

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

# HOUSE BILL 2107

## AN ACT

AMENDING TITLE 16, CHAPTER 3, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 16-316; AMENDING SECTIONS 19-101 AND 19-102, ARIZONA REVISED STATUTES; AMENDING SECTION 19-111, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2009, CHAPTER 114, SECTION 10; AMENDING SECTION 19-111, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2013, CHAPTER 209, SECTION 7; AMENDING SECTION 19-121.01, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2010, CHAPTER 209, SECTION 22; AMENDING SECTION 19-121.01, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2013, CHAPTER 209, SECTION 10; AMENDING SECTION 19-204, ARIZONA REVISED STATUTES; RELATING TO ELECTIONS; PROVIDING FOR CONDITIONAL ENACTMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Subject to the requirements of article IV, part 1,  
3 section 1, Constitution of Arizona, title 16, chapter 3, article 2, Arizona  
4 Revised Statutes, is amended by adding section 16-316, to read:

5 16-316. Secure online signature collection; candidate  
6 petitions; five dollar contributions; statewide and  
7 legislative candidates

8 A. NOTWITHSTANDING ANY OTHER LAW, THE SECRETARY OF STATE SHALL PROVIDE  
9 A SYSTEM FOR REGISTERED VOTERS TO SIGN A NOMINATION PETITION AND A CITIZENS  
10 CLEAN ELECTIONS FIVE DOLLAR DONATION QUALIFICATION FORM FOR A CANDIDATE BY  
11 WAY OF A SECURE INTERNET PORTAL. THE SYSTEM SHALL ENSURE THAT ONLY THOSE  
12 REGISTERED VOTERS WHO ARE ELIGIBLE TO SIGN A PETITION FOR A PARTICULAR  
13 CANDIDATE ARE PERMITTED TO SIGN THE PETITION AND QUALIFICATION FORM FOR THAT  
14 CANDIDATE AND SHALL PROVIDE A METHOD FOR THE REGISTERED VOTER'S IDENTITY TO  
15 BE PROPERLY VERIFIED. A CANDIDATE MAY CHOOSE TO COLLECT UP TO AN AMOUNT  
16 EQUAL TO ONE-HALF OF THE NUMBER OF REQUIRED NOMINATION PETITION SIGNATURES BY  
17 USE OF THE ONLINE SIGNATURE COLLECTION SYSTEM PRESCRIBED BY THIS SECTION.

18 B. THIS SECTION APPLIES ONLY TO CANDIDATES FOR STATEWIDE AND  
19 LEGISLATIVE OFFICES.

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

21 19-101. Referendum petition; circulators; violation;  
22 classification

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

27 Referendum Description

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

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

35 Petition for Referendum

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

38 We, the undersigned citizens and qualified electors of the state  
39 of Arizona, respectfully order that the senate (or house) bill  
40 No. \_\_\_\_ (or other local, county, city or town measure) entitled  
41 (title of act or ordinance, and if the petition is against less  
42 than the whole act or ordinance then set forth here the item,  
43 section, or part, of any measure on which the referendum is  
44 used), passed by the \_\_\_\_\_ session of the  
45 legislature of the state of Arizona, at the general (or special,  
46 as the case may be) session of said legislature, (or by a

1 county, city or town legislative body) shall be referred to a  
2 vote of the qualified electors of the state, (county, city or  
3 town) for their approval or rejection at the next regular  
4 general election (or county, city or town election) and each for  
5 himself says:

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

11 "Warning

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

20	Signature	Name	Actual	Arizona	City or	Date
21		(first and	address	post office	town	signed
22		last name	(street &	address	(if any)	
23		printed)	no. and if	& zip		
24			no street	code		
25			address,			
26			describe			
27			residence			
28			location)			

29 (Fifteen lines for signatures which shall be numbered)

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

33 Number \_\_\_\_\_

34 **B. EACH PETITION SHEET SHALL HAVE PRINTED ON THE TOP OF EACH SHEET THE**  
35 **FOLLOWING:**

36 "IT IS UNLAWFUL TO SIGN THIS PETITION BEFORE IT HAS A  
37 SERIAL NUMBER".

38 ~~B.~~ **C.** Each petition sheet shall have printed in capital letters in no  
39 less than twelve point bold-faced type in the upper right-hand corner of the  
40 face of the petition sheet **AND BELOW THE STATEMENT PRESCRIBED IN SUBSECTION B**  
41 **OF THIS SECTION** the following:

42 "\_\_\_\_\_ paid circulator" "\_\_\_\_\_ volunteer".

43 ~~C.~~ **D.** A circulator of a referendum petition shall state whether he is  
44 a paid circulator or volunteer by checking the appropriate line on the  
45 petition form before circulating the petition for signatures.

1           ~~D.~~ E. Signatures obtained on referendum petitions in violation of  
2 subsection ~~E~~ D OF THIS SECTION are void and shall not be counted in  
3 determining the legal sufficiency of the petition. The presence of  
4 signatures that are invalidated under this subsection on a petition does not  
5 invalidate other signatures on the petition that were obtained as prescribed  
6 by this section.

7           Sec. 3. Section 19-102, Arizona Revised Statutes, is amended to read:  
8           19-102. Initiative petition; circulators

9           A. The form of petition for a law or amendment to the constitution of  
10 this state or county legislative measure, or city or town ordinance, or  
11 amendment to a city or town charter proposed by the initiative to be  
12 submitted directly to the electors, shall be substantially in the form  
13 prescribed in section 19-101, except that the title and body of such petition  
14 shall read:

Initiative description

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

Notice: This is only a description of the proposed measure (or  
constitutional amendment) prepared by the sponsor of the measure. It may not  
include every provision contained in the measure. Before signing, make sure  
the title and text of the measure are attached. You have the right to read  
or examine the title and text before signing.

Initiative Measure to be Submitted Directly to Electors

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

B. EACH PETITION SHEET SHALL HAVE PRINTED ON THE TOP OF EACH SHEET THE  
FOLLOWING:

"IT IS UNLAWFUL TO SIGN THIS PETITION BEFORE IT HAS A  
SERIAL NUMBER".

~~B.~~ C. Each petition sheet shall have printed in capital letters in no  
less than twelve point bold-faced type in the upper right-hand corner of the  
face of the petition sheet AND BELOW THE STATEMENT PRESCRIBED IN SUBSECTION B  
OF THIS SECTION the following:

"\_\_\_\_\_ paid circulator"                      "\_\_\_\_\_ volunteer".

~~E.~~ D. A circulator of an initiative petition shall state whether he  
is a paid circulator or volunteer by checking the appropriate line on the  
petition form before circulating the petition for signatures.

1           ~~D.~~ E. Signatures obtained on initiative petitions in violation of  
2 subsection ~~E~~- D of this section are void and shall not be counted in  
3 determining the legal sufficiency of the petition. The presence of  
4 signatures that are invalidated under this subsection on a petition does not  
5 invalidate other signatures on the petition that were obtained as prescribed  
6 by this section.

7           Sec. 4. Section 19-111, Arizona Revised Statutes, as amended by Laws  
8 2009, chapter 114, section 10, is amended to read:

9           19-111. Number for petition; training materials

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

28          B. On receipt of the application, the secretary of state shall assign  
29 an official serial number to the petition, which number shall appear in the  
30 lower right-hand corner of each side of each copy thereof, and issue that  
31 number to the applicant. ~~THE SECRETARY OF STATE SHALL ASSIGN~~ numbers ~~shall~~  
32 ~~be assigned~~ to petitions ~~by the secretary of state~~ in numerical sequence, and  
33 a record shall be maintained in ~~his~~ THE SECRETARY OF STATE'S office of each  
34 application received and of the numbers assigned and issued to the applicant.

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

1 state and the county, city and town clerks shall provide a copy in pamphlet  
2 form.

3 D. THE SECRETARY OF STATE SHALL MAKE AVAILABLE TO EACH PERSON OR  
4 ORGANIZATION CIRCULATING A STATEWIDE INITIATIVE, REFERENDUM OR RECALL  
5 PETITION A COPY OF CIRCULATOR TRAINING MATERIALS CREATED BY THE SECRETARY OF  
6 STATE. CIRCULATOR TRAINING MATERIALS MAY BE PROVIDED ON PAPER OR IN  
7 ELECTRONIC FORMAT AND SHALL ALSO BE AVAILABLE ON THE SECRETARY OF STATE'S  
8 WEBSITE. A PERSON OR ORGANIZATION CIRCULATING A STATEWIDE PETITION SHALL  
9 PROVIDE EACH CIRCULATOR WITH THE SECRETARY OF STATE'S CIRCULATOR TRAINING  
10 MATERIALS AND SHALL COLLECT AND SUBMIT TO THE SECRETARY OF STATE EACH OF ITS  
11 CIRCULATORS' TRAINING MATERIALS RECEIPTS BEFORE THE FILING OF COMPLETED  
12 PETITIONS. EACH PERSON WHO IS A STATEWIDE CIRCULATOR SHALL ACKNOWLEDGE IN  
13 WRITING RECEIPT OF THE TRAINING MATERIALS BEFORE CIRCULATING A PETITION FOR  
14 SIGNATURES. FAILURE TO PROVIDE CIRCULATOR TRAINING MATERIALS OR FAILURE TO  
15 SUBMIT CIRCULATORS' TRAINING MATERIALS RECEIPTS IS NOT GROUNDS FOR REMOVAL OF  
16 SIGNATURES OR SIGNATURE SHEETS. NOTWITHSTANDING SECTION 19-141, THIS  
17 SUBSECTION DOES NOT APPLY TO INITIATIVE, REFERENDUM OR RECALL PETITIONS FOR  
18 CITIES, TOWNS AND COUNTIES.

19 ~~D.~~ E. The eight point type required by subsection A of this section  
20 shall not apply to maps, charts or other graphics.

21 Sec. 5. Section 19-111, Arizona Revised Statutes, as amended by Laws  
22 2013, chapter 209, section 7, is amended to read:

23 19-111. Number for petition; training materials

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

42 B. On receipt of the application, the secretary of state shall assign  
43 an official serial number to the petition, which number shall appear in the  
44 lower right-hand corner of each side of each copy thereof, and issue that  
45 number to the applicant. The secretary of state shall assign numbers to  
46 petitions in numerical sequence, and a record shall be maintained in the

1 secretary of state's office of each application received and of the numbers  
2 assigned and issued to the applicant. When the application is received by  
3 the secretary of state and marked by the secretary of state with an official  
4 time and date of receipt, the time-and-date-marked text that accompanied the  
5 application constitutes the official copy of the text of the measure or  
6 constitutional amendment and shall be used in all instances as the text of  
7 the measure or constitutional amendment. For any subsequent change in the  
8 text of the measure or constitutional amendment by the applicant, the  
9 applicant shall file a new application and text, shall be assigned a new  
10 official serial number and shall use as the text of the measure or  
11 constitutional amendment the time-and-date-marked text that accompanied the  
12 new application.

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

27 D. THE SECRETARY OF STATE SHALL MAKE AVAILABLE TO EACH PERSON OR  
28 ORGANIZATION CIRCULATING A STATEWIDE INITIATIVE, REFERENDUM OR RECALL  
29 PETITION A COPY OF CIRCULATOR TRAINING MATERIALS CREATED BY THE SECRETARY OF  
30 STATE. CIRCULATOR TRAINING MATERIALS MAY BE PROVIDED ON PAPER OR IN  
31 ELECTRONIC FORMAT AND SHALL ALSO BE AVAILABLE ON THE SECRETARY OF STATE'S  
32 WEBSITE. A PERSON OR ORGANIZATION CIRCULATING A STATEWIDE PETITION SHALL  
33 PROVIDE EACH CIRCULATOR WITH THE SECRETARY OF STATE'S CIRCULATOR TRAINING  
34 MATERIALS AND SHALL COLLECT AND SUBMIT TO THE SECRETARY OF STATE EACH OF ITS  
35 CIRCULATORS' TRAINING MATERIALS RECEIPTS BEFORE THE FILING OF COMPLETED  
36 PETITIONS. EACH PERSON WHO IS A STATEWIDE CIRCULATOR SHALL ACKNOWLEDGE IN  
37 WRITING RECEIPT OF THE TRAINING MATERIALS BEFORE CIRCULATING A PETITION FOR  
38 SIGNATURES. FAILURE TO PROVIDE CIRCULATOR TRAINING MATERIALS OR FAILURE TO  
39 SUBMIT CIRCULATORS' TRAINING MATERIALS RECEIPTS IS NOT GROUNDS FOR REMOVAL OF  
40 SIGNATURES OR SIGNATURE SHEETS. NOTWITHSTANDING SECTION 19-141, THIS  
41 SUBSECTION DOES NOT APPLY TO INITIATIVE, REFERENDUM OR RECALL PETITIONS FOR  
42 CITIES, TOWNS AND COUNTIES.

43 ~~D.~~ E. The eight point type required by subsection A of this section  
44 shall not apply to maps, charts or other graphics.

1           Sec. 6. Section 19-121.01, Arizona Revised Statutes, as amended by  
2 Laws 2010, chapter 209, section 22, is amended to 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 title and text of the  
11 measure.

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

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

15           (d) Those sheets containing a circulator's affidavit that is not  
16 completed or signed.

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

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

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

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

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

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

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

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

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

45           (b) If the residence address or the description of residence location  
46 is missing.

1 ~~(c) If the date on which the petitioner signed is missing.~~  
2 ~~(d)~~ (c) Signatures in excess of the fifteen signatures permitted per  
3 petition.

4 ~~(e)~~ (d) Signatures withdrawn pursuant to section 19-113.

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

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

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

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

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

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

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

1 signature eligible for verification and not already included in the random  
2 sample can be selected and substituted.

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

14 D. The secretary of state shall retain in custody all signature sheets  
15 removed pursuant to this section except as otherwise prescribed in this  
16 title.

17 Sec. 7. Section 19-121.01, Arizona Revised Statutes, as amended by  
18 Laws 2013, chapter 209, section 10, is amended to read:

19 19-121.01. Secretary of state; removal of petition and  
20 ineligible signatures; facsimile sheets; random  
21 sample

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

25 1. Remove the following:

26 (a) Those sheets not attached to a copy of the complete title and text  
27 of the measure that is marked by the official date and time of receipt by the  
28 secretary of state.

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

30 (c) Those sheets not bearing the correct petition serial number in the  
31 lower right-hand corner of each side.

32 (d) Those sheets containing a circulator's affidavit that is not  
33 completed or signed.

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

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

40 (g) Those sheets that are circulated by a circulator who is prohibited  
41 from participating in any election, initiative, referendum or recall campaign  
42 pursuant to section 19-119.01.

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

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

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

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

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

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

17 (b) If the residence address or the description of residence location  
18 is missing.

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

20 ~~(d)~~ (c) Signatures in excess of the fifteen signatures permitted per  
21 petition.

22 ~~(e)~~ (d) Signatures withdrawn pursuant to section 19-113.

23 ~~(f)~~ (e) Signatures for which the secretary of state determines that  
24 the petition circulator has printed the elector's first and last names or  
25 other information in violation of section 19-112.

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

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

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

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



1 "IT IS UNLAWFUL TO SIGN THIS PETITION BEFORE IT HAS A  
2 SERIAL NUMBER".

3 C. THE FOLLOWING SHALL BE PRINTED ON EACH PETITION SHEET IN CAPITAL  
4 LETTERS IN AT LEAST TWELVE POINT BOLD-FACED TYPE IN THE UPPER RIGHT-HAND  
5 CORNER OF THE FACE OF THE PETITION SHEET AND BELOW THE STATEMENT PRESCRIBED  
6 IN SUBSECTION B OF THIS SECTION:

7 " \_\_\_\_\_ PAID CIRCULATOR" " \_\_\_\_\_ VOLUNTEER".

8 D. A CIRCULATOR OF A RECALL PETITION SHALL STATE WHETHER HE IS A PAID  
9 CIRCULATOR OR VOLUNTEER BY CHECKING THE APPROPRIATE LINE ON THE PETITION FORM  
10 BEFORE CIRCULATING THE PETITION FOR SIGNATURES.

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

15 Sec. 9. Conditional enactment

16 A. The following sections are effective only if Laws 2013, chapter  
17 209, the subject of referendum petition R-03-2014, is approved by a vote of  
18 the people at the next general election or if Laws 2013, chapter 209, the  
19 subject of referendum petition R-03-2014, fails to be referred to the voters  
20 at the next general election:

21 1. Section 19-111, Arizona Revised Statutes, as amended by Laws 2013,  
22 chapter 209, section 7 and section 5 of this act.

23 2. Section 19-121.01, Arizona Revised Statutes, as amended by Laws  
24 2013, chapter 209, section 10 and section 7 of this act.

25 B. The following sections are effective only if Laws 2013, chapter  
26 209, the subject of referendum petition R-03-2014, is rejected by a vote of  
27 the people at the next general election:

28 1. Section 19-111, Arizona Revised Statutes, as amended by Laws 2009,  
29 chapter 114, section 10 and section 4 of this act.

30 2. Section 19-121.01, Arizona Revised Statutes, as amended by Laws  
31 2010, chapter 209, section 22 and section 6 of this act.

32 Sec. 10. Requirements for enactment: three-fourths vote

33 Pursuant to article IV, part 1, section 1, Constitution of Arizona,  
34 section 16-316, Arizona Revised Statutes, as added by this act, is effective  
35 only on the affirmative vote of at least three-fourths of the members of each  
36 house of the legislature.