



STATE OF ARIZONA
April 18, 2011

JANICE K. BREWER
GOVERNOR

EXECUTIVE OFFICE

The Honorable Kirk Adams
Speaker of the House
Arizona House of Representatives
1700 W. Washington
Phoenix, Arizona 85007

Re: House Bill 2177 (presidential candidates; qualifications; affidavit)

Dear Speaker Adams:

Today I vetoed House Bill 2177. House Bill 2177 empowers the Secretary of State or other election officers in Arizona to judge the qualifications of every federal, state and local candidate at the time of filing. As a former Secretary of State, I do not support designating one person as the gatekeeper to the ballot for a candidate, which could lead to arbitrary or politically-motivated decisions.

In addition, I never imagined being presented with a bill that could require candidates for President of the greatest and most powerful nation on earth to submit their "early baptismal or circumcision certificates" among other records to the Arizona Secretary of State. This is a bridge too far.

This measure creates significant new problems while failing to do anything constructive for Arizona.

Sincerely,

A handwritten signature in cursive script that reads "Janice K. Brewer".

Janice K. Brewer
Governor

cc: The Honorable Russell Pearce
The Honorable Carl Seel

State of Arizona
House of Representatives
Fiftieth Legislature
First Regular Session
2011

HOUSE BILL 2177

AN ACT

AMENDING SECTION 16-311, ARIZONA REVISED STATUTES; AMENDING TITLE 16, CHAPTER 4, ARTICLE 6, ARIZONA REVISED STATUTES, BY ADDING SECTION 16-507.01; RELATING TO PRESIDENTIAL ELECTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 16-311, 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 for
6 a political party and to have the person's name printed on the official
7 ballot shall be a qualified elector of such party and, not less than ninety
8 nor more than one hundred twenty days before the primary election, shall sign
9 and cause to be filed a nomination paper giving the person's actual residence
10 address or description of place of residence and post office address, naming
11 the party of which the person desires to become a candidate, stating the
12 office and district or precinct, if any, for which the person offers the
13 person's candidacy, stating the exact manner in which the person desires to
14 have the person's name printed on the official ballot pursuant to subsection
15 G, and giving the date of the primary election and, if nominated, the date of
16 the general election at which the person desires to become a candidate. A
17 candidate for public office shall be a qualified elector at the time of
18 filing and shall reside in the county, district or precinct ~~which~~ THAT the
19 person proposes to represent.

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

33 C. Notwithstanding subsection B ~~to the contrary~~, any city or town may
34 adopt by ordinance for its elections the time frame provided in subsection A
35 for filing nomination petitions. Such ordinance shall be adopted not less
36 than one hundred twenty days before the first election to which it applies.

37 D. All persons desiring to become a candidate shall file with the
38 nomination paper provided for in subsection A an affidavit, which shall be
39 printed in a form prescribed by the secretary of state. The affidavit shall
40 include facts sufficient to show that, other than the residency requirement
41 provided in subsection A, the candidate will be qualified at the time of
42 election to hold the office the person seeks. THE AFFIDAVIT SHALL INCLUDE
43 REFERENCES TO AND ATTACHMENT OF ALL DOCUMENTS NECESSARY TO SHOW THAT THE
44 PERSON WILL BE QUALIFIED AT THE TIME OF THE ELECTION TO HOLD THE OFFICE THE
45 PERSON SEEKS.

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

7 F. The nomination paper of a candidate for superior court judge or for
8 a county, district and precinct office for which the electors of a county or
9 a subdivision of a county other than an incorporated city or town are
10 entitled to vote shall be filed with the county elections officer no later
11 than 5:00 p.m. on the last date for filing as prescribed by subsection A.
12 The nomination paper of a candidate for a city or town office shall be filed
13 with the city or town clerk no later than 5:00 p.m. on the last date for
14 filing. The nomination paper of a candidate for school district office shall
15 be filed with the county school superintendent no later than 5:00 p.m. on the
16 last date for filing.

17 G. The nomination paper shall include the exact manner in which the
18 candidate desires to have the person's name printed on the official ballot
19 and shall be limited to the candidate's surname and given name or names, an
20 abbreviated version of such names or appropriate initials such as "Bob" for
21 "Robert", "Jim" for "James", "Wm." for "William" or "S." for "Samuel".
22 Nicknames are permissible, but in no event shall nicknames, abbreviated
23 versions or initials of given names suggest reference to professional,
24 fraternal, religious or military titles. No other descriptive name or names
25 shall be printed on the official ballot, except as provided in this section.
26 Candidates' abbreviated names or nicknames may be printed within quotation
27 marks. The candidate's surname shall be printed first, followed by the given
28 name or names.

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

- 34 1. The nomination petition required by this title.
- 35 2. A political committee statement of organization or the five hundred
36 dollar threshold exemption statement for that office.
- 37 3. The financial disclosure statement as prescribed for candidates for
38 that office.

39 4. THE AFFIDAVIT AND ATTACHMENTS PRESCRIBED IN SUBSECTION D.

40 I. For the purposes of this title:

- 41 1. "Election district" means the state, any county, city, town,
42 precinct or other political subdivision or a special district ~~which~~ THAT is
43 not a political subdivision, ~~which~~ THAT is authorized by statute to conduct
44 an election and ~~which~~ THAT is authorized or required to conduct its election
45 in accordance with this title.

1 D. IF THE SECRETARY OF STATE RECEIVES ANY DOCUMENTS IN PLACE OF A LONG
2 FORM BIRTH CERTIFICATE PURSUANT TO SUBSECTION B, PARAGRAPH 1 AND CANNOT
3 DETERMINE IF THE PRESIDENTIAL CANDIDATE MEETS THE REQUIREMENTS PRESCRIBED IN
4 ARTICLE II, SECTION 1, CONSTITUTION OF THE UNITED STATES, THE SECRETARY OF
5 STATE MAY ESTABLISH A COMMITTEE TO ASSIST IN THE DETERMINATION OR HOLD
6 HEARINGS AND SUBMIT ANY DOCUMENTS FOR FORENSIC EXAMINATION.

7 E. IF BOTH THE PRESIDENTIAL CANDIDATE AND THE NATIONAL POLITICAL PARTY
8 COMMITTEE FOR THAT CANDIDATE FAIL TO SUBMIT AND SWEAR TO THE DOCUMENTS
9 PRESCRIBED IN THIS SECTION, THE SECRETARY OF STATE SHALL NOT PLACE THAT
10 PRESIDENTIAL CANDIDATE'S NAME ON THE BALLOT IN THIS STATE. IF THE CANDIDATE
11 AND NATIONAL POLITICAL PARTY COMMITTEE FOR THAT COMMITTEE SUBMIT AND SWEAR TO
12 THE DOCUMENTS PRESCRIBED IN THIS SECTION, BUT THE SECRETARY OF STATE BELIEVES
13 THAT THE PREPONDERANCE OF THE EVIDENCE SHOWS THAT THE CANDIDATE DOES NOT MEET
14 THE CITIZENSHIP, AGE AND RESIDENCY REQUIREMENTS, THE SECRETARY OF STATE SHALL
15 NOT PLACE THAT PRESIDENTIAL CANDIDATE'S NAME ON THE BALLOT IN THIS STATE.

16 F. A MEMBER OF THE HOUSE OF REPRESENTATIVES, A MEMBER OF THE SENATE OR
17 ANY OTHER CITIZEN OF THIS STATE HAS STANDING TO INITIATE AN ACTION TO ENFORCE
18 THIS SECTION.

19 Sec. 3. Severability

20 If a provision of this act or its application to any person or
21 circumstance is held invalid, the invalidity does not affect other provisions
22 or applications of the act that can be given effect without the invalid
23 provision or application, and to this end the provisions of this act are
24 severable.

Passed the House February 28, 2011

by the following vote: 57 Ayes,

1 Nays, 2 Not Voting

[Signature]
Speaker of the House
Pro Tempore

Cheryl Laube
Chief Clerk of the House

Passed the Senate April 13, 2011

by the following vote: 20 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 received by the Governor this

 day of , 20

at o'clock M.

Secretary to the Governor

Approved this day of

at o'clock M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this day of , 20

at o'clock M.

Secretary of State

H.B. 2177

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

April 14, 2011,

by the following vote: 40 Ayes,

16 Nays, 4 Not Voting

[Signature]
Speaker of the House

Cheryl Laube
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

15 day of April, 2011,

at 8:50 o'clock A.M.

[Signature]
Secretary to the Governor

Approved this _____ day of

_____, 20____,

at **VETO** o'clock _____ M.

Governor of Arizona

H.B. 2177

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