

REFERENCE TITLE: initiative; referendum; recall; notary requirement

State of Arizona  
Senate  
Fifty-first Legislature  
Second Regular Session  
2014

## **SB 1436**

Introduced by  
Senator Gallardo

### AN ACT

AMENDING SECTION 19-101, ARIZONA REVISED STATUTES; AMENDING SECTION 19-112, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2011, CHAPTER 332, SECTION 24; AMENDING SECTION 19-112, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2013, CHAPTER 209, SECTION 8; 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 19-121.04, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2011, CHAPTER 332, SECTION 26; AMENDING SECTIONS 19-122, 19-205 AND 19-208.02, ARIZONA REVISED STATUTES; RELATING TO INITIATIVE, REFERENDUM AND RECALL; 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. Section 19-101, Arizona Revised Statutes, is amended to  
3 read:

4 19-101. Referendum petition; circulators; violation;  
5 classification

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

10 Referendum Description  
11 (Insert a description of no more than one hundred words of the principal  
12 provisions of the measure sought to be referred.)

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

18 Petition for Referendum  
19 To the secretary of state~~;~~ (or to the corresponding  
20 officer for or on local, county, city or town measures):

21 We, the undersigned citizens and qualified electors of the state  
22 of Arizona, respectfully order that the senate (or house) bill  
23 No. \_\_\_\_ (or other local, county, city or town measure) entitled  
24 (title of act or ordinance, and if the petition is against less  
25 than the whole act or ordinance then set forth here the item,  
26 section, or part, of any measure on which the referendum is  
27 used), passed by the \_\_\_\_\_ session of the  
28 legislature of the state of Arizona, at the general (or special,  
29 as the case may be) session of said legislature, (or by a  
30 county, city or town legislative body) shall be referred to a  
31 vote of the qualified electors of the state, (county, city or  
32 town) for their approval or rejection at the next regular  
33 general election (or county, city or town election) and each for  
34 himself says:

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

40 "Warning  
41 It is a class 1 misdemeanor for any person to knowingly  
42 sign an initiative or referendum petition with a name other than  
43 his own, except in a circumstance where he signs for a person,  
44 in the presence of and at the specific request of such person,  
45 who is incapable of signing his own name because of physical

1 infirmity, or to knowingly sign his name more than once for the  
2 same measure, or to knowingly sign such petition when he is not  
3 a qualified elector."

4	Signature	Name	Actual	Arizona	City or	Date
5		(first and	address	post office	town	signed
6		last name	(street &	address	(if any)	
7		printed)	no. and if	& zip		
8			no street	code		
9			address,			
10			describe			
11			residence			
12			location)			

13 (Fifteen lines for signatures which shall be numbered)

14 The validity of signatures on this sheet must be sworn to  
15 by the circulator ~~before a notary public~~ on the form appearing  
16 on the back of the sheet.

17 Number \_\_\_\_\_

18 B. Each petition sheet shall have printed in capital letters in no  
19 less than twelve point bold-faced type in the upper right-hand corner of the  
20 face of the petition sheet the following:

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

22 C. A circulator of a referendum petition shall state whether he is a  
23 paid circulator or volunteer by checking the appropriate line on the petition  
24 form before circulating the petition for signatures.

25 D. Signatures obtained on referendum petitions in violation of  
26 subsection C OF THIS SECTION are void and shall not be counted in determining  
27 the legal sufficiency of the petition. The presence of signatures that are  
28 invalidated under this subsection on a petition does not invalidate other  
29 signatures on the petition that were obtained as prescribed by this section.

30 Sec. 2. Section 19-112, Arizona Revised Statutes, as amended by Laws  
31 2011, chapter 332, section 24, is amended to read:

32 19-112. Signatures and verification; attachment; registration  
33 of circulators

34 A. Every qualified elector signing a petition shall do so in the  
35 presence of the person who is circulating the petition and who is to execute  
36 the ~~affidavit~~ STATEMENT of verification. At the time of signing, the  
37 qualified elector shall sign his first and last names in the spaces provided  
38 and the elector so signing shall print his first and last names and write, in  
39 the appropriate spaces following the signature, the signer's residence  
40 address, giving street and number, and if he has no street address, a  
41 description of his residence location. The elector so signing shall write,  
42 in the appropriate spaces following the elector's address, the date on which  
43 the elector signed the petition.

44 B. The signature sheets shall be attached at all times during  
45 circulation to a full and correct copy of the title and text of the measure

1 or constitutional amendment proposed or referred by the petition. The title  
2 and text shall be in at least eight point type and shall include both the  
3 original and the amended text. The text shall indicate material deleted, if  
4 any, by printing the material with a line drawn through the center of the  
5 letters of the material and shall indicate material added or new material by  
6 printing the letters of the material in capital letters.

7 C. The person before whom the signatures, names and addresses were  
8 written on the signature sheet ~~shall~~, on the ~~affidavit~~ STATEMENT OF  
9 VERIFICATION form pursuant to this section, ~~subscribe and~~ SHALL swear ~~before~~  
10 ~~a notary public~~ that each of the names on the sheet was signed and the name  
11 and address were printed by the elector and the circulator on the date  
12 indicated, and that in his belief each signer was a qualified elector of a  
13 certain county of the state, or, in the case of a city, town or county  
14 measure, of the city, town or county affected by the measure on the date  
15 indicated, and that at all times during circulation of the signature sheet a  
16 copy of the title and text was attached to the signature sheet. Circulators  
17 who are not residents of this state must be registered as circulators with  
18 the secretary of state before circulating petitions. The secretary of state  
19 shall provide for a method of receiving service of process for those petition  
20 circulators who register pursuant to this subsection. The secretary of state  
21 shall establish in the instructions and procedures manual issued pursuant to  
22 section 16-452 a procedure for registering circulators and receiving service  
23 of process. All signatures of petitioners on a signature sheet shall be  
24 those of qualified electors who are registered to vote in the same county.  
25 However, if signatures from more than one county appear on the same signature  
26 sheet, only the valid signatures from the same county that are most numerous  
27 on the signature sheet shall be counted. Signature and handwriting  
28 comparisons may be made.

29 D. The ~~affidavit~~ STATEMENT OF VERIFICATION shall be in the following  
30 form printed on the reverse side of each signature sheet:

31 ~~Affidavit of~~ STATEMENT OF VERIFICATION BY Circulator  
32 ~~State of Arizona~~ \_\_\_\_\_ )  
33 \_\_\_\_\_ ) ~~ss.:~~  
34 ~~County of~~ \_\_\_\_\_ )  
35 ~~(Where notarized)~~

36 I, \_\_\_\_\_ (print name) \_\_\_\_\_, a person who is not required to be  
37 a resident of this state but who is otherwise qualified to  
38 register to vote in the county of \_\_\_\_\_, in the state of  
39 Arizona at all times during my circulation of this petition  
40 sheet, and under the penalty of a class 1 misdemeanor, depose  
41 and say that subject to section 19-115, Arizona Revised  
42 Statutes, each individual printed the individual's own name and  
43 address and signed this sheet of the foregoing petition in my  
44 presence on the date indicated and I believe that each signer's  
45 name and residence address or post office address are correctly

1 stated and that each signer is a qualified elector of the state  
2 of Arizona (or in the case of a city, town or county measure, of  
3 the city, town or county affected by the measure proposed to be  
4 initiated or referred to the people) and that at all times  
5 during circulation of this signature sheet a copy of the title  
6 and text was attached to the signature sheet.

7 (Signature of ~~affiant~~ CIRCULATOR) \_\_\_\_\_

8 (Residence address, street  
9 and number of affiant, or  
10 if no street address, a  
11 description of residence  
12 location) \_\_\_\_\_  
13 \_\_\_\_\_

14 ~~Subscribed and sworn to before me on~~ \_\_\_\_\_  
15 ~~(date)~~

16 \_\_\_\_\_  
17 ~~Notary Public~~ \_\_\_\_\_  
18 \_\_\_\_\_, Arizona.

19 ~~My commission expires on~~ \_\_\_\_\_  
20 ~~(date)~~

21 E. The eight point type required by subsection B ~~shall~~ OF THIS SECTION  
22 DOES not apply to maps, charts or other graphics.

23 Sec. 3. Section 19-112, Arizona Revised Statutes, as amended by Laws  
24 2013, chapter 209, section 8, is amended to read:

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

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

37 B. The signature sheets shall be attached at all times during  
38 circulation to a full and correct copy of the title and text of the measure  
39 or constitutional amendment proposed or referred by the petition. The title  
40 and text shall be in at least eight point type and shall include both the  
41 original and the amended text. The text shall indicate material deleted, if  
42 any, by printing the material with a line drawn through the center of the  
43 letters of the material and shall indicate material added or new material by  
44 printing the letters of the material in capital letters. The secretary of  
45 state's time-and-date-marked copy of the measure or constitutional amendment

1 with its proposed text set out in full with the original and the amended text  
2 constitutes the full and correct copy and is the only valid copy of the title  
3 and text of the measure for circulation for signatures. Signatures that are  
4 collected with any copy of the measure or constitutional amendment that is  
5 not a facsimile of the time-and-date-marked copy with title and text that is  
6 identical to the time-and-date-marked copy are invalid.

7 C. The person before whom the signatures, names and addresses were  
8 written on the signature sheet, on the ~~affidavit~~ STATEMENT OF VERIFICATION  
9 form pursuant to this section, shall ~~subscribe and~~ swear ~~before a notary~~  
10 ~~public~~ that each of the names on the sheet was signed and the name and  
11 address were printed by the elector and the circulator on the date indicated,  
12 that in his belief each signer was a qualified elector of a certain county of  
13 the state, or, in the case of a city, town or county measure, of the city,  
14 town or county affected by the measure on the date indicated, and that at all  
15 times during circulation of the signature sheet a copy of the title and text  
16 was attached to the signature sheet. Circulators who are not residents of  
17 this state must be registered as circulators with the secretary of state  
18 before circulating petitions. The secretary of state shall provide for a  
19 method of receiving service of process for those petition circulators who  
20 register pursuant to this subsection. The secretary of state shall establish  
21 in the instructions and procedures manual issued pursuant to section 16-452 a  
22 procedure for registering circulators and receiving service of process. All  
23 signatures of petitioners on a signature sheet shall be those of qualified  
24 electors who are registered to vote in the same county. However, if  
25 signatures from more than one county appear on the same signature sheet, only  
26 the valid signatures from the same county that are most numerous on the  
27 signature sheet shall be counted. Signature and handwriting comparisons may  
28 be made.

29 D. The ~~affidavit~~ STATEMENT OF VERIFICATION shall be in the following  
30 form printed on the reverse side of each signature sheet:

31 ~~Affidavit of~~ STATEMENT OF VERIFICATION BY Circulator  
32 ~~State of Arizona~~ \_\_\_\_\_ )  
33 \_\_\_\_\_ ) ~~ss.:~~  
34 ~~County of~~ \_\_\_\_\_ )  
35 ~~(Where notarized)~~

36 I, \_\_\_\_\_ (print name) \_\_\_\_\_, a person who is not required to  
37 be a resident of this state but who is otherwise qualified to  
38 register to vote in the state of Arizona at all times during my  
39 circulation of this petition sheet, and under the penalty of a  
40 class 1 misdemeanor, depose and say that subject to section  
41 19-115, Arizona Revised Statutes, each individual printed the  
42 individual's own name and address and signed this sheet of the  
43 foregoing petition in my presence on the date indicated and I  
44 believe that each signer's name and residence address or post  
45 office address are correctly stated and that each signer is a

1 qualified elector of the state of Arizona (or in the case of a  
2 city, town or county measure, of the city, town or county  
3 affected by the measure proposed to be initiated or referred to  
4 the people) and that at all times during circulation of this  
5 signature sheet a copy of the title and text was attached to the  
6 signature sheet.

7 (Signature of ~~affiant~~ CIRCULATOR) \_\_\_\_\_

8 (Residence address, street  
9 and number of affiant,  
10 or if no street address, a  
11 description of residence  
12 location) \_\_\_\_\_  
13 \_\_\_\_\_

14 ~~Subscribed and sworn to before me on~~ \_\_\_\_\_  
15 ~~(date)~~

16 \_\_\_\_\_  
17 ~~Notary Public~~

18 ~~(form shall include a designated location for notary stamp)~~

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

21 Sec. 4. Section 19-121.01, Arizona Revised Statutes, as amended by  
22 Laws 2010, chapter 209, section 22, is amended to read:

23 19-121.01. Secretary of state; removal of petition and  
24 ineligible signatures; facsimile sheets; random  
25 sample

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

29 1. Remove the following:

30 (a) Those sheets not attached to a copy of the title and text of the  
31 measure.

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

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

35 (d) Those sheets containing a circulator's ~~affidavit~~ STATEMENT OF  
36 VERIFICATION that is not completed or signed.

37 ~~(e) Those sheets on which the affidavit of the circulator is not~~  
38 ~~notarized, the notary's signature is missing, the notary's commission has~~  
39 ~~expired or the notary's seal is not affixed.~~

40 ~~(f)~~ (e) Those sheets on which the signatures of the circulator or the  
41 notary are dated earlier than the dates on which the electors signed the face  
42 of the petition sheet.

43 ~~(g)~~ (f) ~~Beginning after November 2, 2010,~~ Those sheets that are  
44 circulated by a circulator who is prohibited from participating in any

1 election, initiative, referendum or recall campaign pursuant to section 19-  
2 119.01.

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

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

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

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

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

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

22 (b) If the residence address or the description of residence location  
23 is missing.

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

25 (d) Signatures in excess of the fifteen signatures permitted per  
26 petition.

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

28 (f) ~~Beginning after November 2, 2010,~~ Signatures for which the  
29 secretary of state determines that the petition circulator has printed the  
30 elector's first and last names or other information in violation of section  
31 19-112.

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

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

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

42 B. If the total number of signatures for verification as determined  
43 pursuant to subsection A, paragraph 6 of this section equals or exceeds the  
44 constitutional minimum, the secretary of state, during the same twenty day  
45 period provided in subsection A of this section, shall select, at random,

1 five per cent of the total signatures eligible for verification by the county  
2 recorders of the counties in which the persons signing the petition claim to  
3 be qualified electors. The random sample of signatures to be verified shall  
4 be drawn in such a manner that every signature eligible for verification has  
5 an equal chance of being included in the sample. The random sample produced  
6 shall identify each signature selected by petition page and line number. The  
7 signatures selected shall be marked according to the following procedure:

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

11 2. If a signature line selected for the random sample is found to be  
12 blank or was removed from the verification process pursuant to subsection A  
13 of this section and is marked with an "SS", then the next line down, even if  
14 that requires going to the next petition sheet in sequence, on which an  
15 eligible signature appears shall be selected as a substitute if that line has  
16 not already been selected for the random sample. If the next eligible line  
17 is already being used in the random sample, the secretary of state shall  
18 proceed back up the page from the signature line originally selected for the  
19 random sample to the next previous signature line eligible for verification.  
20 If that line is already being used in the random sample, the secretary of  
21 state shall continue moving down the page or to the next page from the line  
22 originally selected for the random sample and shall select the next eligible  
23 signature as its substitute for the random sample. The secretary of state  
24 shall use this process of alternately moving forward and backward until a  
25 signature eligible for verification and not already included in the random  
26 sample can be selected and substituted.

27 C. After the selection of the random sample and the marking of the  
28 signatures selected on the original petition sheets pursuant to subsection B  
29 of this section, the secretary of state shall reproduce a facsimile of the  
30 front of each signature sheet on which a signature included in the random  
31 sample appears. The secretary of state shall clearly identify those  
32 signatures marked for verification by color highlighting or other similar  
33 method and shall transmit by personal delivery or certified mail to each  
34 county recorder a facsimile sheet of each signature sheet on which a  
35 signature appears of any individual who claims to be a qualified elector of  
36 that county and whose signature was selected for verification as part of the  
37 random sample.

38 D. The secretary of state shall retain in custody all signature sheets  
39 removed pursuant to this section except as otherwise prescribed in this  
40 title.

1           Sec. 5. Section 19-121.01, Arizona Revised Statutes, as amended by  
2 Laws 2013, chapter 209, section 10, 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 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~~ STATEMENT OF  
17 VERIFICATION that is not completed or signed.

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

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

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

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

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

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

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

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

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

1 (b) If the residence address or the description of residence location  
2 is missing.

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

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

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

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

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

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

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

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

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

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

1 signature as its substitute for the random sample. The secretary of state  
2 shall use this process of alternately moving forward and backward until a  
3 signature eligible for verification and not already included in the random  
4 sample can be selected and substituted.

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

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

19 Sec. 6. Section 19-121.04, Arizona Revised Statutes, as amended by  
20 Laws 2011, chapter 332, section 26, is amended to read:

21 19-121.04. Disposition of petitions by secretary of state

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

28 1. All signatures on petitions containing a defective circulator's  
29 ~~affidavit~~ STATEMENT OF VERIFICATION.

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

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

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

43 \_\_\_\_\_ signature pages bearing \_\_\_\_\_  
44 signatures for initiative (referendum) petition serial number  
45 \_\_\_\_ have been refused for filing in this office because the

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

17 Date: \_\_\_\_\_  
 18 \_\_\_\_\_ Secretary of State  
 19 (Seal)

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

23 C. If the number of valid signatures as projected from the random  
 24 sample is less than one hundred per cent of the minimum number required by  
 25 the constitution or if the actual number of signatures on the remaining  
 26 sheets after any such subtraction from the random sample or after  
 27 certification fails to equal or exceed the minimum required by the  
 28 constitution, the secretary of state shall immediately return the original  
 29 signature sheets, in the form filed by him under section 19-121, to the  
 30 person or organization that submitted them, together with a certified  
 31 statement that, for the following reasons, the petition lacks the minimum  
 32 number of signatures to place it on the general election ballot:

33 1. Signature sheets bearing secretary of state page  
 34 numbers \_\_\_\_\_ and bearing signatures of \_\_\_\_\_  
 35 persons appeared on petitions containing a defective  
 36 circulator's ~~affidavit~~ STATEMENT OF AFFIDAVIT.

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

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

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

4 Sec. 7. Section 19-122, Arizona Revised Statutes, is amended to read:

5 19-122. Refusal of secretary of state to file petition or  
6 transmit facsimiles of signature sheets or circulator  
7 statements of verification; writ of mandamus; venue

8 A. If the secretary of state refuses to accept and file a petition for  
9 the initiative or referendum, or proposal for a constitutional amendment that  
10 has been presented within the time prescribed, or if the secretary of state  
11 refuses to transmit the facsimiles of a signature sheet or sheets or  
12 ~~affidavits~~ STATEMENTS OF VERIFICATION of circulators to the county recorders  
13 for certification under section 19-121.01, the secretary of state shall  
14 provide the person who submitted the petition, proposal, signature sheet or  
15 ~~affidavit~~ STATEMENT OF VERIFICATION with a written statement of the reason  
16 for the refusal. Within five calendar days after the refusal any citizen may  
17 apply to the superior court for a writ of mandamus to compel the secretary of  
18 state to file the petition or proposal or transmit the facsimiles, or the  
19 citizen may file a complaint with the county attorney or attorney  
20 general. The county attorney or attorney general may apply, within five  
21 calendar days after the complaint is made, to the superior court for a writ  
22 of mandamus to compel the secretary of state to file the petition or proposal  
23 or transmit the facsimiles. The action shall be advanced on the calendar and  
24 heard and decided by the court as soon as possible. Either party may appeal  
25 to the supreme court within five calendar days after judgment. If the court  
26 finds that the petition is legally sufficient, the secretary of state shall  
27 then file it, with a certified copy of the judgment attached as of the date  
28 on which it was originally offered for filing in the secretary of state's  
29 office.

30 B. The most current version of the general county register statewide  
31 voter registration database at the time of filing a court action challenging  
32 an initiative or referendum petition shall constitute the official record to  
33 be used to determine on a prima facie basis by the challenger that the signer  
34 of a petition was not registered to vote at the address given on the date of  
35 signing the petition. If the address of the signer given on the date of  
36 signing the petition is different from that on the most current version of  
37 the general county register, the county recorder shall examine the version of  
38 the general county register that was current on the date the signer signed  
39 the petition to determine the validity of the signature and to determine  
40 whether the person was eligible to sign the petition at the time of  
41 signing. This subsection does not preclude introducing into evidence a  
42 certified copy of the affidavit of registration of any signer dated ~~prior to~~  
43 BEFORE the signing of the petition if the affidavit is in the possession of  
44 the county recorder but has not yet been filed in the general county  
45 register.

1 C. Notwithstanding section 19-121.04, if any petition filed is not  
2 legally sufficient, the court, in an action brought by any citizen, may  
3 enjoin the secretary OF STATE or other officers from certifying or printing  
4 on the official ballot for the ensuing election the amendment or measure  
5 proposed or referred. The action shall be advanced on the calendar and heard  
6 and decided by the court as soon as possible. Either party may appeal to the  
7 supreme court within five days after judgment.

8 D. The superior court in Maricopa county shall have jurisdiction of  
9 actions relating to measures and amendments to be submitted to the electors  
10 of the state at large. With respect to actions relating to local and special  
11 measures, the superior court in the county, or in one of the counties, in  
12 which the measures are to be voted on shall have jurisdiction.

13 Sec. 8. Section 19-205, Arizona Revised Statutes, is amended to read:

14 19-205. Signatures and verification

15 A. Every qualified elector signing a petition for a recall election  
16 shall do so in the presence of the person who is circulating the petition and  
17 who is to execute the ~~affidavit~~ STATEMENT of verification on the reverse side  
18 of the signature sheet. At the time of signing, the qualified elector shall  
19 sign and print his first and last name and the elector so signing shall  
20 write, in the appropriate spaces following the signature, his residence  
21 address, giving street and number or, if the elector has no street address, a  
22 description of his residence location, and the date on which he signed the  
23 petition.

24 B. The person before whom the signatures were written on the signature  
25 sheet ~~shall~~, in ~~an affidavit subscribed and~~ A STATEMENT sworn to by him,  
26 ~~before a notary public~~ SHALL verify that each of the names on the sheet was  
27 signed in his presence on the date indicated, and that in his belief each  
28 signer was a qualified elector of the election district on the date indicated  
29 in which such recall election will be conducted. All signatures of  
30 petitioners on a signature sheet shall be those of qualified electors who are  
31 registered to vote in the same county. ~~However,~~ If signatures from more than  
32 one county appear on the same signature sheet, only the valid signatures from  
33 the same county ~~which~~ THAT are most numerous on the signature sheet shall be  
34 counted. In the absence of a legible signature, the name as it is printed  
35 shall be the name used to determine the validity of the signature.

36 C. The ~~affidavit~~ STATEMENT OF VERIFICATION shall be in the form  
37 prescribed for initiative and referendum. In addition it shall also require  
38 a statement by the circulator that the circulator believes that the  
39 circulator is qualified to register to vote and all signers thereof are  
40 qualified to vote in the recall election.

41 Sec. 9. Section 19-208.02, Arizona Revised Statutes, is amended to  
42 read:

43 19-208.02. Certification by county recorder

44 A. Within sixty days after receipt of the signature sheets from the  
45 receiving officer, the county recorder shall determine the number of

1 signatures ~~or affidavits~~ of individuals whose names were transmitted that  
2 must be disqualified for any of the reasons set forth in section 19-121.02,  
3 subsection A, and the county recorder shall certify ~~such~~ THAT number to the  
4 receiving officer in the form prescribed by the secretary of state.

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

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

8 2. Send notice of the results of certification by mail to the person  
9 or organization that submitted the recall petitions and to the secretary of  
10 state.

11 Sec. 10. Conditional enactment

12 A. Section 19-112, Arizona Revised Statutes, as amended by Laws 2013,  
13 chapter 209, section 8 and section 3 of this act, is effective only if Laws  
14 2013, chapter 209, the subject of referendum petition R-03-2014, is approved  
15 by a vote of the people at the next general election or if Laws 2013, chapter  
16 209, the subject of referendum petition R-03-2014, fails to be referred to  
17 the voters at the next general election.

18 B. Section 19-112, Arizona Revised Statutes, as amended by Laws 2011,  
19 chapter 332, section 24 and section 2 of this act, is effective only if Laws  
20 2013, chapter 209, the subject of referendum petition R-03-2014, is rejected  
21 by a vote of the people at the next general election.

22 C. Section 19-121.01, Arizona Revised Statutes, as amended by Laws  
23 2013, chapter 209, section 10 and section 5 of this act, is effective only if  
24 Laws 2013, chapter 209, the subject of referendum petition R-03-2014, is  
25 approved by a vote of the people at the next general election or if Laws  
26 2013, chapter 209, the subject of referendum petition R-03-2014, fails to be  
27 referred to the voters at the next general election.

28 D. Section 19-121.01, Arizona Revised Statutes, as amended by Laws  
29 2010, chapter 209, section 22 and section 4 of this act, is effective only if  
30 Laws 2013, chapter 209, the subject of referendum petition R-03-2014, is  
31 rejected by a vote of the people at the next general election.

32 E. Section 19-121.04, Arizona Revised Statutes, as amended by Laws  
33 2011, chapter 332, section 26 and section 6 of this act, is effective only if  
34 Laws 2013, chapter 209, the subject of referendum petition R-03-2014, is  
35 rejected by a vote of the people at the next general election.