

Senate Engrossed House Bill

~~minimum vehicle speed; left lane~~
(now: political candidates; address confidentiality)

State of Arizona
House of Representatives
Fifty-fifth Legislature
First Regular Session
2021

HOUSE BILL 2365

AN ACT

AMENDING SECTIONS 16-311, 16-312, 16-314, 16-341 AND 16-344, ARIZONA
REVISED STATUTES; RELATING TO ELECTIONS AND ELECTORS.

(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; statement of interest; filing;
5 definitions

6 A. Any person desiring to become a candidate at a primary election
7 for a political party and to have the person's name printed on the
8 official ballot shall be a qualified elector of the party and, not less
9 than one hundred twenty nor more than one hundred fifty days before the
10 primary election, shall sign and cause to be filed a nomination paper
11 giving the person's actual residence address or, **IF THE PERSON DOES NOT**
12 **HAVE AN ACTUAL RESIDENCE ADDRESS, A** description of place of residence and
13 post office address, **OR, IF THE PERSON'S ACTUAL RESIDENCE ADDRESS IS**
14 **PROTECTED PURSUANT TO SECTION 16-153, A POST OFFICE BOX OR PRIVATE MAIL**
15 **BOX ADDRESS IN THE CANDIDATE'S DISTRICT OR PRECINCT, AS APPLICABLE FOR A**
16 **DISTRICT OR PRECINCT OFFICE,** naming the party of which the person desires
17 to become a candidate, stating the office and district or precinct, if
18 any, for which the person offers the person's candidacy, stating the exact
19 manner in which the person desires to have the person's name printed on
20 the official ballot pursuant to subsection G of this section, and giving
21 the date of the primary election and, if nominated, the date of the
22 general election at which the person desires to become a candidate.
23 Except for a candidate for United States senator or representative in
24 Congress, a candidate for public office shall be a qualified elector at
25 the time of filing and shall reside in the county, district or precinct
26 that the person proposes to represent. A candidate for partisan public
27 office shall be continuously registered with the political party of which
28 the person desires to be a candidate beginning no later than the date of
29 the first petition signature on the candidate's petition through the date
30 of the general election at which the person is a candidate.

31 B. Any person desiring to become a candidate at any nonpartisan
32 election and to have the person's name printed on the official ballot
33 shall be at the time of filing a qualified elector of the county, city,
34 town or district and, not less than one hundred twenty nor more than one
35 hundred fifty days before the election, shall sign and cause to be filed a
36 nomination paper giving the person's actual residence address or, **IF THE**
37 **PERSON DOES NOT HAVE AN ACTUAL RESIDENCE ADDRESS, A** description of place
38 of residence and post office address, **OR, IF THE PERSON'S ACTUAL RESIDENCE**
39 **ADDRESS IS PROTECTED PURSUANT TO SECTION 16-153, A POST OFFICE BOX OR**
40 **PRIVATE MAIL BOX ADDRESS IN THE CANDIDATE'S COUNTY, CITY, TOWN OR DISTRICT**
41 **AND WARD OR PRECINCT, AS APPLICABLE FOR A COUNTY, CITY, TOWN OR DISTRICT**
42 **AND WARD OR PRECINCT OFFICE,** stating the office and county, city, town or
43 district and ward or precinct, if any, for which the person offers the
44 person's candidacy, stating the exact manner in which the person desires
45 to have the person's name printed on the official ballot pursuant to

1 subsection G of this section and giving the date of the election. A
2 candidate for office shall reside at the time of filing in the county,
3 city, town, district, ward or precinct that the person proposes to
4 represent.

5 C. Notwithstanding subsection B of this section, any city or town
6 may adopt by ordinance for its elections the time frame provided in
7 subsection A of this section for filing nomination petitions. The
8 ordinance shall be adopted not less than one hundred fifty days before the
9 first election to which it applies.

10 D. All persons desiring to become a candidate shall file with the
11 nomination paper provided for in subsection A of this section a
12 declaration, which shall be printed in a form prescribed by the secretary
13 of state. The declaration shall include facts sufficient to show that,
14 other than the residency requirement provided in subsection A of this
15 section and the satisfaction of any monetary penalties, fines or judgments
16 as prescribed in subsection J of this section, the candidate will be
17 qualified at the time of election to hold the office the person seeks, and
18 that for any monetary penalties, fines or judgments as prescribed in
19 subsection J of this section, the candidate has made complete payment
20 before the time of filing.

21 E. The nomination paper of a candidate for the office of United
22 States senator or representative in Congress, for the office of
23 presidential elector or for a state office, including a member of the
24 legislature, or for any other office for which the electors of the entire
25 state or a subdivision of the state greater than a county are entitled to
26 vote, shall be filed with the secretary of state no later than 5:00 p.m.
27 on the last date for filing.

28 F. The nomination paper of a candidate for superior court judge or
29 for a county, district and precinct office for which the electors of a
30 county or a subdivision of a county other than an incorporated city or
31 town are entitled to vote shall be filed with the county elections officer
32 no later than 5:00 p.m. on the last date for filing as prescribed by
33 subsection A of this section. The nomination paper of a candidate for a
34 city or town office shall be filed with the city or town clerk no later
35 than 5:00 p.m. on the last date for filing. The nomination paper of a
36 candidate for school district office shall be filed with the county school
37 superintendent no later than 5:00 p.m. on the last date for filing.

38 G. The nomination paper shall include the exact manner in which the
39 candidate desires to have the person's name printed on the official ballot
40 and shall be limited to the candidate's surname and given name or names,
41 an abbreviated version of such names or appropriate initials such as "Bob"
42 for "Robert", "Jim" for "James", "Wm." for "William" or "S." for "Samuel".
43 Nicknames are permissible, but ~~in no event shall~~ nicknames, abbreviated
44 versions or initials of given names MAY NOT suggest reference to
45 professional, fraternal, religious or military titles. No other

1 descriptive name or names shall be printed on the official ballot, except
2 as provided in this section. Candidates' abbreviated names or nicknames
3 may be printed within quotation marks. The candidate's surname shall be
4 printed first, followed by the given name or names.

5 H. Not later than the date of the first petition signature on a
6 nomination petition, a person who may be a candidate for office pursuant
7 to this section shall file a statement of interest with the appropriate
8 filing officer for that office. The statement of interest shall contain
9 the name of the person, the political party, if any, and the name of the
10 office that may be sought. Any nomination petition signatures collected
11 before the date the statement of interest is filed are invalid and subject
12 to challenge. This subsection does not apply to:

13 1. Candidates for elected office for special taxing districts that
14 are established pursuant to title 48, chapters 2, 3, 11, 12, 15, 17, 18,
15 19, 20, 22, 27 and 32.

16 2. Candidates for precinct committeeman.

17 3. Candidates for president or vice president of the United States.

18 I. A person who does not file a timely nomination paper that
19 complies with this section is not eligible to have the person's name
20 printed on the official ballot for that office. The filing officer shall
21 not accept the nomination paper of a candidate for state or local office
22 unless the person provides or has provided all of the following:

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

25 2. The declaration of qualification and eligibility as prescribed
26 in subsection D of this section.

27 J. Except in cases where the liability is being appealed, the
28 filing officer shall not accept the nomination paper of a candidate for
29 state or local office if the person is liable for an aggregation of \$1,000
30 or more in fines, penalties, late fees or administrative or civil
31 judgments, including any interest or costs, in any combination, that have
32 not been fully satisfied at the time of the attempted filing of the
33 nomination paper and the liability arose from failure to comply with or
34 enforcement of chapter 6 of this title.

35 K. For the purposes of this title:

36 1. "Election district" means ~~the~~ THIS state, any county, city,
37 town, precinct or other political subdivision or a special district that
38 is not a political subdivision, that is authorized by statute to conduct
39 an election and that is authorized or required to conduct its election in
40 accordance with this title.

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

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

3 16-312. Filing of nomination papers for write-in candidates

4 A. Any person desiring to become a write-in candidate for an
5 elective office in any election shall file a nomination paper, signed by
6 the candidate, giving the person's actual residence address or, **IF THE**
7 **PERSON DOES NOT HAVE AN ACTUAL RESIDENCE ADDRESS, A** description of place
8 of residence and post office address, **OR, IF THE PERSON'S ACTUAL RESIDENCE**
9 **ADDRESS IS PROTECTED PURSUANT TO SECTION 16-153, A POST OFFICE BOX OR**
10 **PRIVATE MAIL BOX ADDRESS IN THE CANDIDATE'S DISTRICT, PRECINCT OR**
11 **MUNICIPALITY, AS APPLICABLE FOR THE DISTRICT, PRECINCT OR MUNICIPAL OFFICE**
12 **THAT THE PERSON PROPOSES TO REPRESENT, AND THE PERSON'S** age, length of
13 residence in the state and date of birth.

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

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

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

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

28 D. Except in cases where the liability is being appealed, the
29 filing officer shall not accept the nomination paper of a write-in
30 candidate for state or local office if the person is liable for an
31 aggregation of ~~one thousand dollars~~ **\$1,000** or more in fines, penalties,
32 late fees or administrative or civil judgments, including any interest or
33 costs, in any combination, that have not been fully satisfied at the time
34 of the attempted filing of the nomination paper and the liability arose
35 from failure to comply with or enforcement of chapter 6 of this title.

36 E. The secretary of state shall notify the various boards of
37 supervisors as to write-in candidates filing with the secretary of state's
38 office. The county school superintendent shall notify the appropriate
39 board of supervisors as to write-in candidates filing with the
40 superintendent's office. The board of supervisors shall notify the
41 appropriate election board inspector of all candidates who have properly
42 filed such statements. In the case of a city or town election, the city
43 or town clerk shall notify the appropriate election board inspector of
44 candidates properly filed. No other write-ins shall be counted. The

1 election board inspector shall post the notice of official write-in
2 candidates in a conspicuous location within the polling place.

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

5 1. For a candidate in the general election, the candidate ran in
6 the immediately preceding primary election and failed to be nominated to
7 the office sought in the current election.

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

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

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

22 G. A person who files a nomination paper pursuant to this section
23 for the office of president of the United States shall designate in
24 writing to the secretary of state at the time of filing the name of the
25 candidate's vice-presidential running mate, the names of presidential
26 electors who will represent that candidate and a statement signed by the
27 vice-presidential running mate and designated presidential electors that
28 indicates their consent to be designated. A nomination paper for each
29 presidential elector designated shall be filed with the candidate's
30 nomination paper. The number of presidential electors shall equal the
31 number of United States senators and representatives in Congress from this
32 state.

33 Sec. 3. Section 16-314, Arizona Revised Statutes, is amended to
34 read:

35 16-314. Filing and form of nomination petitions; definition

36 A. Any person desiring to become a candidate at any election and to
37 have the person's name printed on the official ballot shall file, not less
38 than one hundred twenty nor more than one hundred fifty days before the
39 primary election and with the same officer as provided by section 16-311,
40 a nomination petition in addition to the nomination paper required.

41 B. For the purposes of this title, "nomination petition" means the
42 form or forms used for obtaining the required number of signatures of
43 qualified electors, which is circulated by or on behalf of the person
44 wishing to become a candidate for a political office.

1 C. Nomination petitions shall be captioned "partisan nomination
2 petition" or "nonpartisan nomination petition", followed by the language
3 of the petition in substantially the following form, EXCEPT THAT IF THE
4 CANDIDATE DOES NOT HAVE AN ACTUAL RESIDENCE ADDRESS, THE CANDIDATE MAY USE
5 A DESCRIPTION OF PLACE OF RESIDENCE AND POST OFFICE ADDRESS, OR, IF THE
6 CANDIDATE'S ACTUAL RESIDENCE ADDRESS IS PROTECTED PURSUANT TO SECTION
7 16-153, A POST OFFICE BOX OR PRIVATE MAIL BOX ADDRESS IN THE CANDIDATE'S
8 POLITICAL DIVISION OR DISTRICT FROM WHICH THE NOMINATION IS SOUGHT IS
9 SUFFICIENT:

10 Partisan Nomination Petition

11 I, the undersigned, a qualified elector of the county of
12 _____, state of Arizona, and of (here name political
13 division or district from which the nomination is sought) and
14 a member of the _____ party or a person who is
15 registered as no party preference or independent as the party
16 preference or who is registered with a political party that is
17 not qualified for representation on the ballot, hereby
18 nominate _____ who resides at _____ in the
19 county of _____ for the party nomination for the office
20 of _____ to be voted at the primary election to be
21 held _____ as representing the principles of such
22 party, and I hereby declare that I am qualified to vote for
23 this office and that I have not signed, and will not sign, any
24 nomination petition for more persons than the number of
25 candidates necessary to fill such office at the next ensuing
26 election. I further declare that if I choose to use a post
27 office box address on this petition, my residence address has
28 not changed since I last reported it to the county recorder
29 for purposes of updating my voter registration file.

30 Nonpartisan Nomination Petition

31 I, the undersigned, a qualified elector of the county of
32 _____, state of Arizona, and of (here name political
33 division or district from which the nomination is sought)
34 hereby nominate _____ who resides at _____
35 in the county of _____ for the office of
36 _____ to be voted at the _____ election to
37 be held _____, and hereby declare that I am
38 qualified to vote for this office and that I have not signed
39 and will not sign any nomination petitions for more persons
40 than the number of candidates necessary to fill such office at
41 the next ensuing election. I further declare that if I choose
42 to use a post office box address on this petition, my
43 residence address has not changed since I last reported it to
44 the county recorder for purposes of updating my voter
45 registration file.

1 D. The nomination petition of a person seeking to fill an unexpired
2 vacant term for any public office shall designate the expiration date of
3 the term following the name of the office being sought.

4 Sec. 4. Section 16-341, Arizona Revised Statutes, is amended to
5 read:

6 16-341. Nomination petition; method and time of filing; form;
7 qualifications and number of petitioners required;
8 statement of interest

9 A. Any qualified elector who is not a registered member of a
10 political party that is recognized pursuant to this title may be nominated
11 as a candidate for public office otherwise than by primary election or by
12 party committee pursuant to this section.

13 B. This article shall not be used to place on the general election
14 ballot the name of a political party that fails to meet the qualifications
15 specified in section 16-802 or 16-804, or the name of any candidate
16 representing such party or the name of a candidate who has filed a
17 nomination petition in the immediately preceding primary election and has
18 failed to qualify as the result of an insufficient number of valid
19 signatures.

20 C. A nomination petition stating the name of the office to be
21 filled, the name and residence of the candidate, OR, IF THE CANDIDATE DOES
22 NOT HAVE AN ACTUAL RESIDENCE ADDRESS, A DESCRIPTION OF PLACE OF RESIDENCE
23 AND POST OFFICE ADDRESS, OR, IF THE PERSON'S ACTUAL RESIDENCE ADDRESS IS
24 PROTECTED PURSUANT TO SECTION 16-153, A POST OFFICE BOX OR PRIVATE MAIL
25 BOX ADDRESS IN THE CANDIDATE'S DISTRICT, PRECINCT OR MUNICIPALITY, AS
26 APPLICABLE FOR A DISTRICT, PRECINCT OR MUNICIPAL OFFICE, and other
27 information required by this section shall be filed with the same officer
28 with whom primary nomination papers and petitions are required to be filed
29 as prescribed in section 16-311. Except for candidates for the office of
30 presidential elector filed pursuant to this section, the petition shall be
31 filed not less than one hundred twenty days nor more than one hundred
32 fifty days before the primary election. The petition shall be signed only
33 by voters who have not signed the nomination petitions of a candidate for
34 the office to be voted for at that primary election.

35 D. The nomination petition shall be in substantially the following
36 form, EXCEPT THAT IF THE CANDIDATE DOES NOT HAVE AN ACTUAL RESIDENCE
37 ADDRESS, THE CANDIDATE MAY USE A DESCRIPTION OF PLACE OF RESIDENCE AND
38 POST OFFICE ADDRESS, OR, IF THE CANDIDATE'S ACTUAL RESIDENCE ADDRESS IS
39 PROTECTED PURSUANT TO SECTION 16-153, A POST OFFICE BOX OR PRIVATE MAIL
40 BOX ADDRESS IN THE CANDIDATE'S DISTRICT, PRECINCT OR MUNICIPALITY, AS
41 APPLICABLE FOR A DISTRICT, PRECINCT OR MUNICIPAL OFFICE, IS SUFFICIENT:

42 The undersigned, qualified electors of _____
43 county, state of Arizona, do hereby nominate _____, who
44 resides at _____ in the county of _____, as a
45 candidate for the office of _____ at the general (or

1 special, as the case may be) election to be held on the
2 _____ day of _____, _____.

3 I hereby declare that I have not signed the nomination
4 petitions of any candidate for the office to be voted for at
5 this primary election, and I do hereby select the following
6 designation under which name the said candidate shall be
7 placed on the official ballot (here insert such designation
8 not exceeding three words in length as the signers may
9 select).

10 E. The nomination petition shall conform as nearly as possible to
11 the provisions relating to nomination petitions of candidates to be voted
12 for at primary elections and shall be signed by at least the number of
13 persons who are registered to vote determined by calculating three percent
14 of the persons who are registered to vote of the state, county,
15 subdivision or district for which the candidate is nominated who are not
16 members of a political party that is qualified to be represented by an
17 official party ballot at the next ensuing primary election and accorded
18 representation on the general election ballot.

19 F. The percentage of persons who are registered to vote necessary
20 to sign the nomination petition shall be determined by the total number of
21 registered voters from other than political parties that are qualified to
22 be represented by an official party ballot at the next ensuing primary
23 election and accorded representation on the general election ballot in the
24 state, county, subdivision or district on January 2 of the year in which
25 the general election is held. Notwithstanding the method prescribed by
26 subsection E of this section and this subsection for calculating the
27 minimum number of signatures necessary, any person who is registered to
28 vote in the state, county, subdivision or district for which the candidate
29 is nominated is eligible to sign the nomination petition without regard to
30 the signer's party affiliation.

31 G. A nomination petition for any candidate may be circulated by a
32 person who is not a resident of this state but who is otherwise eligible
33 to register to vote in this state if that person registers as a circulator
34 with the secretary of state before circulating petitions. The nomination
35 petition for the office of presidential elector shall include a group of
36 names of candidates equal to the number of United States senators and
37 representatives in Congress from this state instead of separate nomination
38 petitions for each candidate for the office of presidential elector. A
39 valid signature on a petition containing a group of presidential electors
40 candidates is counted as a signature for the nomination of each of the
41 candidates. The presidential candidate whom the candidates for
42 presidential elector will represent shall designate in writing to the
43 secretary of state the names of the candidates who will represent the
44 presidential candidate before any signatures for the candidate can be
45 accepted for filing. A nomination petition for the office of presidential

1 elector shall be filed not less than sixty nor more than ninety days
2 before the general election. The petition shall be signed only by
3 qualified electors who have not signed the nomination petitions of a
4 candidate for the office of presidential elector to be voted for at that
5 election.

6 H. The secretary of state shall require in the instructions and
7 procedures manual issued pursuant to section 16-452 that persons who
8 circulate nomination petitions pursuant to this section and who are not
9 residents of this state but who are otherwise eligible to register to vote
10 in this state shall register as circulators with the office of the
11 secretary of state before circulating petitions. The secretary of state
12 shall provide for a method of receiving service of process for those
13 petition circulators who are registered.

14 I. Not later than the date of the first petition signature on a
15 nomination petition, a person who may be a candidate for office pursuant
16 to this section shall file a statement of interest with the appropriate
17 filing officer for that office. The statement of interest shall contain
18 the name of the person, the political party, if any, and the name of the
19 office that may be sought. Any nomination petition signatures collected
20 before the date the statement of interest is filed are invalid and subject
21 to challenge. This subsection does not apply to:

22 1. Candidates for elected office for special taxing districts that
23 are established pursuant to title 48, chapters 2, 3, 11, 12, 15, 17, 18,
24 19, 20, 22, 27 and 32.

25 2. Candidates for precinct committeeman.

26 3. Candidates for president or vice president of the United States.

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

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

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

