

State of Arizona
Senate
Fifty-first Legislature
First Regular Session
2013

SENATE BILL 1260

AN ACT

AMENDING SECTIONS 19-111, 19-114, 19-141, 19-142 AND 19-143, 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 19-111, Arizona Revised Statutes, is amended to
3 read:

4 19-111. Number for petition

5 A. A person or organization intending to propose a law or
6 constitutional amendment by initiative petition or to file a referendum
7 petition against a measure, item, section or part of a measure, before
8 causing the petition to be printed and circulated, shall file with the
9 secretary of state an application, on a form to be provided by the secretary
10 of state, setting forth ~~his~~ THE PERSON'S name or, if an organization, its
11 name and the names and titles of its officers, THE PERSON'S address, ~~his~~ THE
12 PERSON'S OR ORGANIZATION'S intention to circulate and file a petition, a
13 description of no more than one hundred words of the principal provisions of
14 the proposed law, constitutional amendment or measure and the text of the
15 proposed law, constitutional amendment or measure to be initiated or referred
16 in no less than eight point type, and applying for issuance of an official
17 serial number. ~~At the same time as~~ BEFORE the person or organization files
18 its application, the person or organization shall file with the secretary of
19 state its statement of organization or its signed exemption statement as
20 prescribed by section 16-902.01. The secretary of state shall not accept an
21 application for initiative or referendum without an accompanying statement of
22 organization or signed exemption statement as prescribed by this subsection
23 UNLESS THE STATEMENT OF ORGANIZATION OR SIGNED EXEMPTION STATEMENT WAS
24 PREVIOUSLY FILED FOR THAT INITIATIVE OR REFERENDUM.

25 B. On receipt of the application, the secretary of state shall assign
26 an official serial number to the petition, which number shall appear in the
27 lower right-hand corner of each side of each copy thereof, and issue that
28 number to the applicant. THE SECRETARY OF STATE SHALL ASSIGN numbers ~~shall~~
29 ~~be assigned~~ to petitions ~~by the secretary of state~~ in numerical sequence, and
30 a record shall be maintained in ~~his~~ THE SECRETARY OF STATE'S office of each
31 application received and of the numbers assigned and issued to the applicant.
32 THE SECRETARY OF STATE SHALL PROVIDE THE OFFICIAL SERIAL NUMBER TO THE
33 APPLICANT ON THE TIME AND DATE MARKED COPY OF THE APPLICATION ALONG WITH THE
34 SPECIFIC NUMBER THAT IS THE MINIMUM NUMBER OF SIGNATURES REQUIRED FOR THE
35 INITIATIVE OR REFERENDUM TO APPEAR ON THE BALLOT AND THE REQUIRED FILING DATE
36 FOR A PETITION TO APPEAR ON THE BALLOT.

37 C. The secretary of state shall make available to each applicant by
38 electronic means a copy of the text of this article governing the initiative
39 and referendum and all rules adopted by the secretary of state pursuant to
40 this title. In addition, the secretary of state shall provide the applicant
41 by electronic means the ability to file a statement of organization or five
42 hundred dollar threshold exemption statement and a notice stating: "This
43 statement must be filed before valid signatures can be collected." The
44 secretary of state shall make available by electronic means a copy of the
45 text of this article governing the initiative and referendum and all rules

1 adopted by the secretary of state pursuant to this title to the county, city
2 and town clerks who shall similarly furnish a copy to each applicant by
3 electronic means. If a member of the public so requests, the secretary of
4 state and the county, city and town clerks shall provide a copy in pamphlet
5 form.

6 D. The eight point type required by subsection A of this section shall
7 not apply to maps, charts or other graphics.

8 Sec. 2. Section 19-114, Arizona Revised Statutes, is amended to read:

9 19-114. Prohibition on circulating petitions by certain
10 persons; statement of organization or exemption

11 A. No county recorder or justice of the peace and no person other than
12 a person who is qualified to register to vote pursuant to section 16-101 may
13 circulate an initiative or referendum petition and all signatures verified by
14 any such person shall be void and shall not be counted in determining the
15 legal sufficiency of the petition.

16 B. Signatures obtained on initiative and referendum petitions by a
17 political committee proposing the initiative or referendum or any of its
18 officers, agents, employees or members ~~prior to the filing of the committee's~~
19 ~~statement of organization or prior to the filing of the five hundred dollar~~
20 ~~threshold exemption statement pursuant to section 16-902.01~~ BEFORE RECEIPT OF
21 AN OFFICIAL SERIAL NUMBER PURSUANT TO SECTION 19-111 are void and shall not
22 be counted in determining the legal sufficiency of the petition.

23 Sec. 3. Section 19-141, Arizona Revised Statutes, is amended to read:

24 19-141. Initiative and referendum in counties, cities and towns

25 A. ~~The provisions of~~ This chapter ~~shall apply~~ APPLIES to the
26 legislation of cities, towns and counties, except as specifically provided to
27 the contrary in this article. The duties required of the secretary of state
28 as to state legislation shall be performed in connection with such
29 legislation by the city or town clerk, county officer in charge of elections
30 or person performing the duties as such. The duties required of the governor
31 shall be performed by the mayor or the chairman of the board of supervisors,
32 the duties required of the attorney general shall be performed by the city,
33 town or county attorney, and the printing and binding of measures and
34 arguments shall be paid for by the city, town or county in like manner as
35 payment is provided for by the state with respect to state legislation. ~~The~~
36 ~~provisions of~~ Section 19-124 with respect to the legislative council analysis
37 ~~do~~ DOES not apply in connection with initiatives and referenda in cities,
38 towns and counties. The printing shall be done in the same manner as other
39 municipal or county printing is done.

40 B. Distribution of pamphlets shall be made to every household
41 containing a registered voter in the city, TOWN or county, so far as
42 possible, by the city or town clerk or by the county officer in charge of
43 elections by mail before the earliest date for receipt by registered voters
44 of any requested early ballot for the election at which the measures are to
45 be voted on. If the pamphlet is not mailed before the earliest date for

1 receipt of a requested early ballot, the officer in charge of elections shall
2 provide a notice with the early ballots stating when the pamphlets will be
3 mailed and where and when the pamphlets may be accessed or viewed. Pamphlets
4 shall not be mailed or carried less than ten days before the election at
5 which the measures are to be voted upon.

6 C. Arguments supporting or opposing municipal or county initiative and
7 referendum measures shall be filed with the city or town clerk or the county
8 officer in charge of elections not less than ninety days before the election
9 at which they are to be voted upon.

10 D. The procedure with respect to municipal and county legislation
11 shall be as nearly as practicable the same as the procedure relating to
12 initiative and referendum provided for the state at large, except the
13 procedure for verifying signatures on initiative or referendum petitions may
14 be established by a city or town by charter or ordinance.

15 E. THE CITY OR TOWN CLERK OR THE COUNTY RECORDER OR COUNTY OFFICER IN
16 CHARGE OF ELECTIONS WHO RECEIVES PETITIONS FOR FILING SHALL NOT REMOVE OR
17 OTHERWISE REFUSE TO ACCEPT FOR FILING A PETITION, A PETITION SHEET OR A
18 SIGNATURE FOR ANY REASON OTHER THAN THOSE PRESCRIBED IN SECTION 19-121.01.

19 ~~E.~~ F. References in this section to duties to be performed by city or
20 town officers apply only with respect to municipal legislation, and
21 references to duties to be performed by county officers apply only with
22 respect to county legislation.

23 ~~F.~~ G. The duties required of the county recorder with respect to
24 state legislation shall also be performed by the county recorder with respect
25 to municipal or county legislation.

26 Sec. 4. Section 19-142, Arizona Revised Statutes, is amended to read:

27 19-142. Referendum petitions against municipal actions:
28 emergency measures; zoning actions

29 A. The whole number of votes cast at the citywide or townwide election
30 at which a mayor or councilmen were chosen last preceding the submission of
31 the application for a referendum petition against an ordinance, franchise or
32 resolution shall be the basis on which the number of electors of the city or
33 town required to file a referendum petition shall be computed. For the
34 purposes of this section, a citywide or townwide election is an election,
35 OTHER THAN A SPECIAL ELECTION, at which all of the qualified electors of a
36 city or town WHO are eligible to vote ARE VOTING for ~~a~~ THE OFFICE OF mayor,
37 or, IF THE MAYOR IS NOT DIRECTLY ELECTED BY THE QUALIFIED ELECTORS OF THAT
38 CITY OR TOWN, ARE VOTING FOR members of the city or town council. The
39 petition shall be filed with the city or town clerk within thirty days after
40 passage of the ordinance, resolution or franchise.

41 B. A city or town ordinance, resolution or franchise shall not become
42 operative until thirty days after its passage by the council and approval by
43 the mayor, unless it is passed over the mayor's veto, and then it shall not
44 become operative until thirty days after final approval and until
45 certification by the clerk of the city or town of the minutes of the meeting

1 at which the action was taken, except emergency measures necessary for the
2 immediate preservation of the peace, health or safety of the city or town.
3 An emergency measure shall not become immediately operative unless it states
4 in a separate section the reason why it is necessary that it should become
5 immediately operative, and unless it is approved by the affirmative vote of
6 three-fourths of all the members elected to the city or town council, taken
7 by ayes and noes, and also approved by the mayor.

8 C. At the time a person or organization intending to file a referendum
9 petition against an ordinance or resolution applies for the issuance of an
10 official number pursuant to section 19-111, the city or town clerk shall
11 provide such person or organization with a full and correct copy of the
12 ordinance or resolution in the form as finally adopted. If the copy of the
13 ordinance or resolution proposed as a referendum is not available to such
14 person or organization at the time of making application for an official
15 number or on the same business day as the application is submitted, the
16 thirty-day period prescribed in subsection A of this section begins on the
17 day that the ordinance or resolution is available from the city or town
18 clerk, and the ordinance or resolution shall not become operative until
19 thirty days after the ordinance or resolution is available.

20 D. Notwithstanding subsection C of this section, a person or
21 organization may file a referendum petition against the rezoning of a parcel
22 of property on the approval by the city or town council of the ordinance that
23 adopts the rezoning or on the approval of that portion of the minutes of the
24 city or town council that includes the council's approval of the rezoning,
25 whichever occurs first. The thirty day period prescribed in subsection A of
26 this section begins on the day that the rezoning ordinance or approved
27 minutes or portion of the approved minutes are available from the city or
28 town clerk and the ordinance is not operative until thirty days after the
29 ordinance or minutes are available.

30 Sec. 5. Section 19-143, Arizona Revised Statutes, is amended to read:
31 19-143. Initiative petition in cities; action of council;
32 amendment of charter

33 A. The whole number of votes cast at the ~~city~~ CITYWIDE or ~~town~~
34 TOWNWIDE election at which a mayor or councilman was chosen last preceding
35 the submission of the application for an initiative petition is the basis for
36 computing the number of qualified electors of the city or town required to
37 sign the petition unless the city or town by charter or ordinance provides an
38 alternative basis for computing the number of necessary signatures. FOR THE
39 PURPOSES OF THIS SECTION, A CITYWIDE OR TOWNWIDE ELECTION, OTHER THAN A
40 SPECIAL ELECTION, IS AN ELECTION AT WHICH ALL OF THE QUALIFIED ELECTORS OF A
41 CITY OR TOWN WHO ARE ELIGIBLE TO VOTE ARE VOTING FOR THE OFFICE OF MAYOR, OR,
42 IF THE MAYOR IS NOT DIRECTLY ELECTED BY THE QUALIFIED ELECTORS OF THAT CITY
43 OR TOWN, ARE VOTING FOR MEMBERS OF THE CITY OR TOWN COUNCIL.

44 B. If an ordinance, charter or amendment to the charter of a city or
45 town is proposed by initiative petition, it shall be filed with the city or

1 town clerk, who shall submit it to the voters of the city or town at the next
2 ensuing **GENERAL** election. The council may enact the ordinance or amendment
3 and refer it to the people or it may enact the ordinance or amendment without
4 referring it to the people, and in that case it is subject to referendum
5 petition as other ordinances. The mayor shall not have power to veto either
6 of such measures.

7 C. Amendments to a city or town charter may be proposed and submitted
8 to the people by the council, with or without an initiative petition, but
9 they shall be filed with the clerk for submission not less than sixty days
10 before the election at which they are to be voted ~~upon~~ **ON**, and no amendment
11 of a charter shall be effective until it is approved by a majority of the
12 votes cast thereon by the people of the city or town to which it applies.
13 The council may by ordinance order special elections to vote on municipal
14 measures.