

State of Arizona
House of Representatives
Forty-eighth Legislature
First Regular Session
2007

HOUSE BILL 2338

AN ACT

AMENDING SECTIONS 16-912.01, 19-101, 19-102, 19-112 AND 19-118, ARIZONA REVISED STATUTES; AMENDING TITLE 19, CHAPTER 1, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 19-119.01; AMENDING SECTIONS 19-121.01 AND 19-125, ARIZONA REVISED STATUTES; RELATING TO INITIATIVE AND REFERENDUM.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 16-912.01, Arizona Revised Statutes, is amended to
3 read:

4 16-912.01. Ballot measure committees; campaign literature and
5 advertising funding; identification; disclosure;
6 civil penalty; definition

7 A. A political committee that makes an expenditure in connection with
8 any literature or advertisement to support or oppose a ballot proposition
9 shall disclose in such literature or advertisement the four largest of its
10 major funding sources as of the time the literature or advertisement is
11 printed, recorded or otherwise produced for dissemination. If a political
12 committee has fewer than four major funding sources, the committee shall
13 disclose all major funding sources.

14 B. A POLITICAL COMMITTEE THAT FILES AN APPLICATION FOR AN INITIATIVE
15 OR REFERENDUM PETITION PURSUANT TO SECTION 19-111 SHALL DISCLOSE AT THE
16 BOTTOM OF THE INITIATIVE OR REFERENDUM PETITION SHEET ITS MAJOR FUNDING
17 SOURCES AS PRESCRIBED BY SUBSECTIONS A, C AND D OF THIS SECTION. THE
18 DISCLOSURE SHALL BE MADE AS PRESCRIBED BY SECTION 19-101, SUBSECTION D OR
19 19-102, SUBSECTION D, AS APPROPRIATE. THE DISCLOSURES SHALL BE THE
20 CUMULATIVE EXPENDITURES MADE BY THAT COMMITTEE BEFORE THE ONE WEEK PERIOD
21 BEFORE THAT PETITION SHEET IS CIRCULATED FOR SIGNATURES.

22 ~~B.~~ C. For THE purposes of this section, a major funding source of a
23 political committee is any contributor that is not an individual person and
24 that has made cumulative contributions of either:

25 1. Ten thousand dollars or more for an expenditure in support of or
26 opposition to a statewide ballot proposition or a ballot proposition of a
27 political subdivision with a population of one hundred thousand persons or
28 more.

29 2. Five thousand dollars or more for an expenditure in support of or
30 opposition to a ballot proposition of a political subdivision with a
31 population of less than one hundred thousand persons.

32 ~~C.~~ D. If an out-of-state contributor or group of out-of-state
33 contributors is a major funding source to a political committee disclosed
34 pursuant to subsection A OF THIS SECTION, the political committee shall state
35 the contributor is an out-of-state contributor on its literature or
36 advertisement in support of or in opposition to a ballot proposition.

37 ~~D.~~ E. Contributors that make contributions to more than one political
38 committee that supports or opposes the same ballot proposition shall notify
39 each political committee of the cumulative total of these contributions.
40 Cumulative totals must be disclosed by each political committee that received
41 contributions from the same contributor if the cumulative totals qualify as a
42 major funding source to be disclosed pursuant to subsection A OF THIS
43 SECTION.

44 ~~E.~~ F. Any disclosure statement required by this section shall be
45 printed clearly and legibly in a conspicuous manner in type at least as large

1 as the majority of the printed text. If the communication is broadcast on
2 radio, the information shall be spoken at the end of the communication. If
3 the communication is broadcast on a telecommunications system, the
4 information shall be both written and spoken at the end of the communication,
5 except that if the disclosure statement is written for at least five seconds
6 of a thirty second advertisement broadcast or ten seconds of a sixty second
7 advertisement broadcast, a spoken disclosure statement is not required. If
8 the communication is broadcast on a telecommunications system, the written
9 disclosure statement shall be printed in letters equal to or larger than four
10 per cent of the vertical picture height.

11 ~~F.~~ G. Subsection A OF THIS SECTION does not apply to bumper stickers,
12 pins, buttons, pens and similar small items on which the statements required
13 in subsection A OF THIS SECTION cannot be conveniently printed or to a
14 communication by an organization solely to its members.

15 ~~G.~~ H. A committee shall change future literature and advertisements
16 to reflect any change in funding sources that must be disclosed pursuant to
17 subsection A OF THIS SECTION.

18 ~~H.~~ I. This section only applies to advertisements the contents of
19 which are more than fifty per cent devoted to one or more ballot propositions
20 or proposed measures on the same subject.

21 ~~I.~~ J. Any committee that violates this section is liable in a civil
22 action brought by the attorney general, county attorney or city or town
23 attorney, as appropriate, or by any other person for a civil penalty of three
24 times the total cost of the advertisement. A donor who does not accurately
25 disclose its contributions is liable for a civil penalty of three times the
26 amount donated.

27 ~~J.~~ K. For THE purposes of this section, "advertisement" means general
28 public advertising through the print and electronic media, signs, billboards
29 and direct mail.

30 Sec. 2. Section 19-101, Arizona Revised Statutes, is amended to read:

31 19-101. Referendum petition; circulators; violation;
32 classification

33 A. The following shall be the form for referring to the people by
34 referendum petition a measure or item, section or part of a measure enacted
35 by the legislature, or by the legislative body of an incorporated city, town
36 or county:

37 Referendum Description

38 (Insert a description of no more than one hundred words of the principal
39 provisions of the measure sought to be referred.)

40 Notice: This is only a description of the measure sought to be
41 referred prepared by the sponsor of the measure. It may not include every
42 provision contained in the measure. Before signing, make sure the title and
43 text of the measure are attached. You have the right to read or examine the
44 title and text before signing.

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Petition for Referendum

To the secretary of state ~~:-~~ (or to the corresponding officer for or on local, county, city or town measures):

We, the undersigned citizens and qualified electors of the state of Arizona, respectfully order that the senate (or house) bill no. _____ (or other local, county, city or town measure) entitled (title of act or ordinance, and if the petition is against less than the whole act or ordinance then set forth here the item, section, or part, of any measure on which the referendum is used), passed by the _____ session of the legislature of the state of Arizona, at the general (or special, as the case may be) session of said legislature, (or by a county, city or town legislative body) shall be referred to a vote of the qualified electors of the state, (county, city or town) for their approval or rejection at the next regular general election (or county, city or town election) and each for himself says:

I have personally signed this petition with my first and last names. I have not signed any other petition for the same measure. I am a qualified elector of the state of Arizona, county of (or city or town and county of, as the case may be) _____.

"Warning

It is a class 1 misdemeanor for any person to knowingly sign an initiative or referendum petition with a name other than his own, except in a circumstance where he signs for a person, in the presence of and at the specific request of such person, who is incapable of signing his own name because of physical infirmity, or to knowingly sign his name more than once for the same measure, or to knowingly sign such petition when he is not a qualified elector."

Signature	Name	Actual	Arizona	City or	Date
	(first and	address	post office	town	signed
	last name	(street &	address	(if any)	
	printed)	no. and if	& zip		
		no street	code		
		address,			
		describe			
		residence			
		location)			

(Fifteen lines for signatures which shall be numbered)

The validity of signatures on this sheet must be sworn to by the circulator before a notary public on the form appearing on the back of the sheet.

Number _____

1 B. Each petition sheet shall have printed in capital letters in no
2 less than twelve point bold-faced type in the upper right-hand corner of the
3 face of the petition sheet the following:

4 "_____ paid circulator" "_____ volunteer"
5 "ALL SIGNERS ON THIS PAGE MUST BE REGISTERED VOTERS IN _____ COUNTY".

6 C. A circulator of a referendum petition shall state whether he is a
7 paid circulator or volunteer by checking the appropriate line on the petition
8 form AND SHALL PROVIDE THE NAME OF ONLY ONE COUNTY ON THE PETITION FORM
9 before circulating the petition for signatures.

10 D. EACH PETITION SHALL BEAR THE WORDS "PAID FOR BY:
11 _____ (FUNDING SOURCES)" WITH A DESCRIPTION OF THE MAJOR FUNDING
12 SOURCES FOR THE POLITICAL COMMITTEE THAT IS SUPPORTING THE PETITION AS
13 PRESCRIBED BY SECTION 16-912.01, SUBSECTION B. THE DESCRIPTION OF THE MAJOR
14 FUNDING SOURCES SHALL BE PRINTED AT THE BOTTOM OF THE PETITION SHEET AND
15 SHALL BE PRINTED IN TYPE AT LEAST AS LARGE AS THE MAJORITY OF THE PRINTED
16 TEXT. IF THERE IS NO MAJOR FUNDING SOURCE, THE DISCLOSURE SHALL INCLUDE THE
17 WORD "NONE" IN PLACE OF THE DESCRIPTION OF FUNDING SOURCES.

18 ~~D.~~ E. Signatures obtained on referendum petitions in violation of
19 subsection C OR D OF THIS SECTION, INCLUDING SIGNATURES THAT ARE FROM VOTERS
20 WHO ARE REGISTERED IN A COUNTY OTHER THAN THE COUNTY LISTED AT THE TOP OF THE
21 PETITION FORM, are void and shall not be counted BY THE SECRETARY OF STATE in
22 determining the legal sufficiency of the petition. SIGNATURES OBTAINED ON
23 REFERENDUM PETITIONS THAT FAIL TO LIST THE MAJOR FUNDING SOURCES OR INDICATE
24 THAT THERE ARE NO MAJOR FUNDING SOURCES IN VIOLATION OF SUBSECTION D OF THIS
25 SECTION ARE VOID AND SHALL NOT BE COUNTED BY THE SECRETARY OF STATE IN
26 DETERMINING THE LEGAL SUFFICIENCY OF THE PETITION. ANY ELECTOR MAY CHALLENGE
27 IN SUPERIOR COURT THE VALIDITY OF THE PETITIONS UNDER SUBSECTION D OF THIS
28 SECTION. The presence of signatures that are invalidated under this
29 subsection on a petition does not invalidate other signatures on the petition
30 that were obtained as prescribed by this section.

31 Sec. 3. Section 19-102, Arizona Revised Statutes, is amended to read:
32 19-102. Initiative petition; circulators

33 A. The form of petition for a law or amendment to the constitution of
34 this state or county legislative measure, or city or town ordinance, or
35 amendment to a city or town charter proposed by the initiative to be
36 submitted directly to the electors, shall be substantially in the form
37 prescribed in section 19-101, except that the title and body of such petition
38 shall read:

39 Initiative description

40 (Insert a description of no more than one hundred words of
41 the principal provisions of the proposed measure or
42 constitutional amendment.)

43 Notice: this is only a description of the proposed measure (or
44 constitutional amendment) prepared by the sponsor of the measure. It may not
45 include every provision contained in the measure. Before signing, make sure

1 the title and text of the measure are attached. You have the right to read
2 or examine the title and text before signing.

3 Initiative Measure to be Submitted Directly to Electors

4 We, the undersigned, citizens and qualified electors of
5 the state of Arizona, respectfully demand that the following
6 proposed law (or amendment to the constitution, or other
7 initiative measure), shall be submitted to the qualified
8 electors of the state of Arizona (county, city or town of
9 _____) for their approval or rejection at the next
10 regular general election (or county, city or town election) and
11 each for himself says: (terminate form same as a referendum
12 petition.)

13 B. Each petition sheet shall have printed in capital letters in no
14 less than twelve point bold-faced type in the upper right-hand corner of the
15 face of the petition sheet the following:

16 "_____ paid circulator" "_____ volunteer"

17 "ALL SIGNERS ON THIS PAGE MUST BE REGISTERED VOTERS IN _____ COUNTY".

18 C. A circulator of an initiative petition shall state whether he is a
19 paid circulator or volunteer by checking the appropriate line on the petition
20 form AND SHALL PROVIDE THE NAME OF ONLY ONE COUNTY ON THE PETITION FORM
21 before circulating the petition for signatures.

22 D. EACH PETITION SHALL BEAR THE WORDS "PAID FOR BY:
23 _____ (FUNDING SOURCES)" WITH A DESCRIPTION OF THE MAJOR FUNDING
24 SOURCES FOR THE POLITICAL COMMITTEE THAT IS SUPPORTING THE PETITION AS
25 PRESCRIBED BY SECTION 16-912.01, SUBSECTION B. THE DESCRIPTION OF THE MAJOR
26 FUNDING SOURCES SHALL BE PRINTED AT THE BOTTOM OF THE PETITION SHEET AND
27 SHALL BE PRINTED IN TYPE AT LEAST AS LARGE AS THE MAJORITY OF THE PRINTED
28 TEXT. IF THERE IS NO MAJOR FUNDING SOURCE, THE DISCLOSURE SHALL INCLUDE THE
29 WORD "NONE" IN PLACE OF THE DESCRIPTION OF FUNDING SOURCES.

30 ~~D.~~ E. Signatures obtained on initiative petitions in violation of
31 subsection C OR D of this section, INCLUDING SIGNATURES THAT ARE FROM VOTERS
32 WHO ARE REGISTERED IN A COUNTY OTHER THAN THE COUNTY LISTED AT THE TOP OF THE
33 PETITION FORM, are void and shall not be counted BY THE SECRETARY OF STATE in
34 determining the legal sufficiency of the petition. SIGNATURES OBTAINED ON
35 REFERENDUM PETITIONS THAT FAIL TO LIST THE MAJOR FUNDING SOURCES OR INDICATE
36 THAT THERE ARE NO MAJOR FUNDING SOURCES IN VIOLATION OF SUBSECTION D OF THIS
37 SECTION ARE VOID AND SHALL NOT BE COUNTED BY THE SECRETARY OF STATE IN
38 DETERMINING THE LEGAL SUFFICIENCY OF THE PETITION. ANY ELECTOR MAY CHALLENGE
39 IN SUPERIOR COURT THE VALIDITY OF THE PETITIONS UNDER SUBSECTION D OF THIS
40 SECTION. The presence of signatures that are invalidated under this
41 subsection on a petition does not invalidate other signatures on the petition
42 that were obtained as prescribed by this section.

1 Sec. 4. Section 19-112, Arizona Revised Statutes, is amended to read:
2 19-112. Signatures and verification; attachment

3 A. Every qualified elector signing a petition shall do so in the
4 presence of the person who is circulating the petition and who is to execute
5 the affidavit of verification. At the time of signing, the qualified elector
6 shall sign his first and last names in the spaces provided and the elector so
7 signing ~~or the person circulating the petition~~ shall print his first and last
8 names and write, in the appropriate spaces following the signature, the
9 signer's residence address, giving street and number, and if he has no street
10 address, a description of his residence location. The elector so signing ~~or~~
11 ~~the person circulating the petition~~ shall write, in the appropriate spaces
12 following the elector's address, the date on which the elector signed the
13 petition. **IF A SIGNER IS DISABLED AND NEEDS ASSISTANCE, A THIRD PARTY SHOULD**
14 **PROVIDE THAT ASSISTANCE. THE THIRD PARTY PROVIDING ASSISTANCE SHALL SIGN HIS**
15 **OR HER NAME AND ADDRESS AND STATE THAT HE RENDERED ASSISTANCE TO THE DISABLED**
16 **ELECTOR.**

17 B. The signature sheets shall be attached at all times during
18 circulation to a full and correct copy of the title and text of the measure
19 or constitutional amendment proposed or referred by the petition. The title
20 and text shall be in at least eight point type and shall include both the
21 original and the amended text. The text shall indicate material deleted, if
22 any, by printing the material with a line drawn through the center of the
23 letters of the material and shall indicate material added or new material by
24 printing the letters of the material in capital letters.

25 C. The person before whom the signatures and addresses were written on
26 the signature sheet ~~shall~~, on the affidavit form pursuant to this section,
27 **SHALL** subscribe and swear before a notary public that each of the names on
28 the sheet was signed **BY** and the name and address were printed ~~in the presence~~
29 ~~of~~ **BY** the elector ~~and~~ **IN THE PRESENCE OF** the circulator on the date
30 indicated, and that in his belief each signer was a qualified elector of a
31 certain county of the state, or, in the case of a city, town or county
32 measure, of the city, town or county affected by the measure on the date
33 indicated, and that at all times during circulation of the signature sheet a
34 copy of the title and text was attached to the signature sheet. All
35 signatures of petitioners on a signature sheet shall be those of qualified
36 electors who are registered to vote in the ~~same~~ county **THAT IS INDICATED IN**
37 **THE UPPER RIGHT-HAND CORNER OF THE PETITION SHEET. However,** If signatures
38 from more than one county appear on the same signature sheet, only the valid
39 signatures from the ~~same~~ county ~~which are most numerous~~ **INDICATED** on the
40 signature sheet shall be counted. Signature and handwriting comparisons may
41 be made.

42 D. The affidavit shall be in the following form printed on the reverse
43 side of each signature sheet:

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Affidavit of Circulator

State of Arizona)
) ss.:
County of _____)
(Where notarized)

I, (print name), a person who is qualified to register to vote in the county of _____, in the state of Arizona at all times during my circulation of this petition sheet, and under the penalty of a class 1 misdemeanor, depose and say that each individual signed this sheet of the foregoing petition in my presence on the date indicated, and I believe that each signer's name and residence address or post office address are correctly stated and that each signer is a qualified elector of the state of Arizona (or in the case of a city, town or county measure, of the city, town or county affected by the measure proposed to be initiated or referred to the people) and that at all times during circulation of this signature sheet a copy of the title and text was attached to the signature sheet.

(Signature of affiant) _____
(Residence address, street and number of affiant, or if no street address, a description of residence location) _____

Subscribed and sworn to before me on _____.
(date)

Notary Public
_____, Arizona.

My commission expires on _____.
(date)

E. The eight point type required by subsection B shall not apply to maps, charts or other graphics.

Sec. 5. Section 19-118, Arizona Revised Statutes, is amended to read:
19-118. Paid circulators; payment limitation

A. For the purposes of this title, A ~~"paid circulator"~~
~~1. Means a natural person who receives~~ MAY BE PAID ONLY IN THE FORM OF A FLAT RATE OR HOURLY AMOUNT AND SHALL NOT BE PAID monetary or other compensation that is based on the number of signatures obtained on a petition or on the number of petitions circulated that contain signatures. A PAID CIRCULATOR SHALL BE PAID ONLY IN A MANNER THAT QUALIFIES THE CIRCULATOR AS AN EMPLOYEE FOR PURPOSES OF THE FEDERAL UNEMPLOYMENT TAX ACT, AS AMENDED (26 UNITED STATES CODE SECTIONS 3301 THROUGH 3311). SIGNATURES THAT ARE

1 COLLECTED BY A PAID CIRCULATOR IN VIOLATION OF THIS SUBSECTION ARE VOID AND
2 SHALL NOT BE COUNTED IN DETERMINING THE LEGAL SUFFICIENCY OF THE PETITION.
3 ANY ELECTOR MAY CHALLENGE IN SUPERIOR COURT THE VALIDITY OF THE PETITIONS
4 UNDER THIS SUBSECTION.

5 ~~2-~~ B. THIS SECTION does not ~~include~~ APPLY TO a paid employee of any
6 political ~~committee~~ PARTY organized pursuant to title 16, chapter ~~6- 5,~~
7 ~~unless that employee's primary responsibility is circulating petitions to~~
8 ~~obtain signatures.~~

9 Sec. 6. Title 19, chapter 1, article 2, Arizona Revised Statutes, is
10 amended by adding section 19-119.01, to read:

11 19-119.01. Liability for actions of petition circulators

12 A. A MEMBER OF THE POLITICAL COMMITTEE THAT FILED THE APPLICATION FOR
13 A STATEWIDE INITIATIVE OR REFERENDUM PETITION WHO HAS KNOWLEDGE OF A
14 VIOLATION OF ANY LAW RELATED TO THE CIRCULATION OF THAT STATEWIDE INITIATIVE
15 OR REFERENDUM PETITION COMMITTED BY A CIRCULATOR IS DEEMED TO HAVE COMMITTED
16 A VIOLATION.

17 B. A MEMBER OF THE POLITICAL COMMITTEE IS NOT LIABLE UNDER SUBSECTION
18 A IF THE MEMBER NOTIFIES THE SECRETARY OF STATE IN WRITING WITHIN ONE
19 BUSINESS DAY AFTER THE MEMBER OBTAINS KNOWLEDGE OF A POTENTIAL VIOLATION.
20 THE NOTICE SHALL STATE ALL OF THE FOLLOWING:

- 21 1. THAT A POTENTIAL VIOLATION HAS OCCURRED.
- 22 2. THE NATURE OF THE POTENTIAL VIOLATION.
- 23 3. ALL SPECIFIC INFORMATION KNOWN TO THE MEMBER REGARDING THE
24 POTENTIAL VIOLATION.

25 C. EACH MEMBER OF THE POLITICAL COMMITTEE WHO HAS KNOWLEDGE OF THE
26 VIOLATION MAY BE HELD LIABLE UNDER SUBSECTION A.

27 D. THIS SECTION DOES NOT APPLY TO A VIOLATION OF LAW THAT IS SUBJECT
28 TO A CRIMINAL PENALTY.

29 Sec. 7. Section 19-121.01, Arizona Revised Statutes, is amended to
30 read:

31 19-121.01. Secretary of state: removal of petition and
32 ineligible signatures; facsimile sheets; random
33 sample

34 A. Within fifteen days, excluding Saturdays, Sundays and other legal
35 holidays, of the date of filing of an initiative or referendum petition and
36 issuance of the receipt, the secretary of state shall:

- 37 1. Remove the following:
 - 38 (a) Those sheets not attached to a copy of the title and text of the
39 measure.
 - 40 (b) The copy of the title and text from the remaining petition sheets.
 - 41 (c) Those sheets not bearing the petition serial number in the lower
42 right-hand corner of each side.
 - 43 (d) Those sheets containing a circulator's affidavit that is not
44 completed or signed.

1 (e) Those sheets on which the affidavit of the circulator is not
2 notarized, the notary's signature is missing, the notary's commission has
3 expired or the notary's seal is not affixed.

4 (f) Those sheets on which the signatures of the circulator or the
5 notary are dated earlier than the dates on which the electors signed the face
6 of the petition sheet.

7 2. After completing the steps in paragraph 1 of this subsection,
8 review each sheet to determine the county of the ~~majority of the~~ signers
9 **BASED ON THE INFORMATION PROVIDED BY THE CIRCULATOR ON THE UPPER RIGHT-HAND**
10 **CORNER OF THE SHEET** and shall:

11 (a) Place a three or four letter abbreviation designating that county
12 in the upper right-hand corner of the face of the petition.

13 (b) Remove all signatures of those not in the county ~~of the majority~~
14 **AS LABELED** on each sheet by marking an "SS" in red ink in the margin to the
15 right of the signature line **TO DISQUALIFY THOSE SIGNATURES**.

16 (c) Cause all signature sheets to be grouped together by county of
17 registration ~~of the majority~~ of those signing and attach them to one or more
18 copies of the title and text of the measure. If the sheets are too bulky for
19 convenient grouping by the secretary of state in one volume by county, they
20 may be bound in two or more volumes with those in each volume attached to a
21 single printed copy of the measure. The remaining detached copies of the
22 title and text of the measure shall be delivered to the applicant.

23 3. After completing the steps in paragraph 2 of this subsection,
24 remove the following signatures that are not eligible for verification by
25 marking an "SS" in red ink in the margin to the right of the signature line:

26 (a) If the signature of the qualified elector is missing.

27 (b) If the residence address or the description of residence location
28 is missing.

29 (c) If the date on which the petitioner signed is missing.

30 (d) Signatures in excess of the fifteen signatures permitted per
31 petition.

32 (e) Signatures withdrawn pursuant to section 1-261.

33 4. After the removal of petition sheets and signatures, count the
34 number of signatures for verification on the remaining petition sheets and
35 note that number in the upper right-hand corner of the face of each petition
36 sheet immediately above the county designation.

37 5. Number the remaining petition sheets that were not previously
38 removed and that contain signatures eligible for verification in consecutive
39 order on the front side of each petition sheet in the upper left-hand corner.

40 6. Count all remaining petition sheets and signatures not previously
41 removed and issue a receipt to the applicant of this total number eligible
42 for verification.

43 B. If the total number of signatures for verification as determined
44 pursuant to subsection A, paragraph 6 of this section equals or exceeds the
45 constitutional minimum, the secretary of state, during the same fifteen day

1 period provided in subsection A of this section, shall select, at random,
2 five per cent of the total signatures eligible for verification by the county
3 recorders of the counties in which the persons signing the petition claim to
4 be qualified electors. The random sample of signatures to be verified shall
5 be drawn in such a manner that every signature eligible for verification has
6 an equal chance of being included in the sample. The random sample produced
7 shall identify each signature selected by petition page and line number. The
8 signatures selected shall be marked according to the following procedure:

9 1. Using red ink, mark the selected signature by circling the line
10 number and drawing a line from the base of the circle extending into the left
11 margin.

12 2. If a signature line selected for the random sample is found to be
13 blank or was removed from the verification process pursuant to subsection A
14 of this section and is marked with an "SS", then the next line down, even if
15 that requires going to the next petition sheet in sequence, on which an
16 eligible signature appears shall be selected as a substitute if that line has
17 not already been selected for the random sample. If the next eligible line
18 is already being used in the random sample, the secretary of state shall
19 proceed back up the page from the signature line originally selected for the
20 random sample to the next previous signature line eligible for verification.
21 If that line is already being used in the random sample, the secretary of
22 state shall continue moving down the page or to the next page from the line
23 originally selected for the random sample and shall select the next eligible
24 signature as its substitute for the random sample. The secretary of state
25 shall use this process of alternately moving forward and backward until a
26 signature eligible for verification and not already included in the random
27 sample can be selected and substituted.

28 C. After the selection of the random sample and the marking of the
29 signatures selected on the original petition sheets pursuant to subsection B
30 of this section, the secretary of state shall reproduce a facsimile of the
31 front of each signature sheet on which a signature included in the random
32 sample appears. The secretary of state shall clearly identify those
33 signatures marked for verification by color highlighting or other similar
34 method and shall transmit by personal delivery or certified mail to each
35 county recorder a facsimile sheet of each signature sheet on which a
36 signature appears of any individual ~~claiming~~ WHO CLAIMS to be a qualified
37 elector of that county AND whose signature was selected for verification as
38 part of the random sample.

39 D. The secretary of state shall retain in custody all signature sheets
40 removed pursuant to this section except as otherwise prescribed in this
41 title.

42 Sec. 8. Section 19-125, Arizona Revised Statutes, is amended to read:
43 19-125. Form of ballot

44 A. The secretary of state, at the time he transmits to the clerks of
45 the boards of supervisors a certified copy of the name of each candidate for

1 public office, shall transmit to each clerk a certified copy of the official
2 title, the descriptive title and the number of each measure and proposed
3 amendment to the constitution to be voted upon at the ensuing regular general
4 election.

5 B. Proposed constitutional amendments shall be numbered consecutively
6 beginning with the number one hundred, proposed initiative measures shall be
7 numbered consecutively beginning with the number two hundred, measures
8 submitted under the referendum shall be numbered consecutively beginning with
9 the number three hundred, and county and local issues shall be numbered
10 consecutively beginning with the number four hundred. Numbering shall be
11 consecutive based on the order in which the initiative or referendum
12 petitions are filed with the secretary of state. Proposed constitutional
13 amendments shall be placed by themselves at the head of the ballot column,
14 followed by initiated and referred measures in that order.

15 C. The officer in charge of elections shall print the official title,
16 the descriptive title and the number of each measure upon the official ballot
17 in the order presented to him by the secretary of state unless otherwise
18 provided by law. The number of the measure shall be in reverse type and at
19 least twelve point type. A proposed constitutional amendment shall be
20 designated "proposed amendment to the constitution by the legislature", or
21 "proposed amendment to the constitution by ~~the~~ initiative PETITION WITH
22 SIGNATURES GATHERED PRIMARILY BY VOLUNTEERS" OR "PROPOSED AMENDMENT TO THE
23 CONSTITUTION BY INITIATIVE PETITION WITH SIGNATURES GATHERED PRIMARILY BY
24 PAID CIRCULATORS", as the case may be. A measure referred by the legislature
25 shall be designated "referred to the people by the legislature", a measure
26 referred by petition shall be designated "referendum ordered by petition of
27 the people" and a measure proposed by initiative petition shall be designated
28 "proposed by initiative petition WITH SIGNATURES GATHERED PRIMARILY BY
29 VOLUNTEERS" OR "PROPOSED BY INITIATIVE PETITION WITH SIGNATURES GATHERED
30 PRIMARILY BY PAID CIRCULATORS". AN INITIATIVE PETITION SHALL BE DESIGNATED
31 AS A PETITION WITH SIGNATURES GATHERED PRIMARILY BY VOLUNTEERS IF MORE THAN
32 FIFTY PER CENT OF THE SIGNATURES VERIFIED WERE COLLECTED BY VOLUNTEERS.

33 D. There shall be printed on the official ballot immediately below the
34 number of the measure and the official title of each measure a descriptive
35 title containing a summary of the principal provisions of the measure, not to
36 exceed fifty words, which shall be prepared by the secretary of state and
37 approved by the attorney general AND THAT INCLUDES THE FOLLOWING or the
38 ballot shall comply with subsection E of this section:

39 A "yes" vote shall have the effect of _____.

40 A "no" vote shall have the effect of _____.

41 The blank spaces shall be filled with a brief phrase, approved by the
42 attorney general, stating the essential change in the existing law should the
43 measure receive a majority of votes cast in that particular manner. In the
44 case of a referendum, a "yes" vote shall have the effect of approving the
45 legislative enactment that is being referred. Below the statement of effect

1 of a "yes" vote and effect of a "no" vote there shall be printed the
2 corresponding words "yes" and "no" and a place for the voter to put a mark as
3 defined in section 16-400 indicating his preference.

4 E. Instead of printing the official and descriptive titles or the full
5 text of each measure or question on the official ballot, the officer in
6 charge of elections may print phrases on the official ballot that contain all
7 of the following:

8 1. The number of the measure in reverse type and at least twelve point
9 type.

10 2. The designation of the measure as prescribed by subsection C of
11 this section or as a question, proposition or charter amendment, followed by
12 the words "relating to..." and inserting the subject.

13 3. Either the statement prescribed by subsection D of this section
14 that describes the effects of a "yes" vote and a "no" vote or, for other
15 measures, the text of the question or proposition.

16 4. The words "yes" and "no" or "for" and "against", as may be
17 appropriate and a place for the voter to put a mark.

18 F. For any ballot printed pursuant to subsection E of this section,
19 the instructions on the official ballot shall direct the voter to the full
20 text of the official and descriptive titles and the questions and
21 propositions as printed on the sample ballot and posted in the polling place.