

State of Arizona  
House of Representatives  
Fiftieth Legislature  
Second Regular Session  
2012

**CHAPTER 353**  
**HOUSE BILL 2826**

AN ACT

AMENDING SECTION 16-204, ARIZONA REVISED STATUTES; RELATING TO ELECTION DATES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 16-204, Arizona Revised Statutes, is amended to  
3 read:

4 16-204. Declaration of statewide concern; consolidated election  
5 dates; definition

6 A. ~~While the legislature recognizes that the method of conducting~~  
7 ~~elections by political subdivisions, including charter counties and cities,~~  
8 ~~may be a matter of local concern,~~ The legislature finds and determines that  
9 for the purposes of increasing voter participation and for decreasing the  
10 costs to the taxpayers it is a matter of statewide concern that all elections  
11 in this state be conducted on a limited number of days and, therefore, the  
12 legislature finds and declares that the holding of all elections on certain  
13 specific consolidated days is a matter of statewide concern. **THIS SECTION**  
14 **PREEMPTS ALL LOCAL LAWS, ORDINANCES AND CHARTER PROVISIONS TO THE CONTRARY.**

15 B. **FOR ELECTIONS HELD BEFORE 2014 AND** notwithstanding any other law or  
16 any charter or ordinance of any county, city or town to the contrary, an  
17 election held for or on behalf of a county, city or town, a school district,  
18 a community college district or special districts organized pursuant to title  
19 48, chapters 5, 6, 8, 10, 13 through 16 and 33 may only be held on the  
20 following dates:

21 1. Except for regular elections for candidates in a city or town with  
22 a population of one hundred seventy-five thousand or more persons, all  
23 elections, including recall elections and special elections to fill  
24 vacancies, shall be held on:

25 (a) The second Tuesday in March.

26 (b) The third Tuesday in May.

27 (c) The tenth Tuesday before the first Tuesday after the first Monday  
28 in November.

29 (d) The first Tuesday after the first Monday in November.  
30 Notwithstanding any other law, an election must be held on this date for the  
31 approval of an obligation or other authorization requiring or authorizing the  
32 assessment of secondary property taxes by a county, city, town, school  
33 district, community college district or special taxing district, except as  
34 provided by title 48.

35 2. For regular elections that are only for candidates in a city or  
36 town with a population of one hundred seventy-five thousand or more persons  
37 and not including recall elections and special elections to fill vacancies in  
38 those cities or towns, elections shall be held on:

39 (a) The tenth Tuesday before the first Tuesday after the first Monday  
40 in November.

41 (b) The first Tuesday after the first Monday in November.

42 C. **FOR ELECTIONS HELD BEFORE 2014,** for any city or town, including a  
43 charter city, that holds its regularly scheduled candidate elections in  
44 even-numbered years pursuant to subsection B, paragraph 2, the term of office  
45 for a member of the city council or for the office of mayor begins on or  
46 after the second Tuesday in January in the year following the election.

1           D. ~~This section does~~ SUBSECTIONS B AND C OF THIS SECTION DO not apply  
2 to an election regarding a county or city charter committee or county or city  
3 charter proposal that is conducted pursuant to article XIII, section 2 or 3  
4 or article XII, section 5, Constitution of Arizona.

5           E. BEGINNING WITH ELECTIONS HELD IN 2014 AND LATER AND NOTWITHSTANDING  
6 ANY OTHER LAW OR ANY CHARTER OR ORDINANCE TO THE CONTRARY, A CANDIDATE  
7 ELECTION HELD FOR OR ON BEHALF OF ANY POLITICAL SUBDIVISION OF THIS STATE  
8 OTHER THAN A SPECIAL ELECTION TO FILL A VACANCY OR A RECALL ELECTION MAY ONLY  
9 BE HELD ON THE FOLLOWING DATES AND ONLY IN EVEN-NUMBERED YEARS:

10           1. THE TENTH TUESDAY BEFORE THE FIRST TUESDAY AFTER THE FIRST MONDAY  
11 IN NOVEMBER. IF THE POLITICAL SUBDIVISION HOLDS A PRIMARY OR FIRST ELECTION  
12 AND A GENERAL OR RUNOFF ELECTION IS EITHER REQUIRED OR OPTIONAL FOR THAT  
13 POLITICAL SUBDIVISION, THE FIRST ELECTION SHALL BE HELD ON THIS DATE, WITHOUT  
14 REGARD TO WHETHER THE POLITICAL SUBDIVISION DESIGNATES THE ELECTION A PRIMARY  
15 ELECTION, A FIRST ELECTION, A PRELIMINARY ELECTION OR ANY OTHER DESCRIPTIVE  
16 TERM.

17           2. THE FIRST TUESDAY AFTER THE FIRST MONDAY IN NOVEMBER. IF THE  
18 POLITICAL SUBDIVISION HOLDS A GENERAL ELECTION OR A RUNOFF ELECTION, THE  
19 SECOND ELECTION HELD SHALL BE HELD ON THIS DATE. IF THE POLITICAL  
20 SUBDIVISION HOLDS ONLY A SINGLE ELECTION AND NO PRELIMINARY OR PRIMARY OR  
21 OTHER ELECTION IS EVER HELD FOR THE PURPOSE OF REDUCING THE NUMBER OF  
22 CANDIDATES, OR RECEIVING A PARTISAN NOMINATION OR DESIGNATION OR FOR ANY  
23 OTHER PURPOSE FOR THAT POLITICAL SUBDIVISION, THE SINGLE ELECTION SHALL BE  
24 HELD ON THIS DATE.

25           F. BEGINNING WITH ELECTIONS HELD IN 2014 AND LATER THAT ARE NOT  
26 CANDIDATE ELECTIONS, AN ELECTION HELD FOR OR ON BEHALF OF ANY POLITICAL  
27 SUBDIVISION OF THIS STATE, AND INCLUDING A SPECIAL ELECTION TO FILL A VACANCY  
28 OR A RECALL ELECTION, MAY ONLY BE HELD ON THE FOLLOWING DATES:

29           1. THE SECOND TUESDAY IN MARCH.

30           2. THE THIRD TUESDAY IN MAY.

31           3. THE TENTH TUESDAY BEFORE THE FIRST TUESDAY AFTER THE FIRST MONDAY  
32 IN NOVEMBER.

33           4. THE FIRST TUESDAY AFTER THE FIRST MONDAY IN NOVEMBER.  
34 NOTWITHSTANDING ANY OTHER LAW, AN ELECTION MUST BE HELD ON THIS DATE FOR THE  
35 APPROVAL OF AN OBLIGATION OR OTHER AUTHORIZATION REQUIRING OR AUTHORIZING THE  
36 ASSESSMENT OF SECONDARY PROPERTY TAXES BY A COUNTY, CITY, TOWN, SCHOOL  
37 DISTRICT, COMMUNITY COLLEGE DISTRICT OR SPECIAL TAXING DISTRICT, EXCEPT AS  
38 PROVIDED BY TITLE 48.

39           G. NOTWITHSTANDING ANY OTHER LAW, FOR AN ELECTION ADMINISTERED BY A  
40 COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS ON BEHALF OF A CITY,  
41 TOWN OR SCHOOL DISTRICT AND THAT IS AN ALL MAIL BALLOT ELECTION FOR THAT  
42 CITY, TOWN OR SCHOOL DISTRICT, THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE  
43 OF ELECTIONS MAY USE A UNIFIED BALLOT FORMAT THAT COMBINES ALL OF THE ISSUES  
44 APPLICABLE TO THE VOTERS IN THE CITY, TOWN OR SCHOOL DISTRICT REQUESTING THE  
45 ALL MAIL BALLOT ELECTION.

1 H. FOR THE PURPOSES OF THIS SECTION, "POLITICAL SUBDIVISION" MEANS ANY  
2 GOVERNMENTAL ENTITY OPERATING UNDER THE AUTHORITY OF THIS STATE AND GOVERNED  
3 BY AN ELECTED BODY, INCLUDING A CITY, TOWN, COUNTY, SCHOOL DISTRICT,  
4 COMMUNITY COLLEGE DISTRICT OR ANY OTHER DISTRICT ORGANIZED UNDER STATE LAW  
5 BUT NOT INCLUDING A SPECIAL TAXING DISTRICT.

6 Sec. 2. Conforming legislation

7 The legislative council staff shall prepare proposed legislation  
8 conforming the Arizona Revised Statutes to the provisions of this act for  
9 consideration in the fifty-first legislature, first regular session.

10 Sec. 3. Severability

11 If a provision of this act or its application to any person or  
12 circumstance is held invalid, the invalidity does not affect other provisions  
13 or applications of the act that can be given effect without the invalid  
14 provision or application, and to this end the provisions of this act are  
15 severable.

APPROVED BY THE GOVERNOR MAY 14, 2012.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 14, 2012.