

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)			

(Fifteen lines for signatures which shall be numbered)

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

Number _____

B. 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 the following:

"_____ paid circulator" "_____ volunteer".

C. A circulator of a referendum 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.

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

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

19-112. Signatures and verification: attachment: registration of circulators

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

B. The signature sheets shall be attached at all times during 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.