wish not to be adopted."

15 J. Immediately below the instructions for voting in section two shall
16 be placed the names of the candidates for judges of the superior court
17 standing for election pursuant to article VI, section 12, Constitution of
18 Arizona, school district officials, justice JUSTICES of the supreme court,
19 judges of the court of appeals, judges of the superior court standing for
20 retention or rejection pursuant to article VI, section 38, Constitution of
21 Arizona, and other nonpartisan officials in a column or in columns without
22 partisan or other designation except the title of office in an order
23 determined by the officer in charge of the election.

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

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

42 M. Instead of printing the official and descriptive titles or the full
43 text of each measure or question on the official ballot, the officer in
44 charge of elections may print phrases on the official ballot that contain all
45 of the following:

- 1 1. The number of the measure in reverse type and at least twelve point
- 2 type.
- 3 2. The designation of the measure as prescribed by section 19-125,
- 4 subsection C or as a question, proposition or charter amendment, followed by
- 5 the words "relating to..." and inserting the subject.
- 6 3. Either the statement prescribed by section 19-125, subsection D
- 7 that describes the effects of a "yes" vote and a "no" vote or, for other
- 8 measures, the text of the question or proposition.
- 9 4. The words "yes" and "no" or "for" and "against", as may be
- 10 appropriate and a place for the voter to put a mark.
- 11 N. For any ballot printed pursuant to subsection M of this section,
- 12 the instructions on the official ballot shall direct the voter to the full
- 13 text of the official and descriptive titles and the questions and
- 14 propositions as printed on the sample ballot and posted in the polling place.
- 15 Sec. 2. Section 16-507, Arizona Revised Statutes, is amended to read:
- 16 16-507. Presentation of presidential candidates on ballot
- 17 When presidential electors are to be voted for, the candidates therefor
- 18 of each party shall be grouped and printed together, arranged in each group
- 19 in alphabetical order, and the entire group of electors of each party shall
- 20 be enclosed in a scroll or bracket to the right and opposite the center on
- 21 which shall be printed in bold type the surname of the presidential candidate
- 22 ~~represented AND VICE-PRESIDENTIAL CANDIDATE. To the right of and on a line~~
- 23 ~~with the surname shall be placed a square in which the voter may indicate his~~
- 24 ~~choice by a mark as defined in section 16-400~~ THE INDICATOR FOR THE SELECTION
- 25 OF A CANDIDATE SHALL BE NEXT TO THE SURNAME OF THE PRESIDENTIAL CANDIDATE,
- 26 and one mark opposite a ~~group of presidential electors~~ CANDIDATE'S SURNAME
- 27 shall be counted as a vote for each elector in ~~such group~~ THAT PARTY.

APPROVED BY THE GOVERNOR APRIL 27, 2011.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 27, 2011.

Passed the House February 14, 20 11

by the following vote: 57 Ayes,

3 Nays, 0 Not Voting

[Signature]
Speaker of the House

Cheryl Laube
Chief Clerk of the House

Passed the Senate April 12, 20 11

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting

[Signature]
President of the Senate

Charmian Bellington
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

14 day of April, 20 11

at 8:30 o'clock A. M.

[Signature]
Secretary to the Governor

Approved this 27 day of

April

at 4:00 o'clock P. M.

[Signature]
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 27th day of April, 20 11

at 5:31 o'clock P. M.

[Signature]
Secretary of State

H.B. 2335