

House Engrossed Senate Bill

FILED

**MICHELE REAGAN
SECRETARY OF STATE**

State of Arizona
Senate
Fifty-third Legislature
First Regular Session
2017

**CHAPTER 161
SENATE BILL 1200**

AN ACT

AMENDING SECTIONS 16-311, 16-312, 16-343 AND 38-296.01, ARIZONA REVISED
STATUTES; RELATING TO CANDIDATES FOR PUBLIC OFFICE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 16-311, Arizona Revised Statutes, is amended to
3 read:

4 16-311. Nomination papers; filing; definitions

5 A. Any person desiring to become a candidate at a primary election
6 for a political party and to have the person's name printed on the
7 official ballot shall be a qualified elector of such party and, not less
8 than ninety nor more than one hundred twenty days before the primary
9 election, shall sign and cause to be filed a nomination paper giving the
10 person's actual residence address or description of place of residence and
11 post office address, naming the party of which the person desires to
12 become a candidate, stating the office and district or precinct, if any,
13 for which the person offers the person's candidacy, stating the exact
14 manner in which the person desires to have the person's name printed on
15 the official ballot pursuant to subsection G of this section, and giving
16 the date of the primary election and, if nominated, the date of the
17 general election at which the person desires to become a candidate.
18 EXCEPT FOR A CANDIDATE FOR UNITED STATES SENATOR OR REPRESENTATIVE IN
19 CONGRESS, a candidate for public office shall be a qualified elector at
20 the time of filing and shall reside in the county, district or precinct
21 that the person proposes to represent. A CANDIDATE FOR PARTISAN PUBLIC
22 OFFICE SHALL BE CONTINUOUSLY REGISTERED WITH THE POLITICAL PARTY OF WHICH
23 THE PERSON DESIRES TO BE A CANDIDATE BEGINNING NO LATER THAN THE DATE OF
24 THE FIRST PETITION SIGNATURE ON THE CANDIDATE'S PETITION THROUGH THE DATE
25 OF THE GENERAL ELECTION AT WHICH THE PERSON IS A CANDIDATE.

26 B. Any person desiring to become a candidate at any nonpartisan
27 election and to have the person's name printed on the official ballot
28 shall be at the time of filing a qualified elector of such county, city,
29 town or district and, not less than ninety nor more than one hundred
30 twenty days before the election, shall sign and cause to be filed a
31 nomination paper giving the person's actual residence address or
32 description of place of residence and post office address, stating the
33 office and county, city, town or district and ward or precinct, if any,
34 for which the person offers the person's candidacy, stating the exact
35 manner in which the person desires to have the person's name printed on
36 the official ballot pursuant to subsection G of this section and giving
37 the date of the election. A candidate for office shall reside at the time
38 of filing in the county, city, town, district, ward or precinct that the
39 person proposes to represent.

40 C. Notwithstanding subsection B of this section, any city or town
41 may adopt by ordinance for its elections the time frame provided in
42 subsection A of this section for filing nomination petitions. Such
43 ordinance shall be adopted not less than one hundred twenty days before
44 the first election to which it applies.

1 D. All persons desiring to become a candidate shall file with the
2 nomination paper provided for in subsection A of this section a
3 declaration, which shall be printed in a form prescribed by the secretary
4 of state. The declaration shall include facts sufficient to show that,
5 other than the residency requirement provided in subsection A of this
6 section and the satisfaction of any monetary penalties, fines or judgments
7 as prescribed in subsection I of this section, the candidate will be
8 qualified at the time of election to hold the office the person seeks, and
9 that for any monetary penalties, fines or judgments as prescribed in
10 subsection I of this section, the candidate has made complete payment
11 before the time of filing.

12 E. The nomination paper of a candidate for the office of United
13 States senator or representative in Congress, for the office of
14 presidential elector or for a state office, including a member of the
15 legislature, or for any other office for which the electors of the entire
16 state or a subdivision of the state greater than a county are entitled to
17 vote, shall be filed with the secretary of state no later than 5:00 p.m.
18 on the last date for filing.

19 F. The nomination paper of a candidate for superior court judge or
20 for a county, district and precinct office for which the electors of a
21 county or a subdivision of a county other than an incorporated city or
22 town are entitled to vote shall be filed with the county elections officer
23 no later than 5:00 p.m. on the last date for filing as prescribed by
24 subsection A of this section. The nomination paper of a candidate for a
25 city or town office shall be filed with the city or town clerk no later
26 than 5:00 p.m. on the last date for filing. The nomination paper of a
27 candidate for school district office shall be filed with the county school
28 superintendent no later than 5:00 p.m. on the last date for filing.

29 G. The nomination paper shall include the exact manner in which the
30 candidate desires to have the person's name printed on the official ballot
31 and shall be limited to the candidate's surname and given name or names,
32 an abbreviated version of such names or appropriate initials such as "Bob"
33 for "Robert", "Jim" for "James", "Wm." for "William" or "S." for "Samuel".
34 Nicknames are permissible, but in no event shall nicknames, abbreviated
35 versions or initials of given names suggest reference to professional,
36 fraternal, religious or military titles. No other descriptive name or
37 names shall be printed on the official ballot, except as provided in this
38 section. Candidates' abbreviated names or nicknames may be printed within
39 quotation marks. The candidate's surname shall be printed first, followed
40 by the given name or names.

41 H. A person who does not file a timely nomination paper that
42 complies with this section is not eligible to have the person's name
43 printed on the official ballot for that office. The filing officer shall
44 not accept the nomination paper of a candidate for state or local office
45 unless the person provides or has provided all of the following:

1 1. The financial disclosure statement as prescribed for candidates
2 for that office.

3 2. The declaration of qualification and eligibility as prescribed
4 in subsection D of this section.

5 I. Except in cases where the liability is being appealed, the
6 filing officer shall not accept the nomination paper of a candidate for
7 state or local office if the person is liable for an aggregation of one
8 thousand dollars or more in fines, penalties, late fees or administrative
9 or civil judgments, including any interest or costs, in any combination,
10 that have not been fully satisfied at the time of the attempted filing of
11 the nomination paper and the liability arose from failure to comply with
12 or enforcement of chapter 6 of this title.

13 J. For the purposes of this title:

14 1. "Election district" means the state, any county, city, town,
15 precinct or other political subdivision or a special district that is not
16 a political subdivision, that is authorized by statute to conduct an
17 election and that is authorized or required to conduct its election in
18 accordance with this title.

19 2. "Nomination paper" means the form filed with the appropriate
20 office by a person wishing to declare the person's intent to become a
21 candidate for a particular political office.

22 Sec. 2. Section 16-312, Arizona Revised Statutes, is amended to
23 read:

24 16-312. Filing of nomination papers for write-in candidates

25 A. Any person desiring to become a write-in candidate for an
26 elective office in any election shall file a nomination paper, signed by
27 the candidate, giving the person's actual residence address or description
28 of place of residence and post office address, age, length of residence in
29 the state and date of birth.

30 B. A write-in candidate shall file the nomination paper not later
31 than 5:00 p.m. on the fortieth day before the election, except that:

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

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

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

44 D. Except in cases where the liability is being appealed, the
45 filing officer shall not accept the nomination paper of a write-in

1 candidate for state or local office if the person is liable for an
2 aggregation of one thousand dollars or more in fines, penalties, late fees
3 or administrative or civil judgments, including any interest or costs, in
4 any combination, that have not been fully satisfied at the time of the
5 attempted filing of the nomination paper and the liability arose from
6 failure to comply with or enforcement of chapter 6 of this title.

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

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

20 1. For a candidate in the general election, the candidate ran in
21 the immediately preceding primary election and failed to be nominated to
22 the office sought in the current election.

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

27 3. For a candidate in the primary election, the candidate filed a
28 nomination petition for the current primary election for the office sought
29 and failed to provide a sufficient number of valid petition signatures as
30 prescribed by section 16-322, WITHDREW FROM THE PRIMARY ELECTION AFTER A
31 CHALLENGE WAS FILED OR WAS REMOVED FROM OR OTHERWISE DETERMINED BY COURT
32 ORDER TO BE INELIGIBLE FOR THE PRIMARY ELECTION BALLOT.

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

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

1 number of United States senators and representatives in Congress from this
2 state.

3 Sec. 3. Section 16-343, Arizona Revised Statutes, is amended to
4 read:

5 16-343. Filling vacancy caused by death or incapacity or
6 withdrawal of candidate

7 A. A vacancy occurring due to death, mental incapacity or voluntary
8 withdrawal of a candidate after the close of petition filing but ~~prior to~~
9 BEFORE a primary or general election shall be filled by the political
10 party with which the candidate was affiliated as follows:

11 1. In the case of a United States senator or statewide candidate,
12 the state executive committee of the candidate's political party shall
13 nominate a candidate of the party's choice and shall file a nomination
14 paper and declaration complying with the requirements for candidates as
15 stated in section 16-311 in order to fill the vacancy.

16 2. In the case of a vacancy for the office of United States
17 representative or the legislature, the party precinct committeemen of that
18 congressional or legislative district shall nominate a candidate of the
19 party's choice and shall file a nomination paper and declaration complying
20 with the requirements of section 16-311.

21 3. In the case of a vacancy for a county or precinct office, the
22 party county committee of counties with a population of less than two
23 hundred fifty thousand persons according to the most recent United States
24 decennial census and, in counties with a population of two hundred fifty
25 thousand persons or more according to the most recent United States
26 decennial census the county officers of the party together with the
27 chairman of the party precinct committeemen in each legislative district
28 of the county, shall nominate a candidate of the party's choice and shall
29 file a nomination paper and declaration complying with the requirements of
30 section 16-311 to fill such vacancy.

31 4. IF THE VACANCY OCCURS IN A CANDIDATE RACE FOR PARTISAN
32 NOMINATION IN WHICH AT LEAST ONE CANDIDATE OF THE VACATING CANDIDATE'S
33 POLITICAL PARTY REMAINS ON THE BALLOT FOR THE VACATING CANDIDATE'S OFFICE,
34 THE VACANCY SHALL NOT BE FILLED. FOR AN OFFICE TO WHICH MORE THAN ONE
35 CANDIDATE WILL BE ELECTED, THE VACANCY SHALL NOT BE FILLED IF AT LEAST ONE
36 CANDIDATE OF THE VACATING CANDIDATE'S POLITICAL PARTY REMAINS ON THE
37 BALLOT FOR EACH OF THE MULTIPLE SEATS FOR THE OFFICE SOUGHT BY THE
38 VACATING CANDIDATE.

39 B. The nomination paper and declaration required in subsection A of
40 this section shall be filed with the office with which nomination
41 petitions were to be filed at any time before the official ballots are
42 printed.

43 C. Any meetings for the purpose of filing a nomination paper and
44 declaration provided for in this section shall be called by the chairman
45 of such committee or legislative district, except that in the case of

1 multicounty legislative or congressional districts the party county
2 chairman of the county having the largest geographic area within such
3 district shall call such meeting. The chairman or in his absence the
4 ~~vice-chairman~~ VICE CHAIRMAN calling such meeting shall preside. The call
5 to such meeting shall be mailed or given in person to each person entitled
6 to participate ~~therein~~ no later than one day ~~prior to~~ BEFORE such
7 meeting. A majority of those present and voting shall be required to fill
8 a vacancy pursuant to this section.

9 D. A vacancy that is due to voluntary or involuntary withdrawal of
10 the candidate and that occurs following the printing of official ballots
11 shall not be filled in accordance with this section, however, prospective
12 candidates shall comply with section 16-312. A candidate running as a
13 write-in candidate under this subsection shall file the nomination paper
14 no later than 5:00 p.m. on the fifth day before the election.

15 E. Candidates nominated pursuant to subsection A of this section or
16 a candidate running as a write-in candidate under subsection D of this
17 section may be a candidate who ran in the immediately preceding primary
18 election for the office and failed to be nominated.

19 F. If a vacancy occurs as described in subsection A of this section
20 for a state office, the secretary of state shall notify the various boards
21 of supervisors as to the vacancy. The boards of supervisors shall notify
22 the inspectors of the various precinct election boards in the county,
23 district or precinct where a vacancy occurs. In the case of a city or
24 town election, the city or town clerk shall notify the appropriate
25 inspectors. A vacancy that occurs as prescribed in subsection D of this
26 section due to the death or incapacity of the candidate shall not be
27 filled and the secretary of state shall notify the appropriate county
28 board of supervisors to post a notice of the death or incapacity of the
29 candidate in each polling place along with notice that any votes cast for
30 that candidate will be tabulated.

31 G. The inspectors shall post the notice of vacancy in the same
32 manner as posting official write-in candidates. In the case of a
33 withdrawal of a candidate that occurs after the printing of official
34 ballots, the inspectors shall post the notice of withdrawal in a
35 conspicuous location in each polling place. Notice of withdrawal shall
36 also be posted at all early voting locations and shall be made available
37 to early voters by providing with the early ballot instructions a website
38 address at which prompt updates to information regarding write-in and
39 withdrawn candidates are available.

40 Sec. 4. Section 38-296.01, Arizona Revised Statutes, is amended to
41 read:

42 38-296.01. Limitation on running for multiple offices

43 A. A person is not eligible to be a candidate for nomination or
44 election to more than one public office if the elections for those offices

1 are held on the same day and if the person would be prohibited from
2 serving in the offices simultaneously.

3 B. A PERSON IS NOT ELIGIBLE TO BE A CANDIDATE FOR NOMINATION OR
4 ELECTION TO MORE THAN ONE FEDERAL OFFICE SIMULTANEOUSLY. THIS
5 INELIGIBILITY DOES NOT APPLY TO CANDIDATES FOR NOMINATION OR ELECTION TO
6 THE OFFICES OF PRESIDENT AND VICE-PRESIDENT. CANDIDATES FOR NOMINATION OR
7 ELECTION TO THE OFFICES OF PRESIDENT OR VICE-PRESIDENT MAY BE CANDIDATES
8 FOR NOMINATION OR ELECTION TO ONE ADDITIONAL FEDERAL OFFICE
9 SIMULTANEOUSLY.

10 ~~B.~~ C. A person is not eligible to be a candidate for nomination or
11 election to and is not eligible to serve simultaneously in more than one
12 statewide office.

13 ~~C.~~ D. A person is not eligible to be a candidate for nomination or
14 election to and is not eligible to serve simultaneously in more than one
15 legislative office.

16 ~~D.~~ E. A person is not eligible to be a candidate for nomination or
17 election to and is not eligible to serve simultaneously in both a
18 legislative office and a statewide office.

19 ~~E.~~ F. A person is not eligible to be a candidate for nomination or
20 election to and is not eligible to serve simultaneously on more than one
21 school district governing board, except that a member of a governing board
22 may be a candidate for nomination or election for any other governing
23 board if the member is serving in the last year of a term of office.

APPROVED BY THE GOVERNOR APRIL 17, 2017.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 17, 2017.

Passed the House April 4, 2017,

Passed the Senate February 22, 2017

by the following vote: 43 Ayes,

by the following vote: 26 Ayes,

15 Nays, 2 Not Voting

4 Nays, 0 Not Voting

U. R. Boyer
Speaker of the House
Pro Tempore

Steven B. Parkman
President of the Senate

Jim Drake
Chief Clerk of the House

Susan Reeves
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~~

~~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~~

S.B. 1200

SENATE CONCURS IN HOUSE
AMENDMENTS AND FINAL PASSAGE

Passed the Senate April 11, 2017

by the following vote: 24 Ayes,

6 Nays, 0 Not Voting



President of the Senate



Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

11th day of April, 2017

at 2:27 o'clock P. M.



Secretary to the Governor

Approved this 17 day of

April, 2017

at 10:57 o'clock A. M.



Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 17 day of April, 2017

at 3:31 o'clock P. M.



Secretary of State

S.B. 1200