

House Engrossed Senate Bill

**FILED**  
**KEN BENNETT**  
**SECRETARY OF STATE**

State of Arizona  
Senate  
Fiftieth Legislature  
Second Regular Session  
2012

CHAPTER 61

## **SENATE BILL 1048**

AN ACT

AMENDING SECTIONS 16-502 AND 16-507, ARIZONA REVISED STATUTES; AMENDING LAWS 2011, CHAPTER 332, SECTION 30; 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 ~~2. 1. Presidential electors—, WHICH SHALL BE ENCLOSED IN A BRACKETED~~  
43 ~~LIST AND NEXT TO THE BRACKETED LIST SHALL BE PRINTED IN BOLD TYPE THE SURNAME~~  
44 ~~OF THE PRESIDENTIAL CANDIDATE AND THE SURNAME OF THE VICE-PRESIDENTIAL~~  
45 ~~CANDIDATE WHO IS SEEKING ELECTION JOINTLY WITH THE PRESIDENTIAL CANDIDATE~~

1 SHALL BE LISTED DIRECTLY BELOW THE NAME OF THE PRESIDENTIAL CANDIDATE. THE  
2 INDICATOR FOR THE SELECTION OF THE PRESIDENTIAL AND VICE-PRESIDENTIAL  
3 CANDIDATES SHALL BE DIRECTLY NEXT TO THE SURNAME OF THE PRESIDENTIAL  
4 CANDIDATE AND ONE MARK DIRECTLY NEXT TO A PRESIDENTIAL CANDIDATE'S SURNAME  
5 SHALL BE COUNTED AS A VOTE FOR EACH ELECTOR IN THE BRACKETED LIST NEXT TO THE  
6 PRESIDENTIAL AND VICE-PRESIDENTIAL CANDIDATES.

- 7 ~~3.~~ 2. United States senator.
- 8 ~~4.~~ 3. Representatives in Congress.
- 9 ~~5.~~ 4. The several state offices.
- 10 ~~6.~~ 5. The several county and precinct offices.

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

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

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

41 H. When there are two or more candidates of the same political party  
42 for the same office, or more than one candidate for a judicial office, the  
43 names of all such candidates shall be so alternated on the ballots used in  
44 each election district that the name of each candidate shall appear  
45 substantially an equal number of times in each possible location. If there

1 are fewer or the same number of candidates seeking office than the number to  
2 be elected, the rotation of names is not required and the names shall be  
3 placed in alphabetical order.

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

6 "Section Two  
7 Nonpartisan Ballot

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

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

15 3. Put a mark according to the instructions next to the  
16 word 'yes' (or for) for each proposition or question you wish to  
17 be adopted. Put a mark according to the instructions next to  
18 the word 'no' (or against) for each proposition or question you  
19 wish not to be adopted."

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

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

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

1 indicate his vote for or against such proposition or question by a mark as  
2 defined in section 16-400.

3 M. Instead of printing the official and descriptive titles or the full  
4 text of each measure or question on the official ballot, the officer in  
5 charge of elections may print phrases on the official ballot that contain all  
6 of the following:

7 1. The number of the measure in reverse type and at least twelve point  
8 type.

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

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

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

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

21 Sec. 2. Section 16-507, Arizona Revised Statutes, is amended to read:  
22 16-507. Presentation of presidential candidates on ballot

23 A. When presidential electors are to be voted for, the PRESIDENTIAL  
24 AND VICE-PRESIDENTIAL candidates therefor of each party shall be grouped and  
25 printed together, arranged in ~~each group~~ in alphabetical order ACCORDING TO  
26 THE PRESIDENTIAL CANDIDATE'S SURNAME.

27 B. PRESIDENTIAL ELECTORS, WHICH, ~~and the entire group of electors of~~  
28 ~~each party~~ shall be enclosed in a ~~scroll or bracket to the right and~~  
29 BRACKETED LIST AND ~~opposite the center on which~~ NEXT TO THE BRACKETED LIST  
30 shall be printed in bold type the surname of the presidential candidate and  
31 vice-presidential candidate WHO IS SEEKING ELECTION JOINTLY WITH THE  
32 PRESIDENTIAL CANDIDATE SHALL BE LISTED DIRECTLY BELOW THE NAME OF THE  
33 PRESIDENTIAL CANDIDATE. The indicator for the selection of ~~a candidate~~ THE  
34 PRESIDENTIAL AND VICE-PRESIDENTIAL CANDIDATES shall be DIRECTLY next to the  
35 surname of the presidential candidate, and one mark ~~opposite~~ DIRECTLY NEXT TO  
36 a presidential candidate's surname shall be counted as a vote for each  
37 elector in ~~that party~~ THE BRACKETED LIST NEXT TO THE PRESIDENTIAL AND  
38 VICE-PRESIDENTIAL CANDIDATES.

39 Sec. 3. Laws 2011, chapter 332, section 30 is amended to read:

40 Sec. 30. 2012 legislative and congressional candidates;  
41 secretary of state; nomination papers and petitions;  
42 nomination signatures

43 A. Notwithstanding any other law, for candidates for election in 2012  
44 to the legislature OR TO THE UNITED STATES CONGRESS, ~~the following apply:~~

1       ~~1.~~ if the nomination paper and nomination petition are in compliance  
2 with otherwise applicable law, the secretary of state shall accept as a valid  
3 filing the nomination paper and nomination petition of a person that  
4 ~~designates~~ DESIGNATE a legislative district for that person's candidacy and  
5 that use any or all of the following:

- 6       1. FOR A CANDIDATE FOR THE LEGISLATURE:  
7       (a) A legislative district number as used in the 2010 elections.  
8       (b) A legislative district as ~~denominated~~ DESIGNATED in a  
9 redistricting plan adopted by the 2011 independent redistricting commission.  
10       (c) A legislative district as ~~denominated~~ DESIGNATED in a  
11 redistricting plan that is precleared FOR USE IN THE 2012 ELECTION by the  
12 United States department of justice OR THAT IS ORDERED FOR USE IN THE 2012  
13 ELECTION BY A COURT OF COMPETENT JURISDICTION.

- 14       2. FOR A CANDIDATE FOR THE UNITED STATES CONGRESS:  
15       (a) A CONGRESSIONAL DISTRICT AS USED IN THE 2010 ELECTIONS.  
16       (b) A CONGRESSIONAL DISTRICT AS DESIGNATED IN A REDISTRICTING PLAN  
17 ADOPTED BY THE 2011 INDEPENDENT REDISTRICTING COMMISSION.  
18       (c) A CONGRESSIONAL DISTRICT AS DESIGNATED IN A REDISTRICTING PLAN  
19 THAT IS PRECLEARED FOR USE IN THE 2012 ELECTION BY THE UNITED STATES  
20 DEPARTMENT OF JUSTICE OR THAT IS ORDERED FOR USE IN THE 2012 ELECTION BY A  
21 COURT OF COMPETENT JURISDICTION.

22       B. NOTWITHSTANDING ANY OTHER LAW, FOR CANDIDATES FOR ELECTION IN 2012  
23 TO THE LEGISLATURE OR TO THE UNITED STATES CONGRESS, if the candidate  
24 nomination petition and the petition signers are in compliance with otherwise  
25 applicable law, the secretary of state shall accept and petition signers are  
26 valid if the petition signers are registered voters who are residents of any  
27 or all of the following districts that the candidate proposes to represent:

- 28       1. FOR A CANDIDATE FOR THE LEGISLATURE:  
29       (a) A legislative district as used in the 2010 elections.  
30       (b) A legislative district as ~~denominated~~ DESIGNATED in a  
31 redistricting plan adopted by the 2011 independent redistricting commission.  
32       (c) A legislative district as ~~denominated~~ DESIGNATED in a  
33 redistricting plan that is precleared FOR USE IN THE 2012 ELECTION by the  
34 United States department of justice OR THAT IS ORDERED FOR USE IN THE 2012  
35 ELECTION BY A COURT OF COMPETENT JURISDICTION.

- 36       2. FOR A CANDIDATE FOR THE UNITED STATES CONGRESS:  
37       (a) A CONGRESSIONAL DISTRICT AS USED IN THE 2010 ELECTIONS.  
38       (b) A CONGRESSIONAL DISTRICT AS DESIGNATED IN A REDISTRICTING PLAN  
39 ADOPTED BY THE 2011 INDEPENDENT REDISTRICTING COMMISSION.  
40       (c) A CONGRESSIONAL DISTRICT AS DESIGNATED IN A REDISTRICTING PLAN  
41 THAT IS PRECLEARED FOR USE IN THE 2012 ELECTION BY THE UNITED STATES  
42 DEPARTMENT OF JUSTICE OR THAT IS ORDERED FOR USE IN THE 2012 ELECTION BY A  
43 COURT OF COMPETENT JURISDICTION.

1 C. THIS SECTION DOES NOT APPLY TO NOMINATION PAPERS AND NOMINATION  
2 PETITIONS FOR A SPECIAL ELECTION TO FILL A VACANCY IN THE OFFICE OF THE  
3 UNITED STATES HOUSE OF REPRESENTATIVES.

4 Sec. 4. Retroactivity

5 Laws 2011, chapter 332, section 30, as amended by this act is effective  
6 retroactively to from and after July 19, 2011.

7 Sec. 5. Emergency

8 This act is an emergency measure that is necessary to preserve the  
9 public peace, health or safety and is operative immediately as provided by  
10 law.

APPROVED BY THE GOVERNOR MARCH 21, 2012.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 22, 2012.

Passed the House February 16, 2012,

by the following vote: 40 Ayes,

16 Nays, 3 Not Voting  
1 vacant

[Signature]  
Speaker of the House  
Pro Tempore  
Cheryl Laube  
Chief Clerk of the House

Passed the Senate January 19, 2012,

by the following vote: 19 Ayes,

9 Nays, 1 Not Voting

[Signature]  
President of the Senate  
[Signature]  
Secretary of the Senate

**EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR**

This Bill was received by the Governor this

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary to the Governor

Approved this \_\_\_\_\_ day of

\_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of Arizona

**S.B. 1048**

**EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE**

This Bill was received by the Secretary of State

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State

SENATE CONCURS IN HOUSE  
AMENDMENTS AND FINAL PASSAGE

Passed the Senate March 20, 20 12

by the following vote: 28 Ayes,

1 Nays, 1 Not Voting

Steve Pierce With Emergency  
President of the Senate

Charmian Bellington  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill received by the Governor this

20 day of March, 20 12

at 10:50 o'clock A M.

[Signature]  
Secretary to the Governor

Approved this 21<sup>st</sup> day of

March

at 2:35 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 22<sup>nd</sup> day of March, 20 12

at 8:14 o'clock a M.

[Signature]  
Secretary of State