

REFERENCE TITLE: elections; omnibus

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

## **SB 1493**

Introduced by  
Senators Biggs, Driggs, McComish: Shooter (with permission of Committee on  
Rules)

### AN ACT

AMENDING SECTIONS 9-231, 16-411, 16-531, 16-544, 16-545, 16-547, 16-912, 16-912.01, 16-914.01, 16-914.02 AND 16-1005, 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, 19-121.04 AND 19-141, 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 ELECTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 9-231, Arizona Revised Statutes, is amended to  
3 read:

4 9-231. Common council; date of election

5 A. The corporate powers of a town incorporated under ~~the provisions of~~  
6 section 9-101 shall be vested in a common council. The first common council  
7 shall be appointed by the board of supervisors, ~~upon~~ ON declaring the town  
8 incorporated, and the members shall continue in office until their successors  
9 are elected and qualified. The successors shall be elected by qualified  
10 electors residing in the town at an election held for that purpose on the  
11 third Tuesday in May following, and on the third Tuesday in May each two  
12 years thereafter, ~~unless and until the date of such election is changed~~  
13 ~~pursuant to the provisions of subsection C of this~~ PURSUANT TO section  
14 16-204.

15 B. The common council of every town shall consist of five members if  
16 the population is fifteen hundred persons or less, or seven members if the  
17 population exceeds fifteen hundred persons at the time of incorporation. If  
18 thereafter the population of ~~such~~ THE town exceeds fifteen hundred persons as  
19 determined by the latest official United States census, the council may pass  
20 an ordinance increasing the membership to seven, with the additional two  
21 members to be elected at the first election subsequent to the passage of the  
22 ordinance.

23 ~~C. A city or town may only hold a general election on a date~~  
24 ~~prescribed by section 16-204.~~

25 Sec. 2. Section 16-411, Arizona Revised Statutes, is amended to read:

26 16-411. Designation of election precincts and polling places;  
27 voting centers; electioneering; wait times

28 A. Except as prescribed by subsection ~~J~~ K of this section, the board  
29 of supervisors of each county, on or before December 1 of each year preceding  
30 the year of a general election, by an order, shall establish a convenient  
31 number of election precincts in the county and define the boundaries of the  
32 precincts. ~~Such~~ THE election precinct boundaries shall be so established as  
33 included within election districts prescribed by law for elected officers of  
34 the state and its political subdivisions including community college district  
35 precincts, except those elected officers provided for in titles 30 and 48.

36 B. Not less than twenty days before a general or primary election, and  
37 at least ten days before a special election, the board shall designate one  
38 polling place within each precinct where the election shall be held, except  
39 that:

40 1. On a specific finding of the board, included in the order or  
41 resolution designating polling places pursuant to this subsection, that no  
42 suitable polling place is available within a precinct, a polling place for  
43 ~~such~~ THAT precinct may be designated within an adjacent precinct.

44 2. Adjacent precincts may be combined if boundaries so established are  
45 included in election districts prescribed by law for state elected officials

1 and political subdivisions including community college districts but not  
2 including elected officials prescribed by titles 30 and 48. The officer in  
3 charge of elections may also split a precinct for administrative purposes.  
4 ~~Any such~~ THE polling places shall be listed in separate sections of the order  
5 or resolution.

6 3. On a specific finding of the board that the number of persons who  
7 are listed as permanent early voters pursuant to section 16-544 is likely to  
8 substantially reduce the number of voters appearing at one or more specific  
9 polling places at that election, adjacent precincts may be consolidated by  
10 combining polling places and precinct boards for that election. The board of  
11 supervisors shall ensure that a reasonable and adequate number of polling  
12 places will be designated for that election. Any consolidated polling places  
13 shall be listed in separate sections of the order or resolution of the board.

14 4. On a specific resolution of the board, the board may authorize the  
15 use of voting centers in place of or in addition to specifically designated  
16 polling places. A voting center shall allow any voter in that county to  
17 receive the appropriate ballot for that voter on election day and lawfully  
18 cast the ballot. Voting centers may be established in coordination and  
19 consultation with the county recorder, at other county offices or at other  
20 locations in the county deemed appropriate.

21 C. If the board fails to designate the place for holding the election,  
22 or if it cannot be held at or about the place designated, the justice of the  
23 peace in the precinct, two days before the election, by an order, copies of  
24 which the justice of the peace shall immediately post in three public places  
25 in the precinct, shall designate the place within the precinct for holding  
26 the election. If there is no justice of the peace in the precinct, or if the  
27 justice of the peace fails to do so, the election board of the precinct shall  
28 designate and give notice of the place within the precinct of holding the  
29 election. For any election in which there are no candidates for elected  
30 office appearing on the ballot, the board may consolidate polling places and  
31 precinct boards and may consolidate the tabulation of results for that  
32 election if all of the following apply:

33 1. All affected voters are notified by mail of the change at least  
34 thirty-three days before the election.

35 2. Notice of the change in polling places includes notice of the new  
36 voting location, notice of the hours for voting on election day and notice of  
37 the telephone number to call for voter assistance.

38 3. All affected voters receive information on early voting that  
39 includes the application used to request an early voting ballot.

40 D. The board is not required to designate a polling place for special  
41 district mail ballot elections held pursuant to article 8.1 of this chapter,  
42 but the board may designate one or more sites for voters to deposit marked  
43 ballots until 7:00 p.m. on the day of the election.

44 E. Except as provided in subsection F of this section, a public school  
45 shall provide sufficient space for use as a polling place for any city,

1 county or state election ~~when~~ IF requested by the officer in charge of  
2 elections.

3 F. The principal of the school may deny a request to provide space for  
4 use as a polling place for any city, county or state election if, within two  
5 weeks after a request has been made, the principal provides a written  
6 statement indicating a reason the election cannot be held in the school,  
7 including any of the following:

- 8 1. Space is not available at the school.
- 9 2. The safety or welfare of the children would be jeopardized.

10 G. The board shall make available to the public as a public record a  
11 list of the polling places for all precincts in which the election is to be  
12 held including identification of polling place changes that were submitted to  
13 the United States department of justice for approval.

14 H. Except in the case of an emergency, any facility that is used as a  
15 polling place on election day or that is used as an early voting site during  
16 the period of early voting shall allow persons to electioneer and engage in  
17 other political activity outside of the seventy-five foot limit prescribed by  
18 section 16-515 in public areas and parking lots used by voters. This  
19 subsection shall not be construed to permit the temporary or permanent  
20 construction of structures in public areas and parking lots or the blocking  
21 or other impairment of access to parking spaces for voters. The county  
22 recorder ~~OR OTHER OFFICER IN CHARGE OF ELECTIONS~~ shall post on its website at  
23 least two weeks before election day a list of those polling places in which  
24 emergency conditions prevent electioneering and shall specify the reason the  
25 emergency ~~exemption~~ DESIGNATION was granted ~~AND THE NUMBER OF ATTEMPTS THAT~~  
26 ~~WERE MADE TO FIND A POLLING PLACE BEFORE GRANTING AN EMERGENCY DESIGNATION.~~  
27 If the polling place is not on the website list of polling places with  
28 emergency ~~conditions~~ DESIGNATIONS, electioneering and other political  
29 activity shall be permitted outside of the seventy-five foot limit. If an  
30 emergency arises after the county recorder's ~~OR OTHER OFFICER IN CHARGE OF~~  
31 ~~ELECTIONS'~~ initial website posting, the county recorder ~~OR OTHER OFFICER IN~~  
32 ~~CHARGE OF ELECTIONS~~ shall update the website as soon as is practicable to  
33 include any new polling places, shall highlight the polling place location on  
34 the website and shall specify the reason the emergency ~~exemption~~ DESIGNATION  
35 was granted ~~AND THE NUMBER OF ATTEMPTS THAT WERE MADE TO FIND A POLLING PLACE~~  
36 ~~BEFORE GRANTING AN EMERGENCY DESIGNATION.~~

37 I. FOR THE PURPOSES OF THIS SECTION, A COUNTY RECORDER OR OTHER  
38 OFFICER IN CHARGE OF ELECTIONS SHALL DESIGNATE A POLLING PLACE AS AN  
39 EMERGENCY POLLING PLACE AND PROHIBIT PERSONS FROM ELECTIONEERING AND ENGAGING  
40 IN OTHER POLITICAL ACTIVITY IN AREAS THAT ARE OUTSIDE OF THE SEVENTY-FIVE  
41 FOOT LIMIT PRESCRIBED BY SECTION 16-515 BUT THAT ARE INSIDE THE PROPERTY OF  
42 THE FACILITY THAT IS HOSTING THE POLLING PLACE IF ANY OF THE FOLLOWING  
43 OCCURS:

- 44 1. AN ACT OF GOD RENDERS A PREVIOUSLY SET POLLING PLACE UNUSABLE.



1 shall be a member of the other of the two largest political parties.  
2 Whenever possible, any person appointed as an inspector shall have had  
3 previous experience as an inspector, judge, marshal or clerk of elections.  
4 If there is no qualified person in a given precinct, the appointment of an  
5 inspector may be made from names provided by the county party chairman. If  
6 not less than ninety days before the election the chairman of the county  
7 committee of either of the parties designates qualified voters of the  
8 precinct, or of another precinct if there are not sufficient members of his  
9 party available in the precinct to provide the necessary representation on  
10 the election board as judge, such designated qualified voters shall be  
11 appointed. The judges, together with the inspector, shall constitute the  
12 board of elections. Any registered voter in the election precinct, or in  
13 another election precinct if there are not sufficient persons available in  
14 the election precinct for which the clerks are being appointed, may be  
15 appointed as clerk.

16 B. If the election precinct consists of fewer than three hundred  
17 qualified electors, the board of supervisors may appoint not fewer than one  
18 inspector and two judges. The board of supervisors shall give notice of  
19 election precincts consisting of fewer than three hundred qualified electors  
20 to the county chairmen of the two largest political parties not later than  
21 thirty days before the election. The inspector and judges shall be appointed  
22 in the same manner by party as provided in subsection A of this section.

23 C. If a nonpartisan election is ordered, not less than twenty days  
24 before the election the governing board holding the election shall appoint,  
25 without consideration for political party, a minimum of three election  
26 workers for each polling place. The election workers shall consist of at  
27 least one inspector and two judges. Whenever possible, they shall be  
28 qualified electors of the precinct located within the district, without  
29 consideration for political party.

30 D. Where the election precinct consists of three hundred fifty or more  
31 qualified electors, the board of supervisors may in addition to the board of  
32 elections appoint a similar board to be known as the tally board. The tally  
33 board shall take custody of the ballots from the closing of the polls until  
34 the tally of the ballots is completed. The tally board shall consist of the  
35 inspector of the board of elections, two judges and not less than two clerks.  
36 The inspector and two judges shall be appointed to provide as equal as  
37 practicable representation of members of the two largest political parties on  
38 the board in the same manner as provided for the election boards. Any  
39 registered voter in the election precinct, or in another election precinct if  
40 there are not sufficient persons available in the election precinct for which  
41 the clerks are being appointed, may be appointed as clerk. A member  
42 appointed to serve on the tally board, with the exception of the inspector of  
43 the board of elections, shall not be appointed to serve on the board of  
44 elections. The inspector of the board of elections shall be a member of the  
45 tally board and during such time shall act as the supervisor of the tally

1 board. No United States, state, county or precinct officer, nor a candidate  
2 for office at the election, other than a precinct committeeman or a candidate  
3 for the office of precinct committeeman, is qualified to act as judge,  
4 inspector, marshal or clerk.

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

9 F. At least ten days before a special election, the governing body  
10 conducting the election may in like manner appoint a special tally board or  
11 boards for the specific purpose of tallying the ballots on the closing of the  
12 polls. The tally boards shall consist of at least one inspector and two  
13 judges. The inspector of the board of elections shall act as the supervisor  
14 of the tally board.

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

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

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

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

24 4. The person has received training provided by the officer in charge  
25 of elections.

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

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

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

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

39 Sec. 4. Section 16-544, Arizona Revised Statutes, is amended to read:

40 16-544. Permanent early voting list; civil penalty; violation;  
41 classification

42 A. Any voter may request to be included on a permanent list of voters  
43 to receive an early ballot for any election for which the county voter  
44 registration roll is used to prepare the election register. The county

1 recorder of each county shall maintain the permanent early voting list as  
2 part of the voter registration roll.

3 B. In order to be included on the permanent early voting list, the  
4 voter shall make a written request specifically requesting that the voter's  
5 name be added to the permanent early voting list for all elections in which  
6 the applicant is eligible to vote. A permanent early voter request form  
7 shall conform to requirements prescribed in the instructions and procedures  
8 manual issued pursuant to section 16-452. The application shall allow for  
9 the voter to provide the voter's name, residence address, mailing address in  
10 the voter's county of residence, date of birth and signature and shall state  
11 that the voter is attesting that the voter is a registered voter who is  
12 eligible to vote in the county of residence. The voter shall not list a  
13 mailing address that is outside of this state for the purpose of the  
14 permanent early voting list unless the voter is an absent uniformed services  
15 voter or overseas voter as defined in the uniformed and overseas citizens  
16 absentee voting act of 1986 (P.L. 99-410; 42 United States Code section  
17 1973ff-6). In lieu of the application, the applicant may submit a written  
18 request that contains the required information.

19 C. On receipt of a request to be included on the permanent early  
20 voting list, the county recorder or other officer in charge of elections  
21 shall compare the signature on the request form with the voter's signature on  
22 the voter's registration form and, if the request is from the voter, shall  
23 mark the voter's registration file as a permanent early ballot request.

24 D. Not less than ninety days before any polling place election  
25 scheduled in March or August, the county recorder or other officer in charge  
26 of elections shall mail to all voters who are eligible for the election and  
27 who are included on the permanent early voting list an election notice by  
28 nonforwardable mail that is marked with the statement required by the  
29 postmaster to receive an address correction notification. If an election is  
30 not formally called by a jurisdiction by the one hundred twentieth day before  
31 the election, the recorder or other officer in charge of elections is not  
32 required to send the election notice. The notice shall include the dates of  
33 the elections that are the subject of the notice, the dates that the voter's  
34 ballot is expected to be mailed and the address where the ballot will be  
35 mailed. If the upcoming election is a partisan open primary election and the  
36 voter is not registered as a member of one of the political parties that is  
37 recognized for purposes of that primary, the notice shall include information  
38 on the procedure for the voter to designate a political party ballot. The  
39 notice shall be delivered with return postage prepaid and shall also include  
40 a means for the voter to do any of the following:

41 1. Change the mailing address for the voter's ballot to another  
42 location in the voter's county of residence.

43 2. Update the voter's residence address in the voter's county of  
44 residence.

1           3. Request that the voter not be sent a ballot for the upcoming  
2 election or elections indicated on the notice.

3           E. If the notice that is mailed to the voter is returned undeliverable  
4 by the postal service, the county recorder or other officer in charge of  
5 elections shall take the necessary steps to contact the voter at the voter's  
6 new residence address in order to update that voter's address or to move the  
7 voter to inactive status as prescribed in section 16-166, subsection A. If a  
8 voter is moved to inactive status, the voter shall be removed from the  
9 permanent early voting list. If the voter is removed from the permanent  
10 early voting list, the voter shall only be added to the permanent early  
11 voting list again if the voter submits a new request pursuant to this  
12 section.

13           F. Not later than the first day of early voting, the county recorder  
14 or other officer in charge of elections shall mail an early ballot to all  
15 eligible voters included on the permanent early voting list in the same  
16 manner prescribed in section 16-542, subsection C. If the voter has not  
17 returned the notice or otherwise notified the election officer within  
18 forty-five days before the election that the voter does not wish to receive  
19 an early ballot by mail for the election or elections indicated, the ballot  
20 shall automatically be scheduled for mailing.

21           G. If a voter who is on the permanent early voting list is not  
22 registered as a member of a recognized political party and fails to notify  
23 the county recorder of the voter's choice for political party ballot within  
24 forty-five days before a partisan open primary election, the following apply:

25           1. The voter shall not automatically be sent a ballot for that  
26 partisan open primary election only and the voter's name shall remain on the  
27 permanent early voting list for future elections.

28           2. To receive an early ballot for the primary election, the voter  
29 shall submit the voter's choice for political party ballot to the county  
30 recorder.

31           H. After a voter has requested to be included on the permanent early  
32 voting list, the voter shall be sent an early ballot by mail automatically  
33 for any election at which a voter at that residence address is eligible to  
34 vote until any of the following occurs:

35           1. The voter requests in writing to be removed from the permanent  
36 early voting list.

37           2. The voter's registration or eligibility for registration is moved  
38 to inactive status or canceled as otherwise provided by law.

39           3. The notice sent by the county recorder or other officer in charge  
40 of elections is returned undeliverable and the county recorder or officer in  
41 charge of elections is unable to contact the voter to determine the voter's  
42 continued desire to remain on the list.

43           I. A voter may make a written request at any time to be removed from  
44 the permanent early voting list. The request shall include the voter's name,  
45 residence address, date of birth and signature. On receipt of a completed

1 request to remove a voter from the permanent early voting list, the county  
2 recorder or other officer in charge of elections shall remove the voter's  
3 name from the list as soon as practicable.

4 J. An absent uniformed services voter or overseas voter as defined in  
5 the uniformed and overseas citizens absentee voting act of 1986 (P.L. 99-410;  
6 42 United States Code section 1973ff-6) is eligible to be placed on the  
7 permanent early voting list pursuant to this section.

8 K. A voter's failure to vote an early ballot once received does not  
9 constitute grounds to remove the voter from the permanent early voting list.

10 L. NOTWITHSTANDING SUBSECTION K OF THIS SECTION, BY DECEMBER 1 OF EACH  
11 EVEN-NUMBERED YEAR, THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF  
12 ELECTIONS MAY SEND A NOTICE TO EACH VOTER WHO IS ON THE PERMANENT EARLY  
13 VOTING LIST AND WHO DID NOT VOTE AN EARLY BALLOT IN BOTH THE PRIMARY ELECTION  
14 AND THE GENERAL ELECTION FOR THE TWO MOST RECENT GENERAL ELECTIONS FOR  
15 FEDERAL OFFICE, UNLESS THE VOTER HAD CONTACTED THE COUNTY RECORDER IN THE  
16 IMMEDIATELY PRECEDING TWENTY-FOUR MONTHS TO REAFFIRM THE VOTER'S INTENT TO  
17 REMAIN ON THE PERMANENT EARLY VOTING LIST. THE NOTICE PRESCRIBED BY THIS  
18 SUBSECTION DOES NOT APPLY TO PERSONS WHOSE VOTER REGISTRATION RECORDS ARE  
19 SEALED AS PRESCRIBED IN SECTION 16-153. THE NOTICE SHALL INFORM THE VOTER  
20 THAT IF THE VOTER WISHES TO REMAIN ON THE PERMANENT EARLY VOTING LIST, THE  
21 VOTER SHALL DO BOTH OF THE FOLLOWING WITH THE NOTICE RECEIVED:

22 1. CONFIRM IN WRITING THE VOTER'S DESIRE TO REMAIN ON THE PERMANENT  
23 EARLY VOTING LIST.

24 2. RETURN THE COMPLETED NOTICE TO THE COUNTY OFFICER IN CHARGE OF  
25 ELECTIONS WITHIN THIRTY DAYS AFTER RECEIPT BY THE VOTER. THE NOTICE SHALL BE  
26 SIGNED BY THE VOTER AND SHALL CONTAIN THE VOTER'S ADDRESS AND DATE OF BIRTH.

27 M. IF A VOTER RECEIVES A NOTICE AS PRESCRIBED BY SUBSECTION L OF THIS  
28 SECTION AND THE VOTER FAILS TO RESPOND WITHIN THE THIRTY-DAY PERIOD, THE  
29 COUNTY OFFICER IN CHARGE OF ELECTIONS SHALL REMOVE THE VOTER'S NAME FROM THE  
30 PERMANENT EARLY VOTING LIST. THIS SUBSECTION DOES NOT APPLY TO VOTERS WHO  
31 FAILED TO VOTE AN EARLY BALLOT AND WHO MODIFIED THEIR VOTER REGISTRATION  
32 INFORMATION DURING THE PERIOD FOR EARLY VOTING FOR EITHER THE IMMEDIATELY  
33 PRECEDING PRIMARY OR GENERAL ELECTION.

34 ~~L.~~ N. A candidate, A political committee or ~~other~~ ANOTHER  
35 organization may distribute permanent early voting list request forms to  
36 voters. BEGINNING JANUARY 1, 2015, PERMANENT EARLY VOTING LIST REQUEST FORMS  
37 THAT ARE DISTRIBUTED BY A CANDIDATE, A POLITICAL COMMITTEE OR ANOTHER  
38 ORGANIZATION SHALL INCLUDE THE FOLLOWING STATEMENT:

39 NOTICE: BY SIGNING THIS FORM YOU ARE AGREEING TO  
40 RECEIVE AN EARLY BALLOT FOR EVERY ELECTION IN WHICH  
41 YOU ARE ELIGIBLE TO VOTE. YOU ARE INFORMING THE  
42 RECORDER THAT YOU DO NOT WISH TO VOTE AT YOUR  
43 ASSIGNED POLLING LOCATION FOR ALL ELECTIONS. IF YOU  
44 WOULD LIKE TO VOTE AT YOUR ASSIGNED POLLING  
45 LOCATION, DO NOT SIGN THIS FORM.

1 PERMANENT EARLY VOTING LIST REQUEST FORMS THAT ARE SUBMITTED ON OR  
2 AFTER JANUARY 1, 2015 WITHOUT THE STATEMENT PRESCRIBED BY THIS  
3 SUBSECTION ARE VALID FOR PURPOSES OF REQUIRING THAT THE VOTER BE SENT  
4 AN EARLY BALLOT FOR THE IMMEDIATELY SUCCEEDING ELECTION, BUT THAT  
5 VOTER'S NAME SHALL NOT BE PLACED ON THE PERMANENT EARLY VOTING LIST.

6 If the permanent early voting list request forms include a printed  
7 address for return, that address shall be the political subdivision  
8 that will conduct the election. Failure to use the political  
9 subdivision as the return addressee is punishable by a civil penalty of  
10 up to three times the cost of the production and distribution of the  
11 permanent early voting list request.

12 ~~M.~~ 0. All original and completed permanent early voting list request  
13 forms that are received by a candidate, political committee or other  
14 organization shall be submitted within six business days after receipt by a  
15 candidate or political committee or eleven days before the election day,  
16 whichever is earlier, to the political subdivision that will conduct the  
17 election. Any person, political committee or other organization that fails  
18 to submit a completed permanent early voting list request form within the  
19 prescribed time is subject to a civil penalty of up to twenty-five dollars  
20 per day for each completed form withheld from submittal. Any person who  
21 knowingly fails to submit a completed permanent early voting list request  
22 form before the submission deadline for the election immediately following  
23 the completion of the form is guilty of a class 6 felony.

24 Sec. 5. Section 16-545, Arizona Revised Statutes, is amended to read:  
25 16-545. Early ballot

26 A. The early ballot shall be one prepared for use in the precinct in  
27 which the applicant resides and, if a partisan primary election, of the  
28 political party with which the applicant is affiliated as shown by the  
29 affidavit of registration. The ballot shall be identical with the regular  
30 official ballots, except that it shall have printed or stamped on it "early".

31 B. The officer charged by law with the duty of preparing ballots at  
32 any election shall:

33 1. Prepare the official early ballot and deliver a sufficient number  
34 to the recorder or other officer in charge of elections not later than the  
35 thirty-third day before the election. Except as provided in section 16-542,  
36 subsection D, regular early ballots shall not be distributed to the general  
37 public before the beginning of early voting.

38 2. Ensure that the ballot return envelopes are of a type that ~~are~~ IS  
39 tamper evident when properly sealed.

40 C. FOR ALL ELECTIONS THAT INCLUDE A CANDIDATE OR ISSUE ON THE BALLOT  
41 FOR WHICH THE SECRETARY OF STATE IS THE FILING OFFICER, THE SECRETARY OF  
42 STATE, IN COOPERATION WITH COUNTY ELECTION OFFICIALS, SHALL SELECT A UNIQUE  
43 COLOR FOR ALL OUTBOUND EARLY BALLOT ENVELOPES AND ALL INBOUND EARLY BALLOT  
44 RETURN ENVELOPES.

1           Sec. 6. Section 16-547, Arizona Revised Statutes, is amended to read:  
2           16-547. Ballot affidavit: form

3           A. The early ballot shall be accompanied by an envelope bearing on the  
4 front the name, official title and post office address of the recorder or  
5 other officer in charge of elections and on the other side a printed  
6 affidavit in substantially the following form:

7           I declare the following under penalty of perjury: I am a  
8 registered voter in \_\_\_\_\_ county Arizona, I have not voted  
9 and will not vote in this election in any other county or state,  
10 I understand that knowingly voting more than once in any  
11 election is a class 5 felony and I voted the enclosed ballot and  
12 signed this affidavit personally unless noted below.

13           If the voter was assisted by another person in marking **OR**  
14 **RETURNING** the ballot, complete the following:

15           I declare the following under penalty of perjury: At the  
16 registered voter's request I assisted the voter identified in  
17 this affidavit with marking **OR RETURNING** the voter's ballot, I  
18 marked **OR RETURNED** the ballot as directly instructed by the  
19 voter, I provided the assistance because the voter was  
20 physically unable to mark the ballot solely due to illness,  
21 injury or physical limitation **OR WAS OTHERWISE UNABLE TO RETURN**  
22 **THE BALLOT** and I understand that there is no power of attorney  
23 for voting and that the voter must be able to make ~~their~~ **THE**  
24 **VOTER'S** selection even if ~~they~~ **THE VOTER** cannot physically mark  
25 the ballot.

26           Name of voter assistant: \_\_\_\_\_

27           Address of voter assistant: \_\_\_\_\_

28           B. The face of each envelope in which a ballot is sent to a federal  
29 postcard applicant or in which a ballot is returned by ~~such~~ **THE** applicant to  
30 the recorder or other officer in charge of elections shall be in the form  
31 prescribed in accordance with the uniformed and overseas citizens absentee  
32 voting act of 1986 (P.L. 99-410; 42 United States Code section 1973ff).  
33 Otherwise, the envelopes shall be the same as those used to send ballots to,  
34 or receive ballots from, other early voters.

35           C. The county recorder or other officer in charge of elections shall  
36 supply printed instructions to early voters that direct them to sign the  
37 affidavit, mark the ballot and return both in the enclosed self-addressed  
38 envelope that complies with section 16-545. The instructions shall include  
39 the following statement:

40           In order to be valid and counted, the ballot and affidavit must  
41 be delivered to the office of the county recorder or other  
42 officer in charge of elections or may be deposited at any  
43 polling place in the county no later than 7:00 p.m. on election  
44 day.

1 WARNING-It is a felony to offer or receive any compensation for  
2 a ballot.

3 Sec. 7. Section 16-912, Arizona Revised Statutes, is amended to read:

4 16-912. Candidates and independent expenditures: campaign  
5 literature and advertisement sponsors:  
6 identification: civil penalty

7 A. A political committee that makes an expenditure for campaign  
8 literature or advertisements that expressly advocate the election or defeat  
9 of any candidate or that make any solicitation of contributions to any  
10 political committee shall be registered pursuant to this chapter at the time  
11 of distribution, placement or solicitation and shall include on the  
12 literature or advertisement the words "paid for by" followed by the name **AND**  
13 **THE ACTUAL PHYSICAL ADDRESS, INCLUDING THE STREET NAME**, of the committee that  
14 appears on its statement of organization or five hundred dollar exemption  
15 statement.

16 B. If the expenditure for the campaign literature or advertisements by  
17 a political committee is an independent expenditure, the political committee,  
18 in addition to the disclosures required by subsection A of this section,  
19 shall include on the literature or advertisement the names and telephone  
20 numbers of the three political committees making the largest contributions to  
21 the political committee making the independent expenditure. If an acronym is  
22 used to name any political committee outlined in this section, the name of  
23 any sponsoring organization of the political committee shall also be printed  
24 or spoken. For **THE** purposes of determining the three contributors to be  
25 disclosed, the contributions of each political committee to the political  
26 committee making the independent expenditure during the one year period  
27 before the election being affected are aggregated.

28 C. Subsection A of this section does not apply to bumper stickers,  
29 pins, buttons, pens and similar small items on which the statements required  
30 in subsection A of this section cannot be conveniently printed or to signs  
31 paid for by a candidate with campaign monies or by a candidate's campaign  
32 committee or to a solicitation of contributions by a separate segregated fund  
33 from those persons it may solicit pursuant to sections 16-920 and 16-921.

34 D. The disclosures required pursuant to this section shall be printed  
35 clearly and legibly in a conspicuous manner or, if the advertisement is  
36 broadcast on a telecommunications system, the disclosure shall be spoken.  
37 For printed material that is delivered or provided by hand or by mail, the  
38 disclosure shall be printed in a font that is at least 3/32 inches tall in  
39 dark type on light background surrounded by a dark box. For communications  
40 that are broadcast on a telecommunications system or other medium that can  
41 provide a viewable disclosure and a spoken disclosure, the disclosure may be  
42 made in printed format only and a spoken disclosure is not required.

43 E. A person who violates this section is subject to a civil penalty of  
44 up to three times the cost of producing and distributing the literature or

1 advertisement. This civil penalty shall be imposed as prescribed in section  
2 16-924.

3 Sec. 8. Section 16-912.01, Arizona Revised Statutes, is amended to  
4 read:

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

8 A. A political committee that makes an expenditure in connection with  
9 any literature or advertisement to support or oppose a ballot proposition  
10 shall disclose and, after November 2, 2010, shall include on the literature  
11 or advertisement the words "paid for by", followed by the name **AND THE ACTUAL**  
12 **PHYSICAL ADDRESS, INCLUDING THE STREET NAME**, of the committee that appears on  
13 its statement of organization or five hundred dollar threshold exemption  
14 statement, and shall also include in such literature or advertisement the  
15 four largest of its major funding sources as of the time the literature or  
16 advertisement is printed, recorded or otherwise produced for dissemination.  
17 If a political committee has fewer than four major funding sources, the  
18 committee shall disclose all major funding sources.

19 B. For the purposes of this section, a major funding source of a  
20 political committee is any contributor that is not an individual person and  
21 that has made cumulative contributions of either:

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

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

29 C. If an out-of-state contributor or group of out-of-state  
30 contributors is a major funding source to a political committee disclosed  
31 pursuant to subsection A, the political committee shall state the contributor  
32 is an out-of-state contributor on its literature or advertisement in support  
33 of or in opposition to a ballot proposition.

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

40 E. Any disclosure statement required by this section shall be printed  
41 clearly and legibly in a conspicuous manner in type at least as large as the  
42 majority of the printed text. For printed material that is delivered or  
43 provided by hand or by mail, the disclosure shall be printed in a font that  
44 is at least 3/32 inches tall in dark type on light background surrounded by a  
45 dark box. If the communication is broadcast on radio, the information shall

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

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

14 G. A committee shall change future literature and advertisements to  
15 reflect any change in funding sources that must be disclosed pursuant to  
16 subsection A.

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

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

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

29 Sec. 9. Section 16-914.01, Arizona Revised Statutes, is amended to  
30 read:

31 16-914.01. Reporting of contributions by committees acting on  
32 ballot measures; civil penalty; definition

33 A. In addition to the requirements relating to election contributions  
34 prescribed in section 16-913, a committee acting in support of or opposition  
35 to the qualification, passage or defeat of an initiative or referendum or any  
36 other ballot measure, question or proposition or in support of or opposition  
37 to a recall election shall give notice to the secretary of state for  
38 statewide measures and the local filing officer who is responsible for  
39 receiving campaign finance reports for filing for nonstatewide measures of  
40 any contribution or group of contributions to the committee that is made from  
41 a single source less than twenty days before the day of the election if it  
42 exceeds:

43 1. A cumulative total of ten thousand dollars for a statewide ballot  
44 measure, question or proposition.

1           2. Two thousand five hundred dollars for a nonstatewide ballot  
2 measure, question or proposition in a political subdivision with a population  
3 of one hundred thousand or more persons.

4           3. Five hundred dollars for a nonstatewide ballot measure, question or  
5 proposition in a political subdivision with a population of less than one  
6 hundred thousand persons.

7           B. In addition to the requirements of section 16-913, a committee  
8 acting in support of or opposition to the qualification, passage or defeat of  
9 an initiative or referendum or any other ballot measure, question or  
10 proposition **OR IN SUPPORT OF OR OPPOSITION TO A RECALL ELECTION** shall give  
11 notice to the secretary of state for statewide measures and the local filing  
12 officer who is responsible for receiving campaign finance reports for filing  
13 for nonstatewide measures the first time each of the following occurs:

14           1. The committee has received contributions totaling ten thousand  
15 dollars or more.

16           2. The committee has made expenditures totaling ten thousand dollars  
17 or more.

18           3. The committee has received contributions totaling ten thousand  
19 dollars or more from a single source.

20           4. The committee has received contributions totaling ten thousand  
21 dollars or more from different additional single sources.

22           C. The notices prescribed by this section shall be filed within  
23 twenty-four hours, excluding Saturdays, Sundays and other legal holidays,  
24 after the ten thousand dollar amount has been reached and shall include the  
25 identification of the contributors, the dates of receipt and the amounts of  
26 the contributions or the amount, recipient and purpose of the expenditures.  
27 Contributions subject to the notification requirements of this section shall  
28 be included in the next report filed pursuant to section 16-913.

29           D. A political committee that violates this section and a person who  
30 knowingly violates this section are liable in a civil action for a civil  
31 penalty of up to three times the amount improperly reported as prescribed by  
32 section 16-924.

33           E. For the purposes of this section, "single source" includes  
34 principals of the same partnership, corporation, limited partnership, limited  
35 liability company, limited liability partnership or association.

36           Sec. 10. Section 16-914.02, Arizona Revised Statutes, is amended to  
37 read:

38           16-914.02. Reporting independent expenditures of corporations,  
39                           limited liability companies and labor  
40                           organizations; statement; disclaimer and  
41                           disclosure; civil action; civil penalty;  
42                           violation; classification; definitions

43           A. Any corporation, limited liability company or labor organization  
44 that makes cumulative independent expenditures in an attempt to influence the  
45 outcome of a candidate election and in at least the following amounts in an

1 election cycle shall register and notify the appropriate filing officer not  
2 later than one day after making that expenditure, excluding Saturdays,  
3 Sundays and other legal holidays:

4 1. An aggregate of five thousand dollars or more in one or more  
5 statewide races.

6 2. An aggregate of two thousand five hundred dollars or more in one or  
7 more legislative races.

8 3. One thousand dollars or more in one or more county, city, town or  
9 other local races if the one thousand dollars is aggregated in races in a  
10 single county, city, town or other local jurisdiction.

11 B. The secretary of state is the filing officer for registrations and  
12 notifications for independent expenditures in statewide and legislative  
13 elections. City, town or county filing officers are the filing officers for  
14 notifications in a city, town, county or other local election as provided in  
15 section 16-916. The corporation, limited liability company or labor  
16 organization also shall notify the filing officer within the same time limit  
17 prescribed in subsection A of this section of each additional accumulation of  
18 expenditures that exceeds the threshold amount prescribed in subsection A of  
19 this section but is not required to register again during that election cycle  
20 after the initial registration. A corporation, limited liability company or  
21 labor organization may register with the filing officer and provide a  
22 notarized, sworn statement of authority in advance of the expenditure in  
23 anticipation of making an independent expenditure. The secretary of state  
24 shall provide for electronic filing for registrations and notifications and  
25 shall provide for website access to the information for the public. Filings  
26 at the secretary of state's office shall be in the form prescribed by the  
27 secretary of state. Other filing officers shall prescribe the format for  
28 filing registrations and notifications and shall provide for public access to  
29 that information. ~~On or after November 27, 2012 and~~ At the request of the  
30 local election filing officer, the secretary of state may provide for  
31 electronic filing pursuant to this section for local elections.

32 C. The registration shall include all of the following:

33 1. The name and address of the corporation, limited liability company  
34 or labor organization.

35 2. The name, title, electronic mail address and telephone number of  
36 the person authorizing the independent expenditure.

37 D. Each notification shall include all of the following:

38 1. The name and address of the corporation, limited liability company  
39 or labor organization making the independent expenditure.

40 2. The amount of the expenditure and the name of the vendor or other  
41 payee receiving the expenditure.

42 3. The name of the candidate and race in which the expenditure was  
43 made and whether the expenditure was in support of or opposition to the  
44 candidate.

1           4. The communication medium and description of what was purchased with  
2 the expenditure.

3           5. The date of the expenditure.

4           E. If the corporation, limited liability company or labor organization  
5 did not register and provide a notarized sworn statement in advance of the  
6 expenditure as prescribed by this section, the corporation, limited liability  
7 company or labor organization shall file with the secretary of state or other  
8 appropriate filing officer within five days after an initial threshold  
9 expenditure as prescribed in subsection A of this section a notarized sworn  
10 statement that the person, agent or officer filing the registration and  
11 notice had authority to make that expenditure on behalf of the corporation,  
12 limited liability company or labor organization. Until the secretary of  
13 state or other filing officer receives the notarized sworn statement, the  
14 filing officer shall categorize the notification as unverified. If the  
15 secretary of state or other filing officer does not receive the notarized  
16 sworn statement within the required five day time frame, the notification  
17 shall be categorized as both unverified and delinquent. The filing officer  
18 shall make reasonable efforts to contact the entity that made the expenditure  
19 and remove the notification from public view within a reasonable time if  
20 unable to verify that the entity made the expenditure and all penalties  
21 prescribed in this section apply.

22           F. Any literature or advertisement that is purchased with monies from  
23 a corporation, limited liability company or labor organization making an  
24 independent expenditure in an attempt to influence the outcome of a candidate  
25 election shall disclose the name of the corporation, limited liability  
26 company or labor organization making the expenditure. Any disclosure  
27 statement required by this section shall be printed clearly and legibly in a  
28 conspicuous manner. If the communication is broadcast on radio, the  
29 information shall be spoken at the end of the communication. If the  
30 communication is broadcast on a telecommunications system, the information  
31 shall be both written and spoken at the end of the communication, except that  
32 if the disclosure statement is written for at least five seconds of a thirty  
33 second advertisement broadcast or ten seconds of a sixty second advertisement  
34 broadcast, a spoken disclosure statement is not required. If the  
35 communication is broadcast on a telecommunications system, the written  
36 disclosure statement shall be printed in letters equal to or larger than four  
37 per cent of the vertical picture height. The literature or advertisement  
38 shall include the words "paid for by" in the disclosure followed by the name  
39 AND THE ACTUAL PHYSICAL ADDRESS, INCLUDING THE STREET NAME, of the entity  
40 making the expenditure and shall also state that it is not authorized by any  
41 candidate or candidate's campaign committee.

42           G. Subsection F of this section does not apply to bumper stickers,  
43 pins, buttons, pens and similar small items on which the statements required  
44 in subsection F of this section cannot be conveniently printed or to a  
45 communication by an organization solely to its members.

1 H. Any corporation, limited liability company or labor organization  
2 that fails to register, notify or disclose as required by this section is  
3 liable in a civil action pursuant to section 16-924 brought by the attorney  
4 general, county attorney or city or town attorney, as appropriate, for a  
5 civil penalty of up to three times the total amount of the expenditure.

6 I. Any person who makes a knowingly false filing relating to an  
7 independent expenditure pursuant to this section is guilty of a class 1  
8 misdemeanor.

9 J. For violations that occur before November 27, 2012, a reasonable  
10 cause determination for a violation of this section may only be made by the  
11 secretary of state's office and not by any other filing officer. On or after  
12 November 27, 2012, the local election jurisdiction and filing officers may  
13 make their own reasonable cause determinations for violations of this section  
14 or may elect to continue to have the office of the secretary of state make  
15 those reasonable cause determinations on their behalf. A civil or criminal  
16 enforcement action may not be filed until after the issuance of a reasonable  
17 cause determination.

18 K. Any entity that makes an independent expenditure and that is  
19 organized primarily for the purpose of influencing an election and that is a  
20 combination of corporations, limited liability companies or labor  
21 organizations or that is a corporation, limited liability company or labor  
22 organization that accepts donations or contributions shall file with the  
23 filing officer as a political committee as otherwise provided by law.

24 L. For the purposes of this section, an expenditure occurs on the date  
25 on which literature or advertisements are deposited at the post office for  
26 mailing, submitted to a communications system for broadcast or submitted to a  
27 newspaper or similar print medium for printing and, with respect to an  
28 expenditure for signs, the date on which a sign is first posted.

29 M. For the purposes of this section:

30 1. "Independent expenditure" has the same meaning prescribed in  
31 section 16-901, except that it is made by a corporation, a limited liability  
32 company or a labor organization and except as prescribed in subsection L of  
33 this section.

34 2. "Local election" means an election in a county, city, town, school  
35 district or special district.

36 Sec. 11. Section 16-1005, Arizona Revised Statutes, is amended to  
37 read:

38 16-1005. Ballot abuse; ballot return; violation; classification

39 A. Any person who knowingly marks a voted or unvoted ballot or ballot  
40 envelope with the intent to fix an election for his own benefit or for that  
41 of another person is guilty of a class 5 felony.

42 B. It is unlawful to offer or provide any consideration to acquire a  
43 voted or unvoted early ballot. A person who violates this subsection is  
44 guilty of a class 5 felony.

1 C. It is unlawful to receive or agree to receive any consideration in  
2 exchange for a voted or unvoted ballot. A person who violates this  
3 subsection is guilty of a class 5 felony.

4 D. It is unlawful to possess a voted or unvoted ballot with the intent  
5 to sell the voted or unvoted ballot of another person. A person who violates  
6 this subsection is guilty of a class 5 felony.

7 E. A person or entity that knowingly solicits the collection of voted  
8 or unvoted ballots by misrepresenting itself as an election official or as an  
9 official ballot repository or is found to be serving as a ballot drop off  
10 site, other than those established and staffed by election officials, is  
11 guilty of a class 5 felony.

12 F. A person who knowingly collects voted or unvoted ballots and WHO  
13 does not turn those ballots in to an election official, the United States  
14 postal service or any other entity permitted by law to transmit post is  
15 guilty of a class 5 felony.

16 G. A VOTER MAY DESIGNATE ANY PERSON TO RETURN THE BALLOT TO THE  
17 ELECTIONS OFFICIAL FROM WHOM IT CAME OR TO THE PRECINCT BOARD AT A POLLING  
18 PLACE WITHIN THE COUNTY EXCEPT THAT NO EARLY BALLOT SHALL BE COLLECTED OR  
19 RETURNED BY EITHER OF THE FOLLOWING:

20 1. ANY PAID OR VOLUNTEER WORKER OF ANY POLITICAL COMMITTEE AS DEFINED  
21 BY SECTION 16-901. A PRECINCT COMMITTEEMAN IS NOT PRESUMED TO BE ACTING ON  
22 BEHALF OF A POLITICAL COMMITTEE UNLESS AN AGENT OF THE POLITICAL COMMITTEE OR  
23 PARTY HAS DIRECTED PRECINCT COMMITTEEMEN TO COLLECT OR RETURN EARLY BALLOTS.

24 2. ANY OTHER GROUP OR ORGANIZATION ON WHOSE BEHALF AN INDIVIDUAL IS  
25 DIRECTED TO COLLECT OR RETURN THE BALLOT.

26 H. ANY PERSON WHO KNOWINGLY VIOLATES SUBSECTION G OF THIS SECTION IS  
27 GUILTY OF A CLASS 6 FELONY. SUBSECTION G OF THIS SECTION DOES NOT APPLY TO  
28 AN INDIVIDUAL WHO IS COLLECTING OR RETURNING A BALLOT AND WHO IS ACTING  
29 WITHOUT DIRECTION FROM A POLITICAL COMMITTEE, GROUP OR ORGANIZATION.

30 ~~G.~~ I. A person who engages or participates in a pattern of ballot  
31 fraud is guilty of a class 4 felony. For the purposes of this subsection,  
32 "pattern of ballot fraud" means the person has offered or provided any  
33 consideration to three or more persons to acquire the voted or unvoted ballot  
34 of a person.

35 Sec. 12. Title 19, chapter 1, article 1, Arizona Revised Statutes, is  
36 amended by adding section 19-103, to read:

37 19-103. Legislative findings and intent; strict compliance

38 THE LEGISLATURE FINDS AND DETERMINES THAT STRICT COMPLIANCE WITH THE  
39 APPLICATION AND ENFORCEMENT OF THE CONSTITUTIONAL AND STATUTORY REQUIREMENTS  
40 FOR BOTH THE INITIATIVE AND THE REFERENDUM PROCESS PROVIDES THE SUREST METHOD  
41 FOR SAFEGUARDING THE INTEGRITY AND ACCURACY OF THE INITIATIVE AND REFERENDUM  
42 PROCESS. THEREFORE, THE LEGISLATURE DECLARES THAT THE CONSTITUTIONAL AND  
43 STATUTORY REQUIREMENTS FOR THE INITIATIVE AND REFERENDUM BE STRICTLY  
44 CONSTRUED AND THAT PERSONS USING EITHER THE INITIATIVE OR REFERENDUM PROCESS  
45 STRICTLY COMPLY WITH THOSE CONSTITUTIONAL AND STATUTORY REQUIREMENTS.

1 Sec. 13. Section 19-111, Arizona Revised Statutes, is amended to read:

2 19-111. Number for petition

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

21 B. On receipt of the application, the secretary of state shall assign  
22 an official serial number to the petition, which number shall appear in the  
23 lower right-hand corner of each side of each copy thereof, and issue that  
24 number to the applicant. ~~THE SECRETARY OF STATE SHALL ASSIGN~~ numbers ~~shall~~  
25 ~~be assigned~~ to petitions ~~by the secretary of state~~ in numerical sequence, and  
26 a record shall be maintained in ~~his~~ THE SECRETARY OF STATE'S office of each  
27 application received and of the numbers assigned and issued to the  
28 applicant. ~~WHEN THE APPLICATION IS RECEIVED BY THE SECRETARY OF STATE AND~~  
29 ~~MARKED BY THE SECRETARY OF STATE WITH AN OFFICIAL TIME AND DATE OF RECEIPT,~~  
30 ~~THE TIME-AND-DATE-MARKED TEXT THAT ACCOMPANIED THE APPLICATION CONSTITUTES~~  
31 ~~THE OFFICIAL COPY OF THE TEXT OF THE MEASURE OR CONSTITUTIONAL AMENDMENT AND~~  
32 ~~SHALL BE USED IN ALL INSTANCES AS THE TEXT OF THE MEASURE OR CONSTITUTIONAL~~  
33 ~~AMENDMENT. FOR ANY SUBSEQUENT CHANGE IN THE TEXT OF THE MEASURE OR~~  
34 ~~CONSTITUTIONAL AMENDMENT BY THE APPLICANT, THE APPLICANT SHALL FILE A NEW~~  
35 ~~APPLICATION AND TEXT, SHALL RECEIVE A NEW OFFICIAL SERIAL NUMBER AND SHALL~~  
36 ~~USE AS THE TEXT OF THE MEASURE OR CONSTITUTIONAL AMENDMENT THE~~  
37 ~~TIME-AND-DATE-MARKED TEXT THAT ACCOMPANIED THE NEW APPLICATION.~~

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

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

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

9 Sec. 14. Section 19-112, Arizona Revised Statutes, is amended to read:

10 19-112. Signatures and verification; attachment; registration  
11 of circulators

12 A. Every qualified elector signing a petition shall do so in the  
13 presence of the person who is circulating the petition and who is to execute  
14 the affidavit of verification. At the time of signing, the qualified elector  
15 shall sign his first and last names in the spaces provided and the elector so  
16 signing shall print his first and last names and write, in the appropriate  
17 spaces following the signature, the signer's residence address, giving street  
18 and number, and if he has no street address, a description of his residence  
19 location. The elector so signing shall write, in the appropriate spaces  
20 following the elector's address, the date on which the elector signed the  
21 petition.

22 B. The signature sheets shall be attached at all times during  
23 circulation to a full and correct copy of the title and text of the measure  
24 or constitutional amendment proposed or referred by the petition. The title  
25 and text shall be in at least eight point type and shall include both the  
26 original and the amended text. The text shall indicate material deleted, if  
27 any, by printing the material with a line drawn through the center of the  
28 letters of the material and shall indicate material added or new material by  
29 printing the letters of the material in capital letters. **THE SECRETARY OF**  
30 **STATE'S TIME-AND-DATE-MARKED COPY OF THE MEASURE OR CONSTITUTIONAL AMENDMENT**  
31 **WITH ITS PROPOSED TEXT SET OUT IN FULL WITH THE ORIGINAL AND THE AMENDED TEXT**  
32 **CONSTITUTES THE FULL AND CORRECT COPY AND IS THE ONLY VALID COPY OF THE TITLE**  
33 **AND TEXT OF THE MEASURE FOR CIRCULATION FOR SIGNATURES. SIGNATURES THAT ARE**  
34 **COLLECTED WITH ANY COPY OF THE MEASURE OR CONSTITUTIONAL AMENDMENT THAT IS**  
35 **NOT A FACSIMILE OF THE TIME-AND-DATE-MARKED COPY WITH TITLE AND TEXT THAT IS**  
36 **IDENTICAL TO THE TIME-AND-DATE-MARKED COPY ARE INVALID.**

37 C. The person before whom the signatures, names and addresses were  
38 written on the signature sheet ~~shall~~, on the affidavit form pursuant to this  
39 section, **SHALL** subscribe and swear before a notary public that each of the  
40 names on the sheet was signed and the name and address were printed by the  
41 elector and the circulator on the date indicated, ~~and~~ that in his belief each  
42 signer was a qualified elector of a certain county of the state, or, in the  
43 case of a city, town or county measure, of the city, town or county affected  
44 by the measure on the date indicated, and that at all times during  
45 circulation of the signature sheet a copy of the title and text was attached

1 to the signature sheet. Circulators who are not residents of this state must  
 2 be registered as circulators with the secretary of state before circulating  
 3 petitions. SIGNATURES COLLECTED BY CIRCULATORS WHO HAVE NOT REGISTERED WITH  
 4 THE SECRETARY OF STATE ARE INVALID AND SHALL NOT BE COUNTED. The secretary  
 5 of state shall provide for a method of receiving service of process for those  
 6 petition circulators who register pursuant to this subsection. The secretary  
 7 of state shall establish in the instructions and procedures manual issued  
 8 pursuant to section 16-452 a procedure for registering circulators and  
 9 receiving service of process. All signatures of petitioners on a signature  
 10 sheet shall be those of qualified electors who are registered to vote in the  
 11 same county. However, if signatures from more than one county appear on the  
 12 same signature sheet, only the valid signatures from the same county that are  
 13 most numerous on the signature sheet shall be counted. Signature and  
 14 handwriting comparisons may be made.

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

17 Affidavit of Circulator  
 18 State of Arizona )  
 19 ) ss.:  
 20 County of \_\_\_\_\_)  
 21 (Where notarized)

22 I, (print name), a person who is not required to be  
 23 a resident of this state but who is otherwise qualified to  
 24 register to vote ~~in the county of \_\_\_\_\_~~, in the state of  
 25 Arizona at all times during my circulation of this petition  
 26 sheet, AND, IF NOT A RESIDENT OF ARIZONA, WHO HAS REGISTERED  
 27 WITH THE SECRETARY OF STATE and under the penalty of a class 1  
 28 misdemeanor, depose and say that subject to section 19-115,  
 29 Arizona Revised Statutes, each individual printed the  
 30 individual's own name and address and signed this sheet of the  
 31 foregoing petition in my presence on the date indicated and I  
 32 believe that each signer's name and residence address or post  
 33 office address are correctly stated and that each signer is a  
 34 qualified elector of the state of Arizona (or in the case of a  
 35 city, town or county measure, of the city, town or county  
 36 affected by the measure proposed to be initiated or referred to  
 37 the people) and that at all times during circulation of this  
 38 signature sheet a copy of the title and text was attached to the  
 39 signature sheet.

40 (Signature of affiant) \_\_\_\_\_  
 41 (Residence address, street  
 42 and number of affiant WITH  
 43 CITY, STATE AND ZIP CODE, or  
 44 if no street address, a  
 45 description of residence

1 location) \_\_\_\_\_  
 2 \_\_\_\_\_  
 3 Subscribed and sworn to before me on \_\_\_\_\_  
 4 (date)  
 5 \_\_\_\_\_

6  
 7 Notary Public  
 8 \_\_\_\_\_, Arizona.  
 9 ~~My commission expires on \_\_\_\_\_.~~  
 10 \_\_\_\_\_ (date)

11 (FORM SHALL INCLUDE A DESIGNATED LOCATION FOR NOTARY STAMP)  
 12 E. The eight point type required by subsection B OF THIS SECTION shall  
 13 not apply to maps, charts or other graphics.

14 Sec. 15. Section 19-121, Arizona Revised Statutes, is amended to read:  
 15 19-121. Signature sheets; petitions; form; procedure for  
 16 filing; evidence in challenge; definitions

17 A. Signature sheets filed shall:  
 18 1. Be in the form prescribed by law.  
 19 2. Have printed in ~~its~~ THEIR lower right-hand corner, on each side of  
 20 such ~~sheet~~ SHEETS, the official serial number assigned to the petition by the  
 21 secretary of state.

22 3. Be attached to a full and correct copy of the title and text of the  
 23 measure, or amendment to the constitution, proposed or referred by the  
 24 petition. THE SECRETARY OF STATE'S TIME-AND-DATE-MARKED COPY OF THE MEASURE  
 25 OR CONSTITUTIONAL AMENDMENT CONSTITUTES THE FULL AND CORRECT COPY AND IS THE  
 26 ONLY VALID COPY OF THE TITLE AND TEXT OF THE MEASURE FOR CIRCULATION FOR  
 27 SIGNATURES.

28 4. Be printed in at least eight point type.  
 29 5. Be printed in black ink on white or recycled white pages fourteen  
 30 inches in width by eight and one-half inches in length, with a margin of at  
 31 least one-half inch at the top and one-fourth inch at the bottom of each  
 32 page.

33 B. For THE purposes of this chapter, a petition is filed when the  
 34 petition sheets are tendered to the secretary of state, ~~at which time WHO~~  
 35 IMMEDIATELY SHALL ISSUE a receipt ~~is immediately issued by the secretary of~~  
 36 ~~state~~ based on an estimate made to the secretary of state of the purported  
 37 number of sheets and signatures filed. After the issuance of the receipt, no  
 38 additional petition sheets may be accepted for filing.

39 C. Petitions may be filed with the secretary of state in numbered  
 40 sections for convenience in handling. Not more than fifteen signatures on  
 41 one sheet shall be counted. THE POLITICAL COMMITTEE THAT FILES THE PETITIONS  
 42 SHALL ORGANIZE THE SIGNATURE SHEETS AND GROUP THEM BY THE COUNTY OF RESIDENCE  
 43 OF THE MAJORITY OF THE PERSONS SIGNING THAT SIGNATURE SHEET, BY CIRCULATOR ON  
 44 THAT SIGNATURE SHEET AND BY THE NOTARY PUBLIC WHO NOTARIZED THE CIRCULATOR'S  
 45 SIGNATURE ON THAT SHEET. THE SECRETARY OF STATE MAY RETURN AS UNFILED ANY

1 SIGNATURE SHEETS THAT ARE NOT SO ORGANIZED AND GROUPED. THE POLITICAL  
2 COMMITTEE THAT IS THE PROPONENT OF THE PETITION IS SOLELY RESPONSIBLE FOR  
3 COMPLIANCE WITH THIS SUBSECTION.

4 D. Initiative petitions ~~which~~ THAT have not been filed with the  
5 secretary of state as of 5:00 p.m. on the day required by the constitution  
6 ~~prior to~~ BEFORE the ensuing general election after their issuance shall be  
7 null and void, but in no event shall the secretary of state accept an  
8 initiative petition ~~which~~ THAT was issued for circulation ~~more than~~  
9 ~~twenty-four months prior to~~ EARLIER THAN THE ISSUANCE OF THE OFFICIAL CANVASS  
10 OF THE GENERAL ELECTION THAT IS BEFORE the general election at which the  
11 measure is to be included on the ballot.

12 E. For THE purposes of this article and article 4 OF THIS CHAPTER, the  
13 measure to be attached to the petition as enacted by the legislative body of  
14 an incorporated city, ~~OR~~ town or A county means the adopted ordinance or  
15 resolution or, in the absence of a written ordinance or resolution, that  
16 portion of the minutes of the legislative body that reflects the action taken  
17 by that body when adopting the measure. In the case of zoning measures the  
18 measure shall also include a legal description of the property and any  
19 amendments made to the ordinance by the legislative body.

20 F. ANY POLITICAL COMMITTEE MAY SUBMIT TO THE SECRETARY OF STATE  
21 FORTY-FIVE DAYS BEFORE THE DEADLINE FOR FILING ITS PETITION A LIST OF ALL  
22 PETITION CIRCULATORS WHO CIRCULATED THAT PETITION AND A COPY OF A CRIMINAL  
23 RECORDS CHECK VERIFIED THROUGH SOURCE DOCUMENTS PERFORMED ON EACH PETITION  
24 CIRCULATOR BY AN ENTITY LICENSED TO DO SO UNDER TITLE 32, CHAPTER 24 OR  
25 SIMILARLY LICENSED IN ANOTHER STATE. IF THE BACKGROUND CHECK WAS PERFORMED  
26 AND PROVIDED BY A PERSON OR ENTITY WHO WAS ENGAGED IN AN ARM'S LENGTH  
27 TRANSACTION WITH THE COMMITTEE, INCLUDING ANY OF ITS EMPLOYEES, VENDORS,  
28 CONTRACTORS OR SUBCONTRACTORS, A REBUTTABLE PRESUMPTION ARISES AND IN ANY  
29 CHALLENGE TO THOSE PETITION CIRCULATORS THE PRESUMPTION MUST BE OVERCOME BY A  
30 SHOWING OF A PREPONDERANCE OF THE EVIDENCE THAT THE CIRCULATOR WAS NOT  
31 ELIGIBLE TO REGISTER TO VOTE IN THIS STATE. THE SECRETARY OF STATE MAY ADOPT  
32 BY RULE APPROPRIATE STANDARDS FOR DETERMINING WHETHER A TRANSACTION BETWEEN A  
33 POLITICAL COMMITTEE, ITS EMPLOYEES, VENDORS, CONTRACTORS AND SUBCONTRACTORS  
34 AND THE PERSON OR ENTITY PROVIDING THE CIRCULATORS' BACKGROUND CHECKS  
35 CONSTITUTES AN ARM'S LENGTH TRANSACTION. FOR THE PURPOSES OF THIS  
36 SUBSECTION:

37 1. "AFFILIATE" MEANS PARTIES THAT ARE RELATED BY BLOOD OR MARRIAGE,  
38 EMPLOYMENT OR AGENCY OR, IN THE CASE OF ENTITIES, THAT ARE UNDER DIRECT OR  
39 INDIRECT COMMON CONTROL OR ONE OF WHICH CONTROLS THE OTHER.

40 2. "ARMS LENGTH TRANSACTION" MEANS AN AGREEMENT TO PROVIDE A CRIMINAL  
41 RECORDS CHECK NEGOTIATED BETWEEN A WILLING COMMITTEE, INCLUDING ANY OF ITS  
42 EMPLOYEES, VENDORS, CONTRACTORS OR SUBCONTRACTORS AND A WILLING ENTITY  
43 LICENSED UNDER TITLE 32, CHAPTER 24 OR SIMILARLY LICENSED IN ANOTHER STATE  
44 WHERE THE PARTIES ARE NOT AFFILIATES.

1           Sec. 16. Section 19-121.01, Arizona Revised Statutes, is amended to  
2 read:

3           19-121.01. Secretary of state; removal of petition and  
4           ineligible signatures; facsimile sheets; random  
5           sample

6           A. Within twenty days, excluding Saturdays, Sundays and other legal  
7 holidays, of the date of filing of an initiative or referendum petition and  
8 issuance of the receipt, the secretary of state shall:

9           1. Remove the following:

10           (a) Those sheets not attached to a copy of the COMPLETE title and text  
11 of the measure THAT IS MARKED BY THE OFFICIAL DATE AND TIME OF RECEIPT BY THE  
12 SECRETARY OF STATE.

13           (b) The copy of the title and text from the remaining petition sheets.

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

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

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

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

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

29           (h) THOSE SHEETS ON WHICH THE DESIGNATION OF PAID CIRCULATOR OR  
30 VOLUNTEER CIRCULATOR AS PRESCRIBED BY SECTION 19-101 IS NOT CHECKED OR IF  
31 BOTH ARE CHECKED.

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

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

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

40           (c) Cause all signature sheets to be grouped together by county of  
41 registration of the majority of those signing and attach them to one or more  
42 copies of the title and text of the measure. If the sheets are too bulky for  
43 convenient grouping by the secretary of state in one volume by county, they  
44 may be bound in two or more volumes with those in each volume attached to a  
45 single printed copy of the measure. The remaining detached copies of the

1 title and text of the measure shall be ~~delivered to the applicant~~ DESTROYED  
2 AFTER COMPLETION OF THE CANVASS.

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

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

7 (b) If the residence address or the description of residence location  
8 is missing OR IF BOTH THE CITY OR TOWN AND THE COUNTY OF RESIDENCE CANNOT BE  
9 DETERMINED.

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

11 (d) Signatures in excess of the fifteen signatures permitted per  
12 petition.

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

14 (f) ~~Beginning after November 2, 2010,~~ Signatures for which the  
15 secretary of state determines that the petition circulator has printed the  
16 elector's first and last names or other information in violation of section  
17 19-112.

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

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

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

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

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

42 2. If a signature line selected for the random sample is found to be  
43 blank or was removed from the verification process pursuant to subsection A  
44 of this section and is marked with an "SS", then the next line down, even if  
45 that requires going to the next petition sheet in sequence, on which an

1 eligible signature appears shall be selected as a substitute if that line has  
2 not already been selected for the random sample. If the next eligible line  
3 is already being used in the random sample, the secretary of state shall  
4 proceed back up the page from the signature line originally selected for the  
5 random sample to the next previous signature line eligible for  
6 verification. If that line is already being used in the random sample, the  
7 secretary of state shall continue moving down the page or to the next page  
8 from the line originally selected for the random sample and shall select the  
9 next eligible signature as its substitute for the random sample. The  
10 secretary of state shall use this process of alternately moving forward and  
11 backward until a signature eligible for verification and not already included  
12 in the random sample can be selected and substituted.

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

24 D. The secretary of state shall retain in custody all signature sheets  
25 removed pursuant to this section except as otherwise prescribed in this  
26 title.

27 Sec. 17. Section 19-121.02, Arizona Revised Statutes, is amended to  
28 read:

29 19-121.02. Certification by county recorder

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

35 1. No residence address or description of residence location is  
36 provided.

37 2. No date of signing is provided.

38 3. The signature is illegible and the signer is otherwise  
39 unidentifiable.

40 4. The address provided is illegible or nonexistent.

41 5. The individual was not a qualified elector on the date of signing  
42 the petition.

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

1           7. The signature was disqualified after comparison with the signature  
2 on the affidavit of registration.

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

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

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

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

14           2. The total number of signatures selected for the random sample and  
15 transmitted to the county recorder for verification and the total number of  
16 random sample signatures disqualified.

17           C. The secretary of state shall prescribe the form of the county  
18 recorder's certification.

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

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

21           2. Send notice of the results of the certification by mail to the  
22 person or organization that submitted the initiative or referendum petitions  
23 and to the secretary of state.

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

26           19-121.04. Disposition of petitions by secretary of state

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

33           ~~1. All signatures on petitions containing a defective circulator's~~  
34 ~~affidavit.~~

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

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

41           B. If the ~~actual~~ number of signatures on the remaining sheets after  
42 any such subtraction equals or exceeds the minimum number required by the  
43 constitution or if the number of valid signatures as projected from the  
44 random sample pursuant to subsection A of this section is at least one  
45 hundred per cent of the minimum number required by the constitution, the

1 secretary of state shall issue the following receipt to the person or  
2 organization that submitted them:

3 \_\_\_\_\_ signature pages bearing \_\_\_\_\_  
4 signatures for initiative (referendum) petition serial number  
5 \_\_\_\_ have been refused for filing in this office ~~because the~~  
6 ~~person circulating them was a county recorder or justice of the~~  
7 ~~peace at the time of circulating the petition or due to defects~~  
8 ~~in the circulator's affidavit~~ AS PROVIDED BY LAW. A total of  
9 \_\_\_\_\_ signatures included on the remaining petition  
10 sheets were found to be ineligible. Of the total random sample  
11 of \_\_\_\_\_ signatures, a total of \_\_\_\_\_ signatures  
12 were invalidated by the county recorders resulting in a failure  
13 rate of \_\_\_\_\_ per cent. The ~~actual~~ number of remaining  
14 signatures for such initiative (referendum) petition number  
15 \_\_\_\_\_ are equal to or in excess of the minimum required by  
16 the constitution to place a measure on the general election  
17 ballot. The number of valid signatures filed with this  
18 petition, based on the random sample, appears to be at least one  
19 hundred ~~five~~ per cent of the minimum required or through  
20 examination of each signature has been certified to be greater  
21 than the minimum required by the constitution.

22 Date: \_\_\_\_\_  
23 \_\_\_\_\_ Secretary of State  
24 (Seal)  
25

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

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

- 41 1. Signature sheets bearing secretary of state page  
42 numbers \_\_\_\_\_ and bearing signatures of  
43 \_\_\_\_\_ persons appeared on ~~petitions containing a~~  
44 ~~defective circulator's affidavit~~ SIGNATURE PAGES THAT WERE  
45 REQUIRED TO BE REMOVED.

1           2. A total of \_\_\_\_\_ signatures on the remaining  
2 petition sheets were found to be ineligible.

3           3. A total of \_\_\_\_\_ signatures included in the  
4 random sample have been certified by the county recorders  
5 as ineligible at the time such petition was signed and a  
6 projection from such random sample has indicated that  
7 \_\_\_\_\_ more signatures are ineligible to appear on  
8 the petition.

9           A facsimile of the certifications of the county recorders  
10 under section 19-121.02 shall accompany the signature  
11 sheets returned to the person or organization that  
12 submitted them.

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

14           19-141. Initiative and referendum in counties, cities and towns

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

30           B. Distribution of pamphlets shall be made to every household  
31 containing a registered voter in the city, TOWN or county, so far as  
32 possible, by the city or town clerk or by the county officer in charge of  
33 elections by mail before the earliest date for receipt by registered voters  
34 of any requested early ballot for the election at which the measures are to  
35 be voted on. If the pamphlet is not mailed before the earliest date for  
36 receipt of a requested early ballot, the officer in charge of elections shall  
37 provide a notice with the early ballots stating when the pamphlets will be  
38 mailed and where and when the pamphlets may be accessed or viewed. Pamphlets  
39 shall not be mailed or carried less than ten days before the election at  
40 which the measures are to be voted upon.

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

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

6 E. THE CITY OR TOWN CLERK OR THE COUNTY RECORDER OR COUNTY OFFICER IN  
7 CHARGE OF ELECTIONS WHO RECEIVES PETITIONS FOR FILING SHALL NOT REMOVE OR  
8 OTHERWISE REFUSE TO ACCEPT FOR FILING A PETITION, A PETITION SHEET OR A  
9 SIGNATURE FOR ANY REASON OTHER THAN THOSE PRESCRIBED IN STATUTE OR IN THE  
10 CONSTITUTION.

11 ~~E.~~ F. References in this section to duties to be performed by city or  
12 town officers apply only with respect to municipal legislation, and  
13 references to duties to be performed by county officers apply only with  
14 respect to county legislation.

15 ~~F.~~ G. The duties required of the county recorder with respect to  
16 state legislation shall also be performed by the county recorder with respect  
17 to municipal or county legislation.

18 Sec. 20. Title 19, chapter 2, article 1, Arizona Revised Statutes, is  
19 amended by adding section 19-201.01, to read:

20 19-201.01. Legislative findings and intent; strict compliance

21 THE LEGISLATURE FINDS AND DETERMINES THAT STRICT COMPLIANCE WITH THE  
22 APPLICATION AND ENFORCEMENT OF THE CONSTITUTIONAL AND STATUTORY REQUIREMENTS  
23 FOR RECALL PROVIDE THE SUREST METHOD FOR SAFEGUARDING THE INTEGRITY AND  
24 ACCURACY OF THE RECALL PROCESS. THEREFORE, THE LEGISLATURE DECLARES THAT THE  
25 CONSTITUTIONAL AND STATUTORY REQUIREMENTS FOR THE RECALL BE STRICTLY  
26 CONSTRUED AND THAT PERSONS USING THE RECALL PROCESS STRICTLY COMPLY WITH  
27 THOSE CONSTITUTIONAL AND STATUTORY REQUIREMENTS.

28 Sec. 21. Section 19-202.01, Arizona Revised Statutes, is amended to  
29 read:

30 19-202.01. Application for recall petition

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

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

36 2. THE PERSON OR ORGANIZATION'S intention to circulate and submit ~~such~~  
37 A RECALL petition. ~~, -~~

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

41 B. ~~Such~~ THE application AND PETITION shall be submitted AS A SINGLE  
42 DOCUMENT to the office of secretary of state if for recall of a state  
43 officer, including a member of the state legislature, or a member of  
44 Congress, ~~and~~ with the county officer in charge of elections if for a county  
45 or district officer or superior court judge, with the city or town clerk if

1 for a city or town officer and with the county school superintendent if for a  
2 governing board member of a school district.

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

9 D. WHEN THE APPLICATION IS RECEIVED BY THE FILING OFFICER AND MARKED  
10 BY THE FILING OFFICER WITH AN OFFICIAL DATE AND TIME OF RECEIPT, THE  
11 TIME-AND-DATE-MARKED APPLICATION, INCLUDING THE GENERAL STATEMENT REQUIRED BY  
12 SECTION 19-203, CONSTITUTES THE OFFICIAL COPY OF THE TEXT OF THE RECALL AND  
13 SHALL BE USED IN ALL INSTANCES AS THE TEXT OF THE RECALL. FOR ANY SUBSEQUENT  
14 CHANGE IN THE TEXT OF THE RECALL BY THE APPLICANT, INCLUDING ANY CHANGE IN  
15 THE GENERAL STATEMENT REQUIRED BY SECTION 19-203, THE APPLICANT SHALL FILE A  
16 NEW APPLICATION, SHALL RECEIVE A NEW OFFICIAL SERIAL NUMBER AND SHALL USE AS  
17 THE TEXT OF THE RECALL THE TIME-AND-DATE-MARKED TEXT THAT ACCOMPANIED THE NEW  
18 APPLICATION.

19 Sec. 22. Section 19-203, Arizona Revised Statutes, is amended to read:  
20 19-203. Recall petition; contents; submission for verification;  
21 nonacceptance

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

- 26 1. The office of the secretary of state if for a state officer,  
27 including a member of the legislature or a member of Congress. ~~, with~~
- 28 2. The county officer in charge of elections if for a county or  
29 district officer or superior court judge. ~~, with~~
- 30 3. The city or town clerk if for a city or town officer. ~~and with~~
- 31 4. The county school superintendent if for a governing board member of  
32 a school district.

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

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

39 D. THE FILING OFFICER'S TIME-AND-DATE-MARKED COPY OF THE APPLICATION,  
40 INCLUDING THE GENERAL STATEMENT OF THE GROUNDS FOR RECALL, CONSTITUTES THE  
41 FULL AND CORRECT COPY OF THE RECALL TEXT AND IS THE ONLY VALID COPY FOR  
42 CIRCULATION FOR SIGNATURES. SIGNATURES THAT ARE COLLECTED WITH ANY COPY OF  
43 THE RECALL TEXT THAT IS NOT A FACSIMILE OF THE TIME-AND-DATE-MARKED COPY WITH  
44 THE COMPLETE TEXT THAT IS IDENTICAL TO THE TIME-AND-DATE-MARKED COPY ARE  
45 INVALID.

1 Sec. 23. Section 19-204, Arizona Revised Statutes, is amended to read:  
2 19-204. Form of petition

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

5 Recall Petition

6 We, the qualified electors of the electoral district from  
7 which \_\_\_\_\_ (name and title  
8 of office) was elected, demand his recall

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

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

11 B. EACH PETITION SHEET SHALL HAVE PRINTED IN CAPITAL LETTERS IN NO  
12 LESS THAN TWELVE POINT BOLD-FACED TYPE IN THE UPPER RIGHT HAND CORNER OF THE  
13 FACE OF THE PETITION SHEET THE FOLLOWING:

14 " \_\_\_\_\_ PAID CIRCULATOR" " \_\_\_\_\_ VOLUNTEER".

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

18 D. SIGNATURES OBTAINED ON RECALL PETITIONS IN VIOLATION OF SUBSECTION  
19 C OF THIS SECTION ARE VOID AND SHALL NOT BE COUNTED IN DETERMINING THE LEGAL  
20 SUFFICIENCY OF THE PETITION. THE PRESENCE OF SIGNATURES THAT ARE INVALIDATED  
21 UNDER THIS SUBSECTION ON A PETITION DOES NOT INVALIDATE OTHER SIGNATURES ON  
22 THE PETITION THAT WERE OBTAINED AS PRESCRIBED BY THIS SECTION.

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

27 Sec. 24. Section 19-208.01, Arizona Revised Statutes, is amended to  
28 read:

29 19-208.01. Certification of number of signatures

30 A. Within ~~ten~~ TWENTY days after submission of a recall petition for  
31 verification of signatures pursuant to section 19-203, the receiving officer  
32 shall perform the steps prescribed in section 19-121.01, subsection A. If  
33 the total number of signatures eligible for verification equals or exceeds  
34 the minimum number required by the Arizona Constitution the receiving officer  
35 shall reproduce a facsimile of the front of each signature sheet on which any  
36 signature eligible for verification appears. The receiving officer shall  
37 transmit promptly to each county recorder facsimile sheets on which a  
38 signature of any individual claiming to be a qualified elector of that county  
39 appears. The receiving officer shall also certify the number of sheets and  
40 signatures on the sheets that are being transmitted and retain a record of  
41 such certification in ~~his~~ THE RECEIVING OFFICER'S office. Such receiving  
42 officer shall obtain a dated, signed receipt from the county recorder for  
43 copies of the original signature sheets transmitted under this section.

44 B. If the number of signatures on the sheets submitted to the  
45 receiving officer does not equal the minimum number required by the

1 constitution, ~~he~~ THE RECEIVING OFFICER shall so notify the person or  
2 organization submitting them and shall return the sheets to the persons or  
3 organization.

4 Sec. 25. Section 19-208.02, Arizona Revised Statutes, is amended to  
5 read:

6 19-208.02. Certification by county recorder

7 A. FOR A STATEWIDE OR COUNTYWIDE RECALL, WITHIN NINETY DAYS AFTER  
8 RECEIPT OF THE SIGNATURE SHEETS FROM THE RECEIVING OFFICER, AND FOR AN  
9 OFFICER OTHER THAN A STATEWIDE OR COUNTYWIDE OFFICE, within sixty days after  
10 receipt of the signature sheets from the receiving officer, the county  
11 recorder shall determine the number of signatures or affidavits of  
12 individuals whose names were transmitted that must be disqualified for any of  
13 the reasons set forth in section 19-121.02, subsection A, and SHALL INCLUDE  
14 IN THAT NUMBER AND SHALL DISQUALIFY THOSE SIGNATURES OF PERSONS WHO ARE NOT  
15 REGISTERED ON THE DATE OF SIGNING IN THE ELECTORAL DISTRICT OF THE OFFICER  
16 WHO IS THE SUBJECT OF THE RECALL PETITION. The county recorder shall certify  
17 ~~such~~ THAT number to the receiving officer in the form prescribed by the  
18 secretary of state.

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

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

22 2. Send notice of the results of certification by mail to the person  
23 or organization that submitted the recall petitions and to the secretary of  
24 state.

25 Sec. 26. Section 19-208.03, Arizona Revised Statutes, is amended to  
26 read:

27 19-208.03. Disposition of petition; date of filing

28 A. Within ~~five days, excluding Saturday, Sunday and legal holidays,~~  
29 SEVENTY-TWO HOURS after the county recorders have certified the number of  
30 qualified signatures to a petition, or sooner if a sufficient number of  
31 signatures have been certified to qualify for placement of the recall on the  
32 ballot, the receiving officer shall total the number of signatures certified,  
33 and:

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

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

42 B. The date of filing the petition as provided for in subsection A,  
43 paragraph 1, of this section is the date of filing referred to in sections  
44 19-207, 19-208 and 19-209.

1           Sec. 27. Section 19-209, Arizona Revised Statutes, is amended to read:  
2           19-209. Order for special recall election

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

10          B. A recall election shall be called:

11           1. If for a state office, including a member of the legislature, by  
12 the governor.

13           2. If for a county officer, or judge or other officer of the superior  
14 court in a county, by the board of supervisors of that county.

15           3. If for a city or town officer, by the legislative body of the city  
16 or town.

17           4. If for a member of a school district governing board, by the county  
18 school superintendent of the county in which the school district is located.

19          C. If a recall petition is against an officer who is directed by this  
20 section to call the election it shall be called:

21           1. If for a state office, by the secretary of state.

22           2. If for a county office, by the clerk of the superior court.

23           3. If for a city or town office, by the city or town clerk.

24          Sec. 28. Applicability; permanent early voting list; early  
25           ballots; 2012 and 2014 primary and general  
26           elections; secretary of state voter outreach  
27           campaign

28          A. Notwithstanding section 16-544, Arizona Revised Statutes, as  
29 amended by this act, for voters on the permanent early voting list who did  
30 not vote an early ballot in the 2012 primary and general elections and the  
31 2014 primary and general elections, county officers in charge of elections  
32 may send the notices prescribed by section 16-544, subsection L, Arizona  
33 Revised Statutes, as amended by this act, and modify their permanent early  
34 voting lists.

35          B. In 2013 and 2014, the secretary of state, in conjunction with  
36 county and local elections officials, shall implement a statewide public  
37 information and voter outreach program to educate and inform voters regarding  
38 the possible removal of voters from the permanent early voting list,  
39 including the basis for that removal and methods for a voter to avoid removal  
40 or to be added to the permanent early voting list, if desired. The statewide  
41 public information and voter outreach program shall include print and radio  
42 advertisements, including advertisements directed at persons who reside in  
43 locations with limited services and persons who receive official elections  
44 materials in languages other than English.

1           Sec. 29. Implementation of consolidated elections

2           A. Notwithstanding any other law, in order to comply with the  
3 consolidation of election dates prescribed in Laws 2012, chapter 353, a city  
4 or town may shorten or lengthen the term of office for its elected officials.

5           B. For any city or town whose alternate expenditure limit expires in  
6 the spring of 2014, the penalties specified in section 41-1279.07, Arizona  
7 Revised Statutes, shall not apply in fiscal year 2015 provided the city or  
8 town seeks voter approval of an alternative expenditure limit in the fall of  
9 2014.