

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

SENATE BILL 1264

AN ACT

AMENDING SECTIONS 16-531 AND 16-924, ARIZONA REVISED STATUTES; AMENDING TITLE 19, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 19-103; AMENDING SECTIONS 19-111, 19-112, 19-121, 19-121.01, 19-121.02 AND 19-121.04, ARIZONA REVISED STATUTES; AMENDING TITLE 19, CHAPTER 2, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 19-201.01; AMENDING SECTIONS 19-202.01, 19-203, 19-204, 19-208.01, 19-208.02, 19-208.03 AND 19-209, ARIZONA REVISED STATUTES; RELATING TO INITIATIVE, REFERENDUM AND RECALL ELECTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 16-531, Arizona Revised Statutes, is amended to
3 read:

4 16-531. Appointment of election boards and tally boards:
5 qualifications

6 A. When an election is ordered, and not less than twenty days before a
7 general or primary election, the board of supervisors shall appoint for each
8 election precinct one inspector, one marshal, two judges and as many clerks
9 of election as deemed necessary. The inspector, marshal, judges and clerks
10 shall be qualified voters of the precinct for which appointed, unless there
11 is not a sufficient number of persons available to provide the number of
12 appointments required. ~~IF the inspector, marshal and judges shall not have~~
13 ~~changed their political party affiliation or their no party preference~~
14 ~~affiliation since the last preceding general election, and if they~~ are
15 members of the two political parties that cast the highest number of votes in
16 the state at the last preceding general election, they shall be divided
17 equally between these two parties. There shall be an equal number of
18 inspectors in the various precincts in the county who are members of the two
19 largest political parties. In each precinct where the inspector is a member
20 of one of the two largest political parties, the marshal in that precinct
21 shall be a member of the other of the two largest political parties.
22 Whenever possible, any person appointed as an inspector shall have had
23 previous experience as an inspector, judge, marshal or clerk of elections.
24 If there is no qualified person in a given precinct, the appointment of an
25 inspector may be made from names provided by the county party chairman. If
26 not less than ninety days before the election the chairman of the county
27 committee of either of the parties designates qualified voters of the
28 precinct, or of another precinct if there are not sufficient members of his
29 party available in the precinct to provide the necessary representation on
30 the election board as judge, such designated qualified voters shall be
31 appointed. The judges, together with the inspector, shall constitute the
32 board of elections. Any registered voter in the election precinct, or in
33 another election precinct if there are not sufficient persons available in
34 the election precinct for which the clerks are being appointed, may be
35 appointed as clerk.

36 B. If the election precinct consists of fewer than three hundred
37 qualified electors, the board of supervisors may appoint not fewer than one
38 inspector and two judges. The board of supervisors shall give notice of
39 election precincts consisting of fewer than three hundred qualified electors
40 to the county chairmen of the two largest political parties not later than
41 thirty days before the election. The inspector and judges shall be appointed
42 in the same manner by party as provided in subsection A of this section.

43 C. If a nonpartisan election is ordered, not less than twenty days
44 before the election the governing board holding the election shall appoint,
45 without consideration for political party, a minimum of three election

1 workers for each polling place. The election workers shall consist of at
2 least one inspector and two judges. Whenever possible, they shall be
3 qualified electors of the precinct located within the district, without
4 consideration for political party.

5 D. Where the election precinct consists of three hundred fifty or more
6 qualified electors, the board of supervisors may in addition to the board of
7 elections appoint a similar board to be known as the tally board. The tally
8 board shall take custody of the ballots from the closing of the polls until
9 the tally of the ballots is completed. The tally board shall consist of the
10 inspector of the board of elections, two judges and not less than two clerks.
11 The inspector and two judges shall be appointed to provide as equal as
12 practicable representation of members of the two largest political parties on
13 the board in the same manner as provided for the election boards. Any
14 registered voter in the election precinct, or in another election precinct if
15 there are not sufficient persons available in the election precinct for which
16 the clerks are being appointed, may be appointed as clerk. A member
17 appointed to serve on the tally board, with the exception of the inspector of
18 the board of elections, shall not be appointed to serve on the board of
19 elections. The inspector of the board of elections shall be a member of the
20 tally board and during such time shall act as the supervisor of the tally
21 board. No United States, state, county or precinct officer, nor a candidate
22 for office at the election, other than a precinct committeeman or a candidate
23 for the office of precinct committeeman, is qualified to act as judge,
24 inspector, marshal or clerk.

25 E. If an electronic voting system is in use the write-in ballots shall
26 be tallied by a board of elections consisting of one inspector and two judges
27 who are appointed in the same manner by party as provided in subsection A of
28 this section.

29 F. At least ten days before a special election, the governing body
30 conducting the election may in like manner appoint a special tally board or
31 boards for the specific purpose of tallying the ballots on the closing of the
32 polls. The tally boards shall consist of at least one inspector and two
33 judges. The inspector of the board of elections shall act as the supervisor
34 of the tally board.

35 G. Notwithstanding any other law, the board of supervisors may appoint
36 to an election board to serve as a clerk of election a person who is not
37 eligible to vote if all of the following conditions are met:

38 1. The person is a minor who will be at least sixteen years of age at
39 the time of the election for which the person is named to the election board.

40 2. The person is a citizen of the United States at the time of the
41 election for which the person is named to the election board.

42 3. The person is supervised by an adult who has been trained as an
43 elections officer.

44 4. The person has received training provided by the officer in charge
45 of elections.

1 5. The parent or guardian of the person has provided written
2 permission for the person to serve.

3 H. A school district or charter school shall not be required to reduce
4 its average daily membership, as defined in section 15-901, for any pupil who
5 is absent from one or more instructional programs as a result of the pupil's
6 service on an election board pursuant to subsection G of this section.

7 I. A school district or charter school shall not count any pupil's
8 absence from one or more instructional programs as a result of the pupil's
9 service on an election board pursuant to subsection G of this section against
10 any mandatory attendance requirements for the pupil.

11 J. Nothing in this section shall prevent the board of supervisors or
12 governing body from refusing for cause to reappoint, or from removing for
13 cause, an election or tally board member.

14 Sec. 2. Section 16-924, Arizona Revised Statutes, is amended to read:
15 16-924. Civil penalties; attorney general; county, city or town
16 attorney

17 A. Unless another penalty is specifically prescribed in this title, if
18 the filing officer for campaign finance reports designated pursuant to
19 section 16-916, subsection A has reasonable cause to believe that a person is
20 violating any provision of this title, except for violations of chapter 6,
21 article 2, the secretary of state shall notify the attorney general for a
22 violation regarding a statewide office or the legislature, the county officer
23 in charge of elections shall notify the county attorney for that county for a
24 violation regarding a county office or the city or town clerk shall notify
25 the city or town attorney for a violation regarding a city or town office.
26 The attorney general, county attorney or city or town attorney, as
27 appropriate, may serve on the person an order requiring compliance with that
28 provision. The order shall state with reasonable particularity the nature of
29 the violation and shall require compliance within twenty days from the date
30 of issuance of the order. The alleged violator has twenty days from the date
31 of issuance of the order to request a hearing pursuant to title 41, chapter 6
32 **OR, IF THE ALLEGED VIOLATOR RAISES A CONSTITUTIONAL ISSUE IN DEFENSE OF THE**
33 **ORDER, TO REQUEST A HEARING IN THE SUPERIOR COURT.**

34 B. If a person fails to take corrective action within the time
35 specified in the compliance order issued pursuant to subsection A **OF THIS**
36 **SECTION**, the attorney general, county attorney or city or town attorney, as
37 appropriate, shall issue an order assessing a civil penalty of not more than
38 one thousand dollars. The person alleged to have violated the compliance
39 order has thirty days from the date of issuance of the order assessing the
40 civil penalty to request a hearing pursuant to title 41, chapter 6 **OR, IF THE**
41 **ALLEGED VIOLATOR RAISES A CONSTITUTIONAL ISSUE IN DEFENSE OF THE ORDER, TO**
42 **REQUEST A HEARING IN THE SUPERIOR COURT.**

43 C. Any party aggrieved by an order or decision of the attorney
44 general, county attorney or city or town attorney, as appropriate, may appeal
45 to the superior court as provided in title 12, chapter 7, article 6.

1 D. For the purposes of this section, failure to comply with a
2 compliance order issued by the attorney general, county attorney or city or
3 town attorney, as appropriate, as prescribed in subsection A OF THIS SECTION
4 is deemed an intentional act.

5 Sec. 3. Title 19, chapter 1, article 1, Arizona Revised Statutes, is
6 amended by adding section 19-103, to read:

7 19-103. Legislative findings and intent; strict compliance

8 THE LEGISLATURE FINDS AND DETERMINES THAT STRICT COMPLIANCE WITH THE
9 APPLICATION AND ENFORCEMENT OF THE CONSTITUTIONAL AND STATUTORY REQUIREMENTS
10 FOR BOTH THE INITIATIVE AND THE REFERENDUM PROCESS PROVIDE THE SUREST METHOD
11 FOR SAFEGUARDING THE INTEGRITY AND ACCURACY OF THE INITIATIVE AND REFERENDUM
12 PROCESS. THEREFORE, THE LEGISLATURE DECLARES THAT THE CONSTITUTIONAL AND
13 STATUTORY REQUIREMENTS FOR THE INITIATIVE AND REFERENDUM BE STRICTLY
14 CONSTRUED AND THAT PERSONS USING EITHER THE INITIATIVE OR REFERENDUM PROCESS
15 STRICTLY COMPLY WITH THOSE CONSTITUTIONAL AND STATUTORY REQUIREMENTS.

16 Sec. 4. Section 19-111, Arizona Revised Statutes, is amended to read:

17 19-111. Number for petition

18 A. A person or organization intending to propose a law or
19 constitutional amendment by initiative petition or to file a referendum
20 petition against a measure, item, section or part of a measure, before
21 causing the petition to be printed and circulated, shall file with the
22 secretary of state an application, on a form to be provided by the secretary
23 of state, setting forth ~~his~~ THE PERSON'S name or, if an organization, its
24 name and the names and titles of its officers, ~~THE PERSON'S OR ORGANIZATION'S~~
25 address, ~~his~~ ~~THE PERSON'S OR ORGANIZATION'S~~ intention to circulate and file a
26 petition, a description of no more than one hundred words of the principal
27 provisions of the proposed law, constitutional amendment or measure and the
28 text of the proposed law, constitutional amendment or measure to be initiated
29 or referred in no less than eight point type, and applying for issuance of an
30 official serial number. At the same time as the person or organization files
31 its application, the person or organization shall file with the secretary of
32 state its statement of organization or its signed exemption statement as
33 prescribed by section 16-902.01. The secretary of state shall not accept an
34 application for initiative or referendum without an accompanying statement of
35 organization or signed exemption statement as prescribed by this subsection.

36 B. On receipt of the application, the secretary of state shall assign
37 an official serial number to the petition, which number shall appear in the
38 lower right-hand corner of each side of each copy thereof, and issue that
39 number to the applicant. ~~THE SECRETARY OF STATE SHALL ASSIGN~~ numbers ~~shall~~
40 ~~be assigned~~ to petitions ~~by the secretary of state~~ in numerical sequence, and
41 a record shall be maintained in ~~his~~ THE SECRETARY OF STATE'S office of each
42 application received and of the numbers assigned and issued to the applicant.
43 ~~WHEN THE APPLICATION IS RECEIVED BY THE SECRETARY OF STATE AND MARKED BY THE~~
44 ~~SECRETARY OF STATE WITH AN OFFICIAL TIME AND DATE OF RECEIPT, THE~~
45 ~~TIME-AND-DATE-MARKED TEXT THAT ACCOMPANIED THE APPLICATION CONSTITUTES THE~~

1 OFFICIAL COPY OF THE TEXT OF THE MEASURE OR CONSTITUTIONAL AMENDMENT AND
2 SHALL BE USED IN ALL INSTANCES AS THE TEXT OF THE MEASURE OR CONSTITUTIONAL
3 AMENDMENT. FOR ANY SUBSEQUENT CHANGE IN THE TEXT OF THE MEASURE OR
4 CONSTITUTIONAL AMENDMENT BY THE APPLICANT, THE APPLICANT SHALL FILE A NEW
5 APPLICATION AND TEXT, SHALL BE ASSIGNED A NEW OFFICIAL SERIAL NUMBER AND
6 SHALL USE AS THE TEXT OF THE MEASURE OR CONSTITUTIONAL AMENDMENT THE
7 TIME-AND-DATE-MARKED TEXT THAT ACCOMPANIED THE NEW APPLICATION.

8 C. The secretary of state shall make available to each applicant by
9 electronic means a copy of the text of this article governing the initiative
10 and referendum and all rules adopted by the secretary of state pursuant to
11 this title. In addition, the secretary of state shall provide the applicant
12 by electronic means the ability to file a statement of organization or five
13 hundred dollar threshold exemption statement and a notice stating: "This
14 statement must be filed before valid signatures can be collected." The
15 secretary of state shall make available by electronic means a copy of the
16 text of this article governing the initiative and referendum and all rules
17 adopted by the secretary of state pursuant to this title to the county, city
18 and town clerks who shall similarly furnish a copy to each applicant by
19 electronic means. If a member of the public so requests, the secretary of
20 state and the county, city and town clerks shall provide a copy in pamphlet
21 form.

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

24 Sec. 5. Section 19-112, Arizona Revised Statutes, is amended to read:

25 19-112. Signatures and verification; attachment; registration
26 of circulators

27 A. Every qualified elector signing a petition shall do so in the
28 presence of the person who is circulating the petition and who is to execute
29 the affidavit of verification. At the time of signing, the qualified elector
30 shall sign his first and last names in the spaces provided and the elector so
31 signing shall print his first and last names and write, in the appropriate
32 spaces following the signature, the signer's residence address, giving street
33 and number, and if he has no street address, a description of his residence
34 location. The elector so signing shall write, in the appropriate spaces
35 following the elector's address, the date on which the elector signed the
36 petition.

37 B. The signature sheets shall be attached at all times during
38 circulation to a full and correct copy of the title and text of the measure
39 or constitutional amendment proposed or referred by the petition. The title
40 and text shall be in at least eight point type and shall include both the
41 original and the amended text. The text shall indicate material deleted, if
42 any, by printing the material with a line drawn through the center of the
43 letters of the material and shall indicate material added or new material by
44 printing the letters of the material in capital letters. **THE SECRETARY OF**
45 **STATE'S TIME-AND-DATE-MARKED COPY OF THE MEASURE OR CONSTITUTIONAL AMENDMENT**

1 WITH ITS PROPOSED TEXT SET OUT IN FULL WITH THE ORIGINAL AND THE AMENDED TEXT
2 CONSTITUTES THE FULL AND CORRECT COPY AND IS THE ONLY VALID COPY OF THE TITLE
3 AND TEXT OF THE MEASURE FOR CIRCULATION FOR SIGNATURES. SIGNATURES THAT ARE
4 COLLECTED WITH ANY COPY OF THE MEASURE OR CONSTITUTIONAL AMENDMENT THAT IS
5 NOT A FACSIMILE OF THE TIME-AND-DATE-MARKED COPY WITH TITLE AND TEXT THAT IS
6 IDENTICAL TO THE TIME-AND-DATE-MARKED COPY ARE INVALID.

7 C. The person before whom the signatures, names and addresses were
8 written on the signature sheet ~~shall~~, on the affidavit form pursuant to this
9 section, SHALL subscribe and swear before a notary public that each of the
10 names on the sheet was signed and the name and address were printed by the
11 elector and the circulator on the date indicated, ~~and~~ that in his belief each
12 signer was a qualified elector of a certain county of the state, or, in the
13 case of a city, town or county measure, of the city, town or county affected
14 by the measure on the date indicated, THAT SIGNATURE LINES THAT DO NOT
15 CONTAIN A SIGNATURE ARE MARKED WITH A LINE DRAWN THROUGH THEM OR HAVE THE
16 DESIGNATION "N/A" OR SIMILAR NOTATION BEFORE SUBMITTAL, and that at all times
17 during circulation of the signature sheet a copy of the title and text was
18 attached to the signature sheet. Circulators who are not residents of this
19 state must be registered as circulators with the secretary of state before
20 circulating petitions. SIGNATURES COLLECTED BY CIRCULATORS WHO HAVE NOT
21 REGISTERED WITH THE SECRETARY OF STATE ARE INVALID AND SHALL NOT BE COUNTED.
22 The secretary of state shall provide for a method of receiving service of
23 process for those petition circulators who register pursuant to this
24 subsection. The secretary of state shall establish in the instructions and
25 procedures manual issued pursuant to section 16-452 a procedure for
26 registering circulators and receiving service of process. All signatures of
27 petitioners on a signature sheet shall be those of qualified electors who are
28 registered to vote in the same county. However, if signatures from more than
29 one county appear on the same signature sheet, only the valid signatures from
30 the same county that are most numerous on the signature sheet shall be
31 counted. Signature and handwriting comparisons may be made.

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

Affidavit of Circulator

34 State of Arizona)
35) ss.:
36 County of _____)
37 (Where notarized)

39 I, _____ (print name) _____, a person who is not required to
40 be a resident of this state but who is otherwise qualified to
41 register to vote ~~in the county of _____~~, in the state of
42 Arizona at all times during my circulation of this petition
43 sheet, AND, IF NOT A RESIDENT OF ARIZONA, WHO HAS REGISTERED
44 WITH THE SECRETARY OF STATE, and under the penalty of a class 1
45 misdemeanor, depose and say that subject to section 19-115,

1 Arizona Revised Statutes, each individual printed the
2 individual's own name and address and signed this sheet of the
3 foregoing petition in my presence on the date indicated and I
4 believe that each signer's name and residence address or post
5 office address are correctly stated and that each signer is a
6 qualified elector of the state of Arizona (or in the case of a
7 city, town or county measure, of the city, town or county
8 affected by the measure proposed to be initiated or referred to
9 the people) and that at all times during circulation of this
10 signature sheet a copy of the title and text was attached to the
11 signature sheet.

12 (Signature of affiant) _____
13 (Residence address, street
14 and number of affiant WITH
15 CITY, STATE AND ZIP CODE,
16 or if no street address, a
17 description of residence
18 location) _____
19 _____

20 Subscribed and sworn to before me on _____
21 (date)

22 _____
23 Notary Public

24 _____, Arizona.
25 ~~My commission expires on _____.~~
26 ~~(date)~~

27 (FORM SHALL INCLUDE A DESIGNATED LOCATION FOR NOTARY STAMP)

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

30 Sec. 6. Section 19-121, Arizona Revised Statutes, is amended to read:
31 19-121. Signature sheets; petitions; form; procedure for filing

32 A. Signature sheets filed shall:

- 33 1. Be in the form prescribed by law.
- 34 2. Have printed in ~~its~~ THEIR lower right-hand corner, on each side of
35 such ~~sheet~~ SHEETS, the official serial number assigned to the petition by the
36 secretary of state.
- 37 3. Be attached to a full and correct copy of the title and text of the
38 measure, or amendment to the constitution, proposed or referred by the
39 petition. THE SECRETARY OF STATE'S TIME-AND-DATE-MARKED COPY OF THE MEASURE
40 OR CONSTITUTIONAL AMENDMENT CONSTITUTES THE FULL AND CORRECT COPY AND IS THE
41 ONLY VALID COPY OF THE TITLE AND TEXT OF THE MEASURE FOR CIRCULATION FOR
42 SIGNATURES.

- 43 4. Be printed in at least eight point type.

1 (c) Those sheets not bearing the CORRECT petition serial number in the
2 lower right-hand corner of each side.

3 (d) Those sheets containing a circulator's affidavit that is not
4 completed or signed AND, FOR A NONRESIDENT CIRCULATOR WHO IS REQUIRED TO BE
5 REGISTERED WITH THE SECRETARY OF STATE AND WHO IS NOT SO REGISTERED AT THE
6 TIME OF CIRCULATION, THOSE SHEETS CIRCULATED BY THAT CIRCULATOR.

7 (e) Those sheets on which the affidavit of the circulator is not
8 notarized, the notary's signature is missing, the notary's commission has
9 expired, ~~or~~ the notary's seal is not affixed, THE NOTARY IS NOT ELIGIBLE TO
10 ACT AS NOTARY FOR THAT CIRCULATOR OR THE PERSON SIGNING AS A NOTARY IS NOT A
11 NOTARY PUBLIC. IF THE SECRETARY OF STATE IS UNABLE TO DETERMINE WHETHER THE
12 PERSON IS A NOTARY PUBLIC, THE SECRETARY OF STATE SHALL NOT REMOVE THE SHEETS
13 WITH THAT PERSON'S NOTARIZATION.

14 (f) Those sheets on which the signatures of the circulator or the
15 notary are dated earlier than THE APPLICATION DATE FOR THAT MEASURE OR the
16 dates on which the electors signed the face of the petition sheet.

17 (g) ~~Beginning after November 2, 2010,~~ Those sheets that are circulated
18 by a circulator who is prohibited from participating in any election,
19 initiative, referendum or recall campaign pursuant to section 19-119.01.

20 (h) THOSE SHEETS ON WHICH THE DESIGNATION OF PAID CIRCULATOR OR
21 VOLUNTEER CIRCULATOR AS PRESCRIBED BY SECTION 19-101, SUBSECTION C IS NOT
22 CHECKED OR IF BOTH ARE CHECKED.

23 (i) THOSE SHEETS ON WHICH UNUSED SIGNATURE LINES ARE NOT MARKED WITH A
24 LINE DRAWN THROUGH THE UNUSED SIGNATURE LINES OR ARE NOT MARKED WITH AN "N/A"
25 OR OTHER SIMILAR NOTATION.

26 2. After completing the steps in paragraph 1 of this subsection,
27 review each sheet to determine the county of the majority of the signers and
28 shall:

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

31 (b) Remove all signatures of those not in the county of the majority
32 on each sheet by marking an "SS" in red ink in the margin to the right of the
33 signature line.

34 (c) Cause all signature sheets to be grouped together by county of
35 registration of the majority of those signing and attach them to one or more
36 copies of the title and text of the measure. If the sheets are too bulky for
37 convenient grouping by the secretary of state in one volume by county, they
38 may be bound in two or more volumes with those in each volume attached to a
39 single printed copy of the measure. The remaining detached copies of the
40 title and text of the measure shall be ~~delivered to the applicant~~ DESTROYED
41 AFTER COMPLETION OF THE CANVASS.

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

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

1 (b) If the residence address or the description of residence location
2 is missing **OR IF BOTH THE CITY OR TOWN AND THE COUNTY OF RESIDENCE CANNOT BE**
3 **DETERMINED.**

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

5 (d) Signatures in excess of the fifteen signatures permitted per
6 petition.

7 (e) Signatures withdrawn pursuant to section 19-113.

8 (f) ~~Beginning after November 2, 2010,~~ Signatures for which the
9 secretary of state determines that the petition circulator has printed the
10 elector's first and last names or other information in violation of section
11 19-112.

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

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

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

22 B. If the total number of signatures for verification as determined
23 pursuant to subsection A, paragraph 6 of this section equals or exceeds the
24 constitutional minimum, the secretary of state, during the same twenty day
25 period provided in subsection A of this section, shall select, at random,
26 five per cent of the total signatures eligible for verification by the county
27 recorders of the counties in which the persons signing the petition claim to
28 be qualified electors. The random sample of signatures to be verified shall
29 be drawn in such a manner that every signature eligible for verification has
30 an equal chance of being included in the sample. The random sample produced
31 shall identify each signature selected by petition page and line number. The
32 signatures selected shall be marked according to the following procedure:

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

36 2. If a signature line selected for the random sample is found to be
37 blank or was removed from the verification process pursuant to subsection A
38 of this section and is marked with an "SS", then the next line down, even if
39 that requires going to the next petition sheet in sequence, on which an
40 eligible signature appears shall be selected as a substitute if that line has
41 not already been selected for the random sample. If the next eligible line
42 is already being used in the random sample, the secretary of state shall
43 proceed back up the page from the signature line originally selected for the
44 random sample to the next previous signature line eligible for verification.
45 If that line is already being used in the random sample, the secretary of

1 state shall continue moving down the page or to the next page from the line
2 originally selected for the random sample and shall select the next eligible
3 signature as its substitute for the random sample. The secretary of state
4 shall use this process of alternately moving forward and backward until a
5 signature eligible for verification and not already included in the random
6 sample can be selected and substituted.

7 C. After the selection of the random sample and the marking of the
8 signatures selected on the original petition sheets pursuant to subsection B
9 of this section, the secretary of state shall reproduce a facsimile of the
10 front of each signature sheet on which a signature included in the random
11 sample appears. The secretary of state shall clearly identify those
12 signatures marked for verification by color highlighting or other similar
13 method and shall transmit by personal delivery or certified mail to each
14 county recorder a facsimile sheet of each signature sheet on which a
15 signature appears of any individual who claims to be a qualified elector of
16 that county and whose signature was selected for verification as part of the
17 random sample.

18 D. The secretary of state shall retain in custody all signature sheets
19 removed pursuant to this section except as otherwise prescribed in this
20 title.

21 Sec. 8. Section 19-121.02, Arizona Revised Statutes, is amended to
22 read:

23 19-121.02. Certification by county recorder

24 A. Within fifteen days, excluding Saturdays, Sundays and other legal
25 holidays, after receiving the facsimile signature sheets from the secretary
26 of state pursuant to section 19-121.01, the county recorder shall determine
27 which signatures of individuals whose names were transmitted shall be
28 disqualified for any of the following reasons:

29 1. No residence address or description of residence location is
30 provided.

31 2. No date of signing is provided.

32 3. The signature is illegible and the signer is otherwise
33 unidentifiable.

34 4. The address provided is illegible or nonexistent.

35 5. The individual was not a qualified elector on the date of signing
36 the petition.

37 6. The individual was a registered voter but was not at least eighteen
38 years of age on the date of signing the petition or affidavit.

39 7. The signature was disqualified after comparison with the signature
40 on the affidavit of registration.

41 8. If a petitioner signed more than once, all but one otherwise valid
42 signature shall be disqualified.

43 9. For the same reasons any signatures or entire petition sheets could
44 have been removed by the secretary of state pursuant to section 19-121.01,
45 subsection A, paragraph 1 OR 3.

1 B. Within the same time period provided in subsection A of this
2 section, the county recorder shall certify to the secretary of state the
3 following:

4 1. The name of any individual whose signature was included in the
5 random sample and disqualified by the county recorder together with the
6 petition page and line number of the disqualified signature.

7 2. The total number of signatures selected for the random sample and
8 transmitted to the county recorder for verification and the total number of
9 random sample signatures disqualified.

10 C. The secretary of state shall prescribe the form of the county
11 recorder's certification.

12 D. At the time of the certification, the county recorder shall:

13 1. Return the facsimile signature sheets to the secretary of state.

14 2. Send notice of the results of the certification by mail to the
15 person or organization that submitted the initiative or referendum petitions
16 and to the secretary of state.

17 Sec. 9. Section 19-121.04, Arizona Revised Statutes, is amended to
18 read:

19 19-121.04. Disposition of petitions by secretary of state

20 A. Within seventy-two hours, excluding Saturdays, Sundays and other
21 legal holidays, after receipt of the facsimile signature sheets and the
22 certification of each county recorder, the secretary of state shall determine
23 the total number of valid signatures by subtracting from the total number of
24 eligible signatures determined pursuant to section 19-121.01, subsection A,
25 paragraph 6 ~~in the following order:~~

26 ~~1. All signatures on petitions containing a defective circulator's~~
27 ~~affidavit.~~

28 ~~2. All signatures that were found ineligible by the county recorders~~
29 ~~and that were not subtracted pursuant to paragraph 1 of this subsection.~~

30 ~~3. After determining the percentage of all signatures found to be~~
31 ~~invalid in the random sample, a like percentage from those signatures~~
32 ~~remaining after the subtractions performed pursuant to paragraphs 1 and 2 of~~
33 ~~this subsection.~~

34 B. If the ~~actual~~ number of signatures on the remaining sheets after
35 any such subtraction equals or exceeds the minimum number required by the
36 constitution or if the number of valid signatures as projected from the
37 random sample pursuant to subsection A of this section is at least one
38 hundred per cent of the minimum number required by the constitution, the
39 secretary of state shall issue the following receipt to the person or
40 organization that submitted them:

41 _____ signature pages bearing _____
42 signatures for initiative (referendum) petition serial number
43 _____ have been refused for filing in this office ~~because the~~
44 ~~person circulating them was a county recorder or justice of the~~
45 ~~peace at the time of circulating the petition or due to defects~~

1 ~~in the circulator's affidavit~~ AS PROVIDED BY LAW. A total of
2 _____ signatures included on the remaining petition
3 sheets were found to be ineligible. Of the total random sample
4 of _____ signatures, a total of _____ signatures
5 were invalidated by the county recorders resulting in a failure
6 rate of _____ per cent. The ~~actual~~ number of remaining
7 signatures for such initiative (referendum) petition number
8 _____ are equal to or in excess of the minimum required by
9 the constitution to place a measure on the general election
10 ballot. The number of valid signatures filed with this
11 petition, based on the random sample, appears to be at least one
12 hundred ~~five~~ per cent of the minimum required or through
13 examination of each signature has been certified to be greater
14 than the minimum required by the constitution.

15 Date: _____

16 Secretary of State
17 (Seal)

18 The secretary of state shall then forthwith notify the governor that a
19 sufficient number of signatures has been filed and that the initiative or
20 referendum shall be placed on the ballot in the manner provided by law.

21 C. If the number of valid signatures as projected from the random
22 sample is less than one hundred per cent of the minimum number required by
23 the constitution or if the actual number of signatures on the remaining
24 sheets after any such subtraction from the random sample or after
25 certification fails to equal or exceed the minimum required by the
26 constitution, the secretary of state shall ~~immediately return~~ RETAIN the
27 original signature sheets, ~~in the form filed by him under section 19-121, to~~
28 UNTIL AFTER THE CONCLUSION OF ANY LITIGATION REGARDING THE MEASURE OR UNTIL
29 THE TIME HAS EXPIRED FOR ANY LITIGATION. THE SECRETARY OF STATE SHALL
30 PROVIDE TO the person or organization that submitted them, ~~together with~~ a
31 certified statement that, for the following reasons, the petition lacks the
32 minimum number of signatures to place it on the general election ballot:

33 1. Signature sheets bearing secretary of state page
34 numbers _____ and bearing signatures of _____ persons
35 appeared ~~on petitions containing a defective circulator's~~
36 ~~affidavit~~ SIGNATURE PAGES THAT WERE REQUIRED TO BE REMOVED.

37 2. A total of _____ signatures on the remaining
38 petition sheets were found to be ineligible.

39 3. A total of _____ signatures included in the
40 random sample have been certified by the county recorders as
41 ineligible at the time such petition was signed and a projection
42 from such random sample has indicated that _____ more
43 signatures are ineligible to appear on the petition.

1 A facsimile of the certifications of the county recorders under section
2 19-121.02 shall accompany the signature sheets returned to the person or
3 organization that submitted them.

4 Sec. 10. Title 19, chapter 2, article 1, Arizona Revised Statutes, is
5 amended by adding section 19-201.01, to read:

6 19-201.01. Legislative findings and intent: strict compliance

7 THE LEGISLATURE FINDS AND DETERMINES THAT STRICT COMPLIANCE WITH THE
8 APPLICATION AND ENFORCEMENT OF THE CONSTITUTIONAL AND STATUTORY REQUIREMENTS
9 FOR RECALL PROVIDE THE SUREST METHOD FOR SAFEGUARDING THE INTEGRITY AND
10 ACCURACY OF THE RECALL PROCESS. THEREFORE, THE LEGISLATURE DECLARES THAT THE
11 CONSTITUTIONAL AND STATUTORY REQUIREMENTS FOR RECALL BE STRICTLY CONSTRUED
12 AND THAT PERSONS USING THE RECALL PROCESS STRICTLY COMPLY WITH THOSE
13 CONSTITUTIONAL AND STATUTORY REQUIREMENTS.

14 Sec. 11. Section 19-202.01, Arizona Revised Statutes, is amended to
15 read:

16 19-202.01. Application for recall petition

17 A. A person or organization intending to file a recall petition shall,
18 before causing the petition to be printed and circulated, submit an
19 application setting forth ~~his~~ THE FOLLOWING:

20 1. THE PERSON'S name AND ADDRESS or, if an organization, its name AND
21 ADDRESS and the names and titles of its officers. ~~, address, his~~

22 2. THE PERSON OR ORGANIZATION'S intention to circulate and submit ~~such~~
23 A RECALL petition. ~~,~~

24 3. The text of the general statement required by section 19-203 and a
25 request for issuance of an official number to be printed on the signature
26 sheets of the petition.

27 B. ~~Such~~ THE application AND PETITION shall be submitted AS A SINGLE
28 DOCUMENT to the office of secretary of state if for recall of a state
29 officer, including a member of the state legislature, or a member of
30 Congress, and with the county officer in charge of elections if for a county
31 or district officer or superior court judge, with the city or town clerk if
32 for a city or town officer and with the county school superintendent if for a
33 governing board member of a school district.

34 ~~B-~~ C. On receipt of the application AND PETITION, the receiving
35 officer shall forthwith assign a number to the petition, which number shall
36 appear in the lower right-hand corner on each side of each signature sheet,
37 and issue that number to the applicant. A record shall be maintained by the
38 receiving officer of each application received, of the date of its receipt
39 and of the number assigned and issued to the applicant.

40 D. WHEN THE APPLICATION IS RECEIVED BY THE FILING OFFICER AND MARKED
41 BY THE FILING OFFICER WITH AN OFFICIAL DATE AND TIME OF RECEIPT, THE
42 TIME-AND-DATE-MARKED APPLICATION, INCLUDING THE GENERAL STATEMENT REQUIRED BY
43 SECTION 19-203, CONSTITUTES THE OFFICIAL COPY OF THE TEXT OF THE RECALL AND
44 SHALL BE USED IN ALL INSTANCES AS THE TEXT OF THE RECALL. FOR ANY SUBSEQUENT
45 CHANGE IN THE TEXT OF THE RECALL BY THE APPLICANT, INCLUDING ANY CHANGE IN

1 THE GENERAL STATEMENT REQUIRED BY SECTION 19-203, THE APPLICANT SHALL FILE A
2 NEW APPLICATION, SHALL RECEIVE A NEW OFFICIAL SERIAL NUMBER AND SHALL USE AS
3 THE TEXT OF THE RECALL THE TIME-AND-DATE-MARKED TEXT THAT ACCOMPANIED THE NEW
4 APPLICATION.

5 Sec. 12. Section 19-203, Arizona Revised Statutes, is amended to read:
6 19-203. Recall petition; contents; submission for verification;
7 nonacceptance

8 A. A recall petition shall contain a general statement of not more
9 than two hundred words stating the grounds of the demand for the recall. The
10 petition shall be submitted for verification of signatures to ONE OF THE
11 FOLLOWING:

12 1. The office of the secretary of state if for a state officer,
13 including a member of the legislature or a member of Congress. ~~, with~~

14 2. The county officer in charge of elections if for a county or
15 district officer or superior court judge. ~~, with~~

16 3. The city or town clerk if for a city or town officer and with the
17 county school superintendent if for a governing board member of a school
18 district.

19 B. No recall petition is considered filed for purposes of this chapter
20 until the verification process is complete and the petition is filed pursuant
21 to section 19-208.03, subsection A, paragraph 1.

22 ~~B.~~ C. A recall petition shall not be accepted for such verification
23 if more than one hundred twenty days have passed since the date of submission
24 of the application for recall petition, as prescribed by section 19-202.01.

25 D. THE FILING OFFICER'S TIME-AND-DATE-MARKED COPY OF THE APPLICATION,
26 INCLUDING THE GENERAL STATEMENT OF THE GROUNDS FOR RECALL, CONSTITUTES THE
27 FULL AND CORRECT COPY OF THE RECALL TEXT AND IS THE ONLY VALID COPY FOR
28 CIRCULATION FOR SIGNATURES. SIGNATURES THAT ARE COLLECTED WITH ANY COPY OF
29 THE RECALL TEXT THAT IS NOT A FACSIMILE OF THE TIME-AND-DATE-MARKED COPY WITH
30 THE COMPLETE TEXT THAT IS IDENTICAL TO THE TIME-AND-DATE-MARKED COPY ARE
31 INVALID.

32 Sec. 13. Section 19-204, Arizona Revised Statutes, is amended to read:
33 19-204. Form of petition; circulators

34 A. The caption and body of a recall petition shall be substantially as
35 follows:

36 Recall Petition

37 We, the qualified electors of the electoral district from
38 which _____ (name and title

39 of office) was elected, demand his recall

40 The grounds of this demand for recall are as follows:

41 (State in two hundred words or less the grounds of the demand)

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 C. A CIRCULATOR OF A RECALL PETITION SHALL STATE WHETHER HE IS A PAID
6 CIRCULATOR OR VOLUNTEER BY CHECKING THE APPROPRIATE LINE ON THE PETITION FORM
7 BEFORE CIRCULATING THE PETITION FOR SIGNATURES.

8 D. SIGNATURES OBTAINED ON RECALL PETITIONS IN VIOLATION OF SUBSECTION
9 C OF THIS SECTION ARE VOID AND SHALL NOT BE COUNTED IN DETERMINING THE LEGAL
10 SUFFICIENCY OF THE PETITION. THE PRESENCE OF SIGNATURES THAT ARE INVALIDATED
11 UNDER THIS SUBSECTION ON A PETITION DOES NOT INVALIDATE OTHER SIGNATURES ON
12 THE PETITION THAT WERE OBTAINED AS PRESCRIBED BY THIS SECTION.

13 ~~B- E. The remaining portion of the petition shall be as prescribed
14 for initiative and referendum except that a designation for paid or volunteer
15 circulators is not required on the petition and signatures are valid without
16 regard to whether they were collected by a paid or volunteer circulator.~~

17 Sec. 14. Section 19-208.01, Arizona Revised Statutes, is amended to
18 read:

19 19-208.01. Certification of number of signatures

20 A. Within ~~ten~~ TWENTY days after submission of a recall petition for
21 verification of signatures pursuant to section 19-203, the receiving officer
22 shall perform the steps prescribed in section 19-121.01, subsection A. If
23 the total number of signatures eligible for verification equals or exceeds
24 the minimum number required by the Arizona Constitution the receiving officer
25 shall reproduce a facsimile of the front of each signature sheet on which any
26 signature eligible for verification appears. The receiving officer shall
27 transmit promptly to each county recorder facsimile sheets on which a
28 signature of any individual claiming to be a qualified elector of that county
29 appears. The receiving officer shall also certify the number of sheets and
30 signatures on the sheets that are being transmitted and retain a record of
31 such certification in his office. Such receiving officer shall obtain a
32 dated, signed receipt from the county recorder for copies of the original
33 signature sheets transmitted under this section.

34 B. If the number of signatures on the sheets submitted to the
35 receiving officer does not equal the minimum number required by the
36 constitution, ~~he~~ THE RECEIVING OFFICER shall so notify the person or
37 organization submitting them and shall return the sheets to the persons or
38 organization.

39 Sec. 15. Section 19-208.02, Arizona Revised Statutes, is amended to
40 read:

41 19-208.02. Certification by county recorder

42 A. FOR A STATEWIDE OR COUNTYWIDE RECALL, WITHIN NINETY DAYS AFTER
43 RECEIPT OF THE SIGNATURE SHEETS FROM THE RECEIVING OFFICER, AND FOR AN OFFICE
44 OTHER THAN A STATEWIDE OR COUNTYWIDE OFFICE, within sixty days after receipt
45 of the signature sheets from the receiving officer, the county recorder shall

1 determine the number of signatures or affidavits of individuals whose names
2 were transmitted that must be disqualified for any of the reasons set forth
3 in section 19-121.02, subsection A, ~~and~~ **SHALL INCLUDE IN THAT NUMBER AND**
4 **SHALL DISQUALIFY THOSE SIGNATURES OF PERSONS WHO ARE NOT REGISTERED ON THE**
5 **DATE OF SIGNING IN THE ELECTORAL DISTRICT OF THE OFFICER WHO IS THE SUBJECT**
6 **OF THE RECALL PETITION.** The county recorder shall certify ~~such~~ THAT number
7 to the receiving officer in the form prescribed by the secretary of state.

8 B. At the time of ~~such~~ certification, the county recorder shall:

9 1. Return the original signature sheets to the receiving officer,
10 obtaining a dated, signed receipt therefor.

11 2. Send notice of the results of certification by mail to the person
12 or organization that submitted the recall petitions and to the secretary of
13 state.

14 Sec. 16. Section 19-208.03, Arizona Revised Statutes, is amended to
15 read:

16 **19-208.03. Disposition of petition; date of filing**

17 A. Within ~~five days, excluding Saturday, Sunday and legal holidays,~~
18 **SEVENTY-TWO HOURS** after the county recorders have certified the number of
19 qualified signatures to a petition, or sooner if a sufficient number of
20 signatures have been certified to qualify for placement of the recall on the
21 ballot, the receiving officer shall total the number of signatures certified,
22 and:

23 1. If the number equals or exceeds the minimum number required by the
24 Constitution, ~~he~~ **THE RECEIVING OFFICER** shall forthwith officially file the
25 petition, notify the governor and each county recorder affected, stating that
26 no more signatures need be checked, and the recall shall be placed on the
27 ballot in the manner provided by law.

28 2. If the number is insufficient to qualify for calling a recall
29 election the receiving officer shall follow the procedure prescribed by
30 section 19-208.01, subsection B.

31 B. The date of filing the petition as provided for in subsection A,
32 paragraph 1, ~~of~~ of this section is the date of filing referred to in sections
33 19-207, 19-208 and 19-209.

34 Sec. 17. Section 19-209, Arizona Revised Statutes, is amended to read:

35 **19-209. Order for special recall election**

36 A. If the officer against whom a petition is filed does not resign
37 within five days, excluding Saturdays, Sundays and other legal holidays,
38 after the filing as determined pursuant to section 19-208.03, the order
39 calling a special recall election shall be issued within fifteen days and
40 shall be ordered to be held on the next following consolidated election date
41 pursuant to section 16-204 that is ~~ninety~~ **ONE HUNDRED TWENTY** days or more
42 after the order calling the election.

43 B. A recall election shall be called:

44 1. If for a state office, including a member of the legislature, by
45 the governor.

- 1 2. If for a county officer, or judge or other officer of the superior
2 court in a county, by the board of supervisors of that county.
- 3 3. If for a city or town officer, by the legislative body of the city
4 or town.
- 5 4. If for a member of a school district governing board, by the county
6 school superintendent of the county in which the school district is located.
- 7 C. If a recall petition is against an officer who is directed by this
8 section to call the election it shall be called:
 - 9 1. If for a state office, by the secretary of state.
 - 10 2. If for a county office, by the clerk of the superior court.
 - 11 3. If for a city or town office, by the city or town clerk.