

State of Arizona
House of Representatives
Fifty-first Legislature
Second Regular Session
2014

HOUSE BILL 2014

AN ACT

AMENDING SECTIONS 16-912.01, 19-123 AND 19-125, ARIZONA REVISED STATUTES;
RELATING TO INITIATIVE AND REFERENDUM.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 16-912.01, Arizona Revised Statutes, is amended to
3 read:
4 16-912.01. Ballot measure committees; campaign literature and
5 advertising funding; identification; disclosure;
6 civil penalty; definition
7 A. A political committee that makes an expenditure in connection with
8 any literature or advertisement to support or oppose a ballot proposition
9 shall disclose and, after November 2, 2010, shall include on the literature
10 or advertisement the words "paid for by", followed by the name of the
11 committee that appears on its statement of organization or five hundred
12 dollar threshold exemption statement, and shall also include in such
13 literature or advertisement the four largest of its major funding sources as
14 of the time the literature or advertisement is printed, recorded or otherwise
15 produced for dissemination. If a political committee has fewer than four
16 major funding sources, the committee shall disclose all major funding
17 sources.
18 B. For the purposes of this section, a major funding source of a
19 political committee is any contributor that is not an individual person and
20 that has made cumulative contributions of either:
21 1. Ten thousand dollars or more for an expenditure in support of or
22 opposition to a statewide ballot proposition or a ballot proposition of a
23 political subdivision with a population of one hundred thousand persons or
24 more.
25 2. Five thousand dollars or more for an expenditure in support of or
26 opposition to a ballot proposition of a political subdivision with a
27 population of less than one hundred thousand persons.
28 C. If an out-of-state contributor or group of out-of-state
29 contributors is a major funding source to a political committee disclosed
30 pursuant to subsection A of this section, the political committee shall state
31 the contributor is an out-of-state contributor on its literature or
32 advertisement in support of or in opposition to a ballot proposition.
33 D. Contributors that make contributions to more than one political
34 committee that supports or opposes the same ballot proposition shall notify
35 each political committee of the cumulative total of these contributions.
36 Cumulative totals must be disclosed by each political committee that received
37 contributions from the same contributor if the cumulative totals qualify as a
38 major funding source to be disclosed pursuant to subsection A of this
39 section.
40 E. IN ADDITION TO THE DISCLOSURE REQUIRED PURSUANT TO SUBSECTION A OF
41 THIS SECTION, FOR ANY STATUTORY MEASURE, THE LITERATURE OR ADVERTISEMENT
42 SHALL ALSO INCLUDE THE FOLLOWING STATEMENT: "NOTICE: PURSUANT TO
43 PROPOSITION 105 (1998), THIS MEASURE CAN NEVER BE CHANGED IN THE FUTURE IF
44 APPROVED ON THE BALLOT EXCEPT BY A THREE-FOURTHS VOTE OF THE LEGISLATURE AND

1 IF THE CHANGE FURTHERS THE PURPOSE OF THE ORIGINAL BALLOT MEASURE, OR BY
2 REFERRING THE CHANGE TO THE BALLOT."

3 ~~E~~ F. Any disclosure statement required by this section shall be
4 printed clearly and legibly in a conspicuous manner. For printed material
5 that is delivered or provided by hand or by mail, the disclosure shall be
6 printed in a clearly legible manner. The disclosure statement shall include
7 the words "paid for by" followed by the name of the entity making the
8 expenditure. Disclosure statements shall also comply with the following:

9 1. If the communication is broadcast on radio, the disclosure shall be
10 spoken at the end of the communication.

11 2. If the communication is broadcast on a telecommunications system,
12 the following apply:

13 (a) The disclosure shall be both written and spoken at the end of the
14 communication, except that if the written disclosure statement is displayed
15 for at least five seconds of a thirty second communications broadcast or ten
16 seconds of a sixty second communications broadcast, a spoken disclosure
17 statement is not required.

18 (b) The written disclosure statement shall be printed in letters that
19 are displayed in a height equal to or greater than four per cent of the
20 vertical picture height.

21 ~~F~~ G. Subsections A, ~~and~~ E AND F of this section do not apply to
22 bumper stickers, pins, buttons, pens and similar small items on which the
23 statements required in subsections A, ~~and~~ E AND F of this section cannot be
24 conveniently printed or to a communication by an organization solely to its
25 members.

26 ~~G~~ H. A committee shall change future literature and advertisements
27 to reflect any change in funding sources that must be disclosed pursuant to
28 subsection A of this section.

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

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

38 ~~J~~ K. For the purposes of this section, "advertisement" means general
39 public advertising through the print and electronic media, signs, billboards
40 and direct mail.

41 Sec. 2. Section 19-123, Arizona Revised Statutes, is amended to read:

42 19-123. Publicity pamphlet; printing; distribution; public
43 hearings

44 A. When the secretary of state is ordered by the legislature, or by
45 petition under the initiative and referendum provisions of the constitution,

1 to submit to the people a measure or proposed amendment to the constitution,
2 the secretary of state shall ~~cause to be printed~~ PRINT, at the expense of the
3 state, except as otherwise provided in this article, a publicity pamphlet,
4 which shall contain:

5 1. A true copy of the title and text of the measure or proposed
6 amendment. Such text shall indicate material deleted, if any, by printing
7 such material with a line drawn through the center of the letters of such
8 material and shall indicate material added or new material by printing the
9 letters of such material in capital letters.

10 2. The form in which the measure or proposed amendment will appear on
11 the ballot, the official title, the descriptive title prepared by the
12 secretary of state and the number by which it will be designated.

13 3. The arguments for and against the measure or amendment.

14 4. For any measure or proposed amendment, a legislative council
15 analysis of the ballot proposal as prescribed by section 19-124.

16 5. The report of the commission on judicial performance review for any
17 justices of the supreme court, judges of the court of appeals and judges of
18 the superior court who are subject to retention.

19 6. The summary of a fiscal impact statement prepared by the joint
20 legislative budget committee staff pursuant to subsection D of this section.

21 7. IMMEDIATELY BELOW THE LEGISLATIVE COUNCIL ANALYSIS, FOR ANY
22 STATUTORY MEASURE, THE FOLLOWING STATEMENT IN BOLD FACED TYPE: "NOTICE:
23 PURSUANT TO PROPOSITION 105 (1998), THIS MEASURE CAN NEVER BE CHANGED IN THE
24 FUTURE IF APPROVED ON THE BALLOT EXCEPT BY A THREE-FOURTHS VOTE OF THE
25 LEGISLATURE AND IF THE CHANGE FURTHERS THE PURPOSE OF THE ORIGINAL BALLOT
26 MEASURE, OR BY REFERRING THE CHANGE TO THE BALLOT."

27 B. The secretary of state shall mail one copy of the publicity
28 pamphlet to every household that contains a registered voter. The mailings
29 may be made over a period of days but shall be mailed in order to be
30 delivered to households before the earliest date for receipt by registered
31 voters of any requested early ballots for the general election.

32 C. Sample ballots for both the primary and general elections shall
33 include a statement that information on how to obtain a publicity pamphlet
34 for the general election ballot propositions is available by calling the
35 secretary of state. The statement shall include a telephone number and
36 mailing address of the secretary of state.

37 D. On certification of an initiative measure as qualified for the
38 ballot, the secretary of state shall hold or cause to be held at least three
39 public meetings on the ballot measure. Hearings shall be held in at least
40 three different counties and shall be held before the date of the election on
41 the measure. The hearings shall provide an opportunity for proponents,
42 opponents and the general public to provide testimony and request
43 information. Hearings may be scheduled to include more than one qualified
44 ballot measure and shall include a fiscal impact presentation on the measure
45 by the joint legislative budget committee staff. The joint legislative

1 budget committee staff shall prepare a summary of the fiscal impact for each
2 ballot measure, not to exceed three hundred words, for publication in the
3 publicity pamphlet.

4 Sec. 3. Section 19-125, Arizona Revised Statutes, is amended to read:
5 19-125. Form of ballot

6 A. The secretary of state, at the time he transmits to the clerks of
7 the boards of supervisors a certified copy of the name of each candidate for
8 public office, shall transmit to each clerk a certified copy of the official
9 title, the descriptive title and the number of each measure and proposed
10 amendment to the constitution to be voted on at the ensuing regular general
11 election.

12 B. Proposed constitutional amendments shall be numbered consecutively
13 beginning with the number one hundred, proposed initiative measures shall be
14 numbered consecutively beginning with the number two hundred, measures
15 submitted under the referendum shall be numbered consecutively beginning with
16 the number three hundred, and county and local issues shall be numbered
17 consecutively beginning with the number four hundred. Numbering shall be
18 consecutive based on the order in which the initiative or referendum
19 petitions are filed with the secretary of state. Individual numbering shall
20 continue from the last number used in the previous election and shall not be
21 repeated until all one hundred numbers in that series have been used.
22 Proposed constitutional amendments shall be placed by themselves at the head
23 of the ballot column, followed by initiated and referred measures in that
24 order. The number assigned to the measure by the secretary of state
25 constitutes the official title of the measure and shall be used for
26 identification of the measure by the state and the county in all subsequent
27 official election materials, including the publicity pamphlet.

28 C. The officer in charge of elections shall print the official title
29 and the descriptive title of each measure on the official ballot in the order
30 presented to him by the secretary of state unless otherwise provided by law.
31 The number of the measure shall be in reverse type and at least twelve point
32 type. A proposed constitutional amendment shall be designated "proposed
33 amendment to the constitution by the legislature", or "proposed amendment to
34 the constitution by the initiative", as the case may be. A measure referred
35 by the legislature shall be designated "referred to the people by the
36 legislature", a measure referred by petition shall be designated "referendum
37 ordered by petition of the people" and a measure proposed by initiative
38 petition shall be designated "proposed by initiative petition".

39 D. ~~There~~ A DESCRIPTIVE TITLE shall be printed on the official ballot
40 immediately below the number of the measure and the official title of each
41 measure ~~a-~~ THE descriptive title ~~containing~~ SHALL CONTAIN a summary of the
42 principal provisions of the measure, not to exceed fifty words, which shall
43 be prepared by the secretary of state and approved by the attorney general
44 and ~~that includes~~ SHALL INCLUDE the following or the ballot shall comply with
45 subsection ~~E-~~ F of this section:

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

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

3 The blank spaces shall be filled with a brief phrase, approved by the
4 attorney general, stating the essential change in the existing law should the
5 measure receive a majority of votes cast in that particular manner. In the
6 case of a referendum, a "yes" vote shall have the effect of approving the
7 legislative enactment that is being referred. The "yes" and "no" language
8 shall be posted on the secretary of state's website after being approved by
9 the attorney general and before the date on which the official ballots and
10 the publicity pamphlet are sent to be printed. Below the statement of effect
11 of a "yes" vote and effect of a "no" vote there shall be printed the
12 corresponding words "yes" and "no" and a place for the voter to put a mark as
13 defined in section 16-400 indicating his preference.

14 E. IN ADDITION TO THE INFORMATION PRESCRIBED BY SUBSECTION D OF THIS
15 SECTION, FOR STATUTORY MEASURES, THE OFFICER IN CHARGE OF ELECTIONS SHALL
16 PRINT ON THE OFFICIAL BALLOT IMMEDIATELY BEFORE THE FIRST PROPOSED INITIATIVE
17 MEASURE AND IMMEDIATELY BEFORE THE FIRST PROPOSED MEASURE SUBMITTED UNDER THE
18 REFERENDUM THE FOLLOWING: "NOTICE: PURSUANT TO PROPOSITION 105 (1998), THIS
19 MEASURE CAN NEVER BE CHANGED IN THE FUTURE IF APPROVED ON THE BALLOT EXCEPT
20 BY A THREE-FOURTHS VOTE OF THE LEGISLATURE AND IF THE CHANGE FURTHERS THE
21 PURPOSE OF THE ORIGINAL BALLOT MEASURE, OR BY REFERRING THE CHANGE TO THE
22 BALLOT."

23 ~~E.~~ F. Instead of printing the official and descriptive titles or the
24 full text of each measure or question on the official ballot, the officer in
25 charge of elections may print phrases on the official ballot that contain all
26 of the following:

27 1. The number of the measure in reverse type and at least twelve point
28 type.

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

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

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

37 5. FOR STATE STATUTORY MEASURES, IMMEDIATELY BEFORE THE FIRST PROPOSED
38 INITIATIVE MEASURE AND IMMEDIATELY BEFORE THE FIRST PROPOSED MEASURE
39 SUBMITTED UNDER THE REFERENDUM THE FOLLOWING STATEMENT: "NOTICE: PURSUANT
40 TO PROPOSITION 105 (1998), THIS MEASURE CAN NEVER BE CHANGED IN THE FUTURE IF
41 APPROVED ON THE BALLOT EXCEPT BY A THREE-FOURTHS VOTE OF THE LEGISLATURE AND
42 IF THE CHANGE FURTHERS THE PURPOSE OF THE ORIGINAL BALLOT MEASURE, OR BY
43 REFERRING THE CHANGE TO THE BALLOT."

1 ~~F.~~ G. For any ballot printed pursuant to subsection ~~E~~ F of this
2 section, the instructions on the official ballot shall direct the voter to
3 the full text of the official and descriptive titles and the questions and
4 propositions as printed on the sample ballot and posted in the polling place.
5 Sec. 4. Severability
6 If a provision of this act or its application to any person or
7 circumstance is held invalid, the invalidity does not affect other provisions
8 or applications of the act that can be given effect without the invalid
9 provision or application, and to this end the provisions of this act are
10 severable.