PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2540

(Reference to printed bill)

1 Strike everything after the enacting clause and insert:
2
3 "Section 1. Section 19-111, Arizona Revised Statutes, is amended to
4 read:
5
6 19-111. Number for petition; training materials
7 A. A person or organization intending to propose a law or
8 constitutional amendment by initiative petition or to file a referendum
9 petition against a measure, item, section or part of a measure, before
10 causing the petition to be printed and circulated, shall file with the
11 secretary of state an application, on a form to be provided by the secretary
12 of state, setting forth the person's name or, if an organization, its name
13 and the names and titles of its officers, the person's or organization's
14 address, the person's or organization's intention to circulate and file a
15 petition, a description of no more than one hundred words of the principal
16 provisions of the proposed law, constitutional amendment or measure and the
17 text of the proposed law, constitutional amendment or measure to be initiated
18 or referred in no less than eight point type, and applying for issuance of an
19 official serial number. At the same time as the person or organization files
20 its application, the person or organization shall file with the secretary of
21 state its statement of organization or its signed exemption statement as
22 prescribed by section 16-902.01. The secretary of state shall not accept an
23 application for initiative or referendum without an accompanying statement of
24 organization or signed exemption statement as prescribed by this subsection.
25 B. On receipt of the application, the secretary of state shall assign
26 an official serial number to the petition, which number shall appear in the
27 lower right-hand corner of each side of each copy thereof, and issue that
28 number to the applicant. The secretary of state shall assign numbers to
petitions in numerical sequence, and a record shall be maintained in the
secretary of state's office of each application received and of the numbers
assigned and issued to the applicant. **THE SECRETARY OF STATE SHALL PROVIDE A
FILLABLE FORM FOR THE PETITION AND A SEPARATE FILLABLE FORM FOR THE SIGNATURE
SHEETS FOR THE PETITION AND SHALL PLACE THE OFFICIAL SERIAL NUMBER ON THE
PETITION AND ON EACH SIGNATURE SHEET. THE SECRETARY OF STATE SHALL ENSURE
THAT THE PETITION FORM AND SIGNATURE SHEET FORM ISSUED TO EACH APPLICANT ARE
COMPLETE AND CORRECT AND CONTAIN ALL OF THE INFORMATION REQUIRED BY LAW FOR A
VALID PETITION AND SIGNATURES EXCEPT FOR THE INFORMATION REGARDING THE
SIGNERS AND CIRCULATORS, THE ACTUAL SIGNATURES, THE NOTARIZED SIGNATURES OF
THE CIRCULATORS AND THE INFORMATION REGARDING AND SIGNATURE OF THE NOTARY
PUBLIC.**

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

D. The secretary of state shall make available to each person or
organization circulating a statewide initiative, referendum or recall
petition a copy of circulator training materials created by the secretary of
state. Circulator training materials may be provided on paper or in
electronic format and shall also be available on the secretary of state's
website. A person or organization circulating a statewide petition shall
provide each circulator with the secretary of state's circulator training
materials and shall collect and submit to the secretary of state each of its
circulators’ training materials receipts before the filing of completed petitions. Each person who is a statewide circulator shall acknowledge in writing receipt of the training materials before circulating a petition for signatures. Failure to provide circulator training materials or failure to submit circulators’ training materials receipts is not grounds for removal of signatures or signature sheets. Notwithstanding section 19-141, this subsection does not apply to initiative, referendum or recall petitions for cities, towns and counties.

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

Sec. 2. Section 19-121, Arizona Revised Statutes, is amended to read:

19-121. Signature sheets; petitions; form; procedure for filing

A. Signature sheets filed shall:

1. Be in the form prescribed by law.

2. Have printed in its lower right-hand corner, on each side of such sheet, the official serial number assigned to the petition by the secretary of state. THE SECRETARY OF STATE SHALL PLACE THE OFFICIAL SERIAL NUMBER ON THE FILLABLE FORMS FOR SIGNATURE SHEETS THAT ARE ISSUED BY THE SECRETARY OF STATE.

3. Be attached to a full and correct copy of the title and text of the measure, or amendment to the constitution, proposed or referred by the petition.

4. Be printed in at least eight-point type.

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

B. For the purposes of this chapter, a petition is filed when the petition sheets are tendered to the secretary of state, at which time WHO SHALL ISSUE a receipt immediately issued by the secretary of state based on an estimate made to the secretary of state of the purported number of sheets and signatures filed. After the issuance of the receipt, no additional petition sheets may be accepted for filing.
C. Petitions may be filed with the secretary of state in numbered sections for convenience in handling. Not more than fifteen signatures on one sheet shall be counted.

D. Initiative petitions which have not been filed with the secretary of state as of 5:00 p.m. on the day required by the constitution prior to the ensuing general election after their issuance shall be null and void, but in no event shall the secretary of state accept an initiative petition which was issued for circulation more than twenty-four months prior to the general election at which the measure is to be included on the ballot.

E. For the purposes of this article and article 4 of this chapter, the measure to be attached to the petition as enacted by the legislative body of an incorporated city, town or county means the adopted ordinance or resolution or, in the absence of a written ordinance or resolution, that portion of the minutes of the legislative body that reflects the action taken by that body when adopting the measure. In the case of zoning measures, the measure shall also include a legal description of the property and any amendments made to the ordinance by the legislative body.

Sec. 3. Section 19-121.01, Arizona Revised Statutes, is amended to read:

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

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

1. Remove the following:

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

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

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

(d) Those sheets containing a circulator's affidavit that is not completed or signed.
3. After completing the steps in paragraph 1 of this subsection, review each sheet to determine the county of the majority of the signers and shall:

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

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

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

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

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

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

(c) If the date on which the petitioner signed is missing.
(d) Signatures in excess of the fifteen signatures permitted per petition.
(e) Signatures withdrawn pursuant to section 19-113.
(f) Signatures for which the secretary of state determines that the petition circulator has printed the elector's first and last names or other information in violation of section 19-112.

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

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

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

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

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

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

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

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

Sec. 4. Section 19-141, Arizona Revised Statutes, is amended to read:

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

A. The provisions of this chapter shall apply to the legislation of cities, towns and counties, except as specifically provided to the contrary in this article. The duties required of the secretary of state as to state legislation shall be performed in connection with such legislation by the city or town clerk, county officer in charge of elections
or person performing the duties as such. The duties required of the governor shall be performed by the mayor or the chairman of the board of supervisors, the duties required of the attorney general shall be performed by the city, town or county attorney, and the printing and binding of measures and arguments shall be paid for by the city, town or county in like manner as payment is provided for by the state with respect to state legislation. The provisions of section 19-124 with respect to the legislative council analysis do not apply in connection with initiatives and referenda in cities, towns and counties. The printing shall be done in the same manner as other municipal or county printing is done.

B. THE DUTIES OF CITY AND TOWN CLERKS AND COUNTY OFFICERS IN CHARGE OF ELECTIONS FOR CITY, TOWN OR COUNTY MATTERS, RESPECTIVELY, INCLUDE:

1. PROVIDING FILLABLE FORMS FOR INITIATIVE AND REFERENDUM PETITIONS AND SIGNATURE SHEETS AND PLACING THE OFFICIAL SERIAL NUMBER OF THE MEASURE ON EACH PETITION FORM AND SIGNATURE SHEET FORM.


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

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

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

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

G The duties required of the county recorder with respect to
state legislation shall also be performed by the county recorder with respect
to municipal or county legislation."

Amend title to conform