

OFFICIAL TITLE
A CONSTITUTIONAL AMENDMENT

AMENDING ARTICLE VII, SECTION 7 AND SECTION 10, CONSTITUTION OF ARIZONA; AMENDING ARTICLE VII,
CONSTITUTION OF ARIZONA, BY ADDING SECTION 7.1 AND SECTION 19; RELATING TO ELECTIONS

TEXT OF PROPOSED AMENDMENT

Be it enacted by the People of the State of Arizona:

Section 1. Article VII, Section 7, Constitution of Arizona, is amended as follows:

7. Highest number of votes received as determinative of person elected

Section 7. In all elections held by the people in this state, the person, or persons, receiving the highest number of legal votes shall be declared elected. THIS SECTION DOES NOT PROHIBIT THE USE OF VOTER RANKING TO DETERMINE WHICH PERSON OR PERSONS RECEIVED THE HIGHEST NUMBER OF LEGAL VOTES.

Sec. 2. Article VII, Constitution of Arizona, is amended by adding section 7.1, to read:

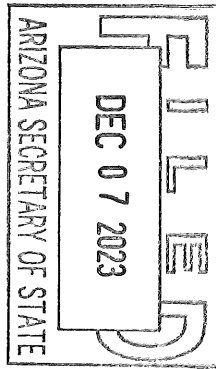
7.1. Primary elections and general elections; definitions

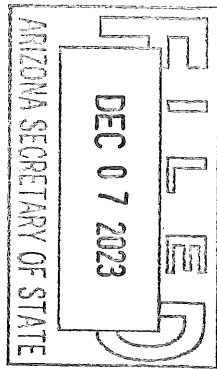
Section 7.1 A. FOR CANDIDATES FOR STATE OFFICES AND FOR UNITED STATES REPRESENTATIVES AND SENATORS, THE FOLLOWING APPLY:

1. EVERY QUALIFIED ELECTOR OF THE JURISDICTION SERVED BY THE OFFICE SOUGHT BY THE PRIMARY CANDIDATES MAY VOTE IN THE PRIMARY ELECTION.
2. ALL CANDIDATES WHO ARE ELIGIBLE FOR ELECTION TO AN OFFICE SHALL BE LISTED ON THE SAME BALLOT FOR THE PRIMARY ELECTION, REGARDLESS OF ANY CANDIDATE'S POLITICAL PARTY AFFILIATION OR LACK OF POLITICAL PARTY AFFILIATION.
3. IN PRIMARY ELECTIONS, VOTERS SHALL BE PERMITTED TO SELECT ONE CANDIDATE FOR EACH SEAT FOR EACH OFFICE THAT IS TO BE FILLED IN THE ASSOCIATED GENERAL ELECTION.
4. THE FIVE CANDIDATES WITH THE HIGHEST NUMBER OF VOTES IN THE PRIMARY ELECTION FOR AN OFFICE WILL PROCEED TO THE GENERAL ELECTION. IF VOTERS WILL ELECT MORE THAN ONE CANDIDATE IN THE GENERAL ELECTION, THAT IS MORE THAN ONE SEAT FOR THE SAME OFFICE WILL BE FILLED IN THE GENERAL ELECTION, FOR EACH ADDITIONAL SEAT TO BE FILLED IN THE GENERAL ELECTION AN ADDITIONAL CANDIDATE MAY ADVANCE TO THE GENERAL ELECTION. IF THE NUMBER OF CANDIDATES IN THE PRIMARY ELECTION IS LOWER THAN THE THRESHOLD PRESCRIBED IN THIS PARAGRAPH, ALL OF THE CANDIDATES ADVANCE TO THE GENERAL ELECTION.
5. CANDIDATES, WITHOUT ANY CONSIDERATION AS TO THEIR POLITICAL PARTY AFFILIATION OR LACK OF POLITICAL PARTY AFFILIATION, MUST MEET IDENTICAL MINIMUM SIGNATURE REQUIREMENTS TO QUALIFY FOR THE PRIMARY ELECTION BALLOT FOR A SPECIFIC OFFICE. ANY QUALIFIED ELECTOR OF THE JURISDICTION OF THE OFFICE SOUGHT BY A CANDIDATE MAY SIGN A CANDIDATE'S NOMINATION PETITION, WITHOUT ANY CONSIDERATION AS TO THE POLITICAL PARTY AFFILIATION OF THE CANDIDATE OR THE QUALIFIED ELECTOR.
6. THIS SECTION DOES NOT PROHIBIT A POLITICAL PARTY FROM EITHER:
 - (a) NOMINATING A CANDIDATE WHO SEEKS QUALIFICATION FOR THE PRIMARY ELECTION BALLOT.
 - (b) ENDORSING OR OFFERING SUPPORT TO A CANDIDATE AS ALLOWABLE UNDER APPLICABLE LAW.
 - (c) IF APPLICABLE LAW ALLOWS OR REQUIRES A CANDIDATE TO DISPLAY THE CANDIDATES POLITICAL PARTY AFFILIATION ALONGSIDE THE CANDIDATES NAME ON THE BALLOT, THE BALLOT MUST ALSO INCLUDE A STATEMENT CLARIFYING THAT THE DISPLAYED POLITICAL PARTY DESIGNATION DOES NOT SIGNIFY THAT THE CANDIDATE HAS BEEN NOMINATED OR ENDORSED BY THAT POLITICAL PARTY BUT MERELY INDICATES THE CANDIDATE'S POLITICAL PARTY REGISTRATION.

B. FOR THE OFFICES PRESCRIBED IN SUBSECTION A OF THIS SECTION, THE CANDIDATE OR CANDIDATES RECEIVING THE GREATEST NUMBER OF LEGAL VOTES IN A GENERAL ELECTION SHALL BE DETERMINED AS FOLLOWS:

1. ALL CANDIDATES WHO ARE ELIGIBLE FOR INCLUSION ON THE GENERAL ELECTION BALLOT SHALL BE LISTED ON THE BALLOT ALONGSIDE THE OTHER CANDIDATES FOR THE SAME OFFICE.
2. THE COUNTY RECORDERS OR OTHER ELECTION OFFICIALS TASKED WITH DEVELOPING THE BALLOT SHALL DEVELOP THE GENERAL ELECTION BALLOT TO ENABLE VOTERS TO RANK CANDIDATES FOR EACH OFFICE.
3. NOTWITHSTANDING ANY LAW TO THE CONTRARY, IN ORDER TO BE LISTED ON THE GENERAL ELECTION BALLOT FOR OFFICES GOVERNED BY THIS SUBSECTION, CANDIDATES MUST EITHER QUALIFY VIA A PRIMARY ELECTION AS PRESCRIBED IN SUBSECTION A OF THIS SECTION OR FILL A VACANCY CAUSED BY THE DEATH OR WITHDRAWAL OF A CANDIDATE NOMINATED DURING THE PRIMARY ELECTION, FOLLOWING A PROCESS PRESCRIBED BY LAW.
4. IF A SINGLE CANDIDATE IS TO BE ELECTED TO AN OFFICE, EACH BALLOT WILL BE COUNTED AS ONE VOTE FOR THE TOP-RANKED ACTIVE CANDIDATE ON THAT BALLOT. THE TABULATION WILL OCCUR IN ROUNDS, WITH EACH ROUND PROGRESSING SEQUENTIALLY AS FOLLOWS:
 - (a) IF AN ACTIVE CANDIDATE RECEIVES MORE THAN FIFTY PERCENT OF THE VOTES FOR THAT OFFICE IN THE ROUND, THAT CANDIDATE IS DECLARED ELECTED, AND THE TABULATION PROCESS CONCLUDES.
 - (b) IF NO ACTIVE CANDIDATE RECEIVES MORE THAN FIFTY PERCENT OF THE VOTES FOR THAT OFFICE IN THE ROUND, THE ACTIVE CANDIDATE WITH THE FEWEST FIRST CHOICE VOTES IS ELIMINATED. EACH BALLOT IN WHICH THE ELIMINATED CANDIDATE WAS RANKED FIRST WILL THEN BE COUNTED AS A FIRST CHOICE VOTE FOR THE NEXT-RANKED ACTIVE CANDIDATE FOR THAT OFFICE ON THAT BALLOT IN THE SUBSEQUENT ROUND.
 - (c) A NEW ROUND WILL COMMENCE, PURSUANT TO THE PROCEDURE PRESCRIBED IN SUBSECTION B.4.a UNTIL A CANDIDATE IS ELECTED.





5. IF MORE THAN ONE CANDIDATE IS TO BE ELECTED TO AN OFFICE, EACH BALLOT WILL BE COUNTED AS ONE VOTE FOR THE TOP-RANKED ACTIVE CANDIDATE ON THAT BALLOT. THE TABULATION OCCURS IN ROUNDS UNTIL THE TABULATION PROCESS CONCLUDES, AS FOLLOWS:
 - (a) IF THE NUMBER OF ACTIVE CANDIDATES IS EQUAL TO OR LESS THAN THE NUMBER OF AVAILABLE SEATS TO BE FILLED, ALL ACTIVE CANDIDATES ARE ELECTED AND THE TABULATION PROCESS CONCLUDES.
 - (b) IF THE NUMBER OF ACTIVE CANDIDATES EXCEEDS THE NUMBER OF AVAILABLE SEATS TO BE FILLED, THE ACTIVE CANDIDATE WITH THE FEWEST FIRST CHOICE VOTES IS ELIMINATED. EACH BALLOT IN WHICH THE ELIMINATED CANDIDATE WAS RANKED FIRST WILL THEN BE COUNTED AS A FIRST CHOICE VOTE FOR THE NEXT-RANKED ACTIVE CANDIDATE ON THAT BALLOT IN THE SUBSEQUENT ROUND.
 - (c) A NEW ROUND WILL COMMENCE, PURSUANT TO THE PROCEDURE PRESCRIBED IN SUBSECTION B.5.a UNTIL A NUMBER OF CANDIDATES EQUAL TO THE SEATS AVAILABLE IS ELECTED.
 6. DURING ANY SPECIFIC ROUND OF TABULATION PURSUANT TO THIS SECTION, A BALLOT IS NOT CONSIDERED A VOTE FOR ANY CANDIDATE IN THAT RACE IF ANY OF THE FOLLOWING CONDITIONS APPLIES:
 - (a) THE BALLOT NO LONGER RANKS ANY ACTIVE CANDIDATE FOR THE OFFICE.
 - (b) THE BALLOT ASSIGNS THE SAME RANK TO TWO OR MORE CANDIDATES, INCLUDING THE BALLOT'S HIGHEST-RANKED ACTIVE CANDIDATE.
 - (c) THE BALLOT SKIPS TWO OR MORE CONSECUTIVE RANKINGS BEFORE THE BALLOT'S HIGHEST RANKED ACTIVE CANDIDATE.
 7. EXCEPT IN THE FINAL ROUND THAT DETERMINES THE CANDIDATE WHO IS ULTIMATELY ELECTED, IF TWO OR MORE CANDIDATES ARE TIED WITH THE FEWEST VOTES AND THE TABULATION CANNOT PROGRESS UNTIL ONE OF THE CANDIDATES IS ELIMINATED, THE CANDIDATE TO BE ELIMINATED SHALL BE CHOSEN BY LOT. ANY TIES IN THE FINAL ROUND THAT NEED TO BE RESOLVED TO DETERMINE THE ELECTION'S WINNER ARE SETTLED IN ACCORDANCE WITH LEGAL PROVISIONS.
- C. THE SECRETARY OF STATE IS RESPONSIBLE FOR FORMULATING PROCEDURES TO ENSURE THE PRECISE, SECURE, IMPARTIAL AND EFFICIENT ADMINISTRATION OF ELECTIONS UNDER THIS SECTION.
- D. THE LEGISLATURE THROUGH REFERENDUM OR THE PEOPLE THROUGH AN INITIATIVE OR ANY POLITICAL SUBDIVISION MAY AUTHORIZE THE USE OF THE PROCEDURES DESCRIBED IN THIS SECTION.
- E. THIS SECTION IS NOT SUBJECT TO THE FUNDING REQUIREMENTS IN ARTICLE IV, SECTION 23 CONSTITUTION OF ARIZONA. UNTIL 2028, THE SECRETARY OF STATE SHALL PROPOSE TO THE LEGISLATURE AN ALLOCATION TO COVER INCREASED STATE AND LOCAL EXPENDITURES THAT ARE ESSENTIAL TO IMPLEMENT THIS SECTION AND DISSEMINATE INFORMATION TO EDUCATE VOTERS REGARDING THIS SECTION. THE LEGISLATURE SHALL ALLOCATE THE REQUISITE MONIES TO THE SECRETARY OF STATE, WHO SHALL ALLOCATE FUNDING TO COUNTIES FOR THE STATED PURPOSES.
- F. IF SUBSECTION E OF THIS SECTION IS UNENFORCEABLE FOR ANY REASON, THE SECRETARY OF STATE SHALL COLLECT A \$100 FILING FEE FOR THE REGISTRATION OF ANY POLITICAL COMMITTEE TO BE USED TO FUND THE COSTS TO THE STATE TREASURY RESULTING FROM IMPLEMENTING THIS SECTION.
- G. FOR THE PURPOSES OF THIS SECTION:
1. "ACTIVE CANDIDATE" MEANS ANY CANDIDATE WHO HAS NOT BEEN ELIMINATED OR ELECTED.
 2. "ROUND" MEANS AN INSTANCE OF VOTING TABULATION.
 3. "STATE OFFICES" MEANS THE STATE HOUSE OF REPRESENTATIVES, THE STATE SENATE, ALL OFFICES IDENTIFIED IN ARTICLE V, SECTION 1, CONSTITUTION OF ARIZONA, THE CORPORATION COMMISSION AND THE STATE MINE INSPECTOR.

Sec. 3. Article VII, Section 10, Arizona Constitution, is amended as follows:

10. Direct Primary Election Law

Section 10. The Legislature shall enact a direct primary election law that is CONSISTENT WITH SECTION 7.1 OF THIS ARTICLE, ~~which shall provide~~ and that provides for the nomination of candidates for all elective State, county, and city offices, including candidates for United States Senator and for Representative in Congress. FOR OFFICES THAT ARE NOT COVERED BY SECTION 7.1 of this article any person who is registered as no party preference or independent as the party preference or who is registered with a political party that is not qualified for representation on the ballot may vote in the primary election of any one of the political parties that is qualified for the ballot.

Sec. 4. Article VII, Constitution of Arizona is amended by adding section 19 to read:

19. Limitation on expenditure of public monies for political party elections

Section 19. PUBLIC MONIES MAY BE USED TO ADMINISTER A PRESIDENTIAL PREFERENCE ELECTION IF ALL PERSONS WHO REGISTERED AS NO PARTY PREFERENCE OR INDEPENDENT AS THE POLITICAL PARTY OF PREFERENCE OR WHO REGISTERED WITH A POLITICAL PARTY THAT IS NOT QUALIFIED FOR REPRESENTATION ON THE BALLOT MAY VOTE IN THE ELECTION OF ANY ONE OF THE POLITICAL PARTIES THAT ARE QUALIFIED FOR THE BALLOT.

Sec. 5. Severability

The People of Arizona declare their intention that the provisions of this Constitutional Amendment are severable. If any provision of this Constitutional Amendment is held to be invalid for any reason by a court, the remaining provisions of this Amendment will be severed from the void portion and given the fullest possible force and application.

Sec. 6. Legal defense

The People of Arizona desire that this Constitutional Amendment be defended if it is challenged in court. They therefore declare that the political committee registered to circulate petitions in support of this Constitutional Amendment, or any of its members, shall have standing to defend this Constitutional Amendment on behalf of and as the agent of the People of Arizona in any legal action brought to challenge the validity of this Constitutional Amendment or any of its provisions.

Sec 7. Short Title.

This Constitutional Amendment shall be known as the "Better Ballot Better Arizona Act"